5. Network Utilities {Was "Network Utilities and Energy Generation" - NU 360.233}

5.1 Introduction

Activities generally managed as network utilities in this Plan include: electricity generators and other energy generators; structures associated with the investigation of energy resources; National Grid electricity transmission infrastructure and other energy distribution infrastructure; water, waste water and stormwater infrastructure; telecommunication and radiocommunication infrastructure; navigational aids; meteorological facilities; and river flow recording facilities. ***{NU cl.16[1]}***

The exception to this is that “building utilities”, which are structures attached to buildings that form part of the utility systems of that building (for example, roof-top solar panels and satellite dishes), are treated as part of the building or structure to which they are attached. This means that building utilities are managed by the rules for buildings and structures in the management zone sections, and are not subject to the network utilities provisions. ***{NU cl.16[2]}***

Certain types of infrastructure that are included in the definition of “network utility operation” in the Resource Management Act 1991 (section 166) are not managed as network utilities in this Plan. These include: irrigation infrastructure, which is managed via provisions for structures in the management zones sections; roads, which are managed as transportation activities in Section 6; railways, which are managed via designations; the airport and air traffic control services, which are managed via the Dunedin International Airport Zone section; and the Taieri Aerodrome, which operates as a secondary airport in the event of emergency, and is managed via the Taieri Aerodrome Zone section. ***{NU cl.16[3]}***

Network utilities ~~form part of the services and infrastructure that contribute to~~ support ***{NU cl.16[4]}*** the efficient functioning of the city~~,~~ ***{NU cl.16}*** and contribute directly to the social, economic and cultural ***{NU 918.23}*** well-being, and the health and safety, ***{NU cl.16}*** of people living in Dunedin, including during civil defence operations ***{NU cl.16}***. ~~Network utilities are important in providing efficient and effective networks of infrastructure, telecommunications and electricity to Dunedin and civil defence operations.~~ ***{NU cl.16[5]}***

The benefits of electricity transmission and renewable electricity generation in particular have been recognised in the National Policy Statement on Electricity Transmission 2008 (NPSET) ***{NU 806.20}*** and the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG). ***{NU 308.122}*** The benefits of sustainable, secure and efficient electricity transmission include: security of electricity supply; efficient transfer of energy through a reduction of transmission losses; the facilitation of the use and development of new electricity generation, including renewable generation; and enhanced supply of electricity through the removal of points of congestion. ***{NU 806.20}*** ~~While they are not strictly 'network utilities', the structures and devices used for the purposes of renewable energy generation are increasingly an essential part of the electricity generation network.~~ ***{NU cl.16[6]}*** ~~The New Zealand Government is committed to increasing New Zealand's proportion of renewable energy generation to 90% by 2025.~~ ***{NU cl.16[7]}*** ~~Increasing the proportion of renewable energy generation not only contributes to national targets, but increases the resilience of Dunedin's economy to energy related issues. At a central government level, the National Policy Statement for Renewable Electricity Generation 2011 recognises the significance of renewable energy generation by establishing a national level policy framework for Renewable Electricity Generation activities, and this national level policy has been implemented in this District Plan. Grouped together in this Plan, the category of network utilities activities includes both the technical service infrastructure and energy generation devices.~~ The benefits of renewable electricity generation include: maintaining or increasing generation capacity while avoiding, reducing or displacing greenhouse gas emissions; benefits to the security of electricity supply from diversification of the type and/or location of generation; using renewable natural resources rather than finite resources; the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; and avoiding reliance on imported fuels for

the purposes of generating electricity. ***{NU 308.122}***

While network utilities ~~activities enable the efficient and effective operation of infrastructure networks and allow people to provide for their well-being~~ have social, economic, cultural and environmental benefits ***{NU 918.23}***, ~~network utilities structures~~ they can also ***{NU cl.16}*** have adverse effects on landscape, natural character, ***{NU cl.16[8]}*** biodiversity, ~~cultural~~ Manawhenua ***{NU 1071.34}*** and heritage values, on ***{NU cl.16}*** public health and safety, and on the amenity and character of residential and other areas. ***{NU cl.16[8]}***

Land use activities, development and subdivision can also have adverse effects on the efficient operation of network utilities. In relation to the National Grid, the NPSET requires that councils, through their district plans, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. ***{NU 806.20}***

In response to ~~the~~ these ***{NU cl.16}*** issues, ~~the Second Generation Plan (2GP) proposes~~ this Plan puts in place ***{NU cl.16}*** ~~a framework for balancing the necessary~~ provisions that enable the ***{NU cl.16}*** establishment, operation, maintenance and upgrading of network utilities ~~with~~ while managing ***{NU cl.16}*** the adverse environmental effects that can occur as a result of these activities. ~~The management of network utilities activities places controls on such aspects as the~~ ***{NU cl.16}*** The design, location, and scale ~~and size~~ ***{NU cl.16}*** of the structures ~~used in these activities~~ required for network utilities are managed ***{NU cl.16}*** in order to minimise ~~these~~ ***{NU cl.16}*** adverse effects as far as practicable. The degree of restriction ~~on these aspects~~ ***{NU cl.16}*** is determined by the sensitivity of the ***{NU cl.16}*** environment in which the particular structures are located and by ***{NU cl.16[9]}*** the ~~scale needed to effectively operate and contribute to the network~~ technical and operational requirements of the activity. ***{NU 918.23}***

In addition, the Plan restricts sensitive activities and other incompatible development in the vicinity of both National Grid infrastructure, and Radio New Zealand's facilities on the Otago Peninsula, in order to manage potential adverse effects on these utilities. ***{NU cl.16[10]}***

The controls in the ~~2GP will lead to~~ Plan are intended to facilitate ***{NU cl.16}*** efficient and effective infrastructure networks in Dunedin, and provide for the increased development of electricity from renewable resources.

~~It is noted that the safe and efficient use and development of network utilities is primarily the responsibility of the utility operator and the proposed provisions seek to enable operators to fulfil those responsibilities. Network utilities should be operated in the most efficient manner possible, while minimising any adverse effects which may occur as a result of their activities.~~ ***{NU cl.16}***

[1] **NU cl.16:** This paragraph is provided as a clarification of what it meant by 'network utilities' for the purposes of this Plan – i.e. what types of utility are provided for in section 5.
[2] **NU cl.16:** This paragraph clarifies how 'building utilities' are managed.
[3] **NU cl.16:** This paragraph is provided as a clarification of the relationship between the Plan's definition of 'network utility' and RMA definition of 'network utility operation'.
[4] **NU cl.16:** Removal of unnecessary words, in part to avoid the repetition of 'contribute to'.
[5] **NU cl.16:** Removal of unnecessary words.
[6] **NU cl.16:** The deletion of this sentence is required for clarity; the content is misleading, given that REG is provided for in the Plan as a type of network utility.
[7] **NU cl.16:** The deletion of this sentence is required to ensure that the content does not become outdated over time, given that government policy on this matter may change during the life of the Plan.
[8] **NU cl.16:** The clause 16 amendments in this sentence are required to better align the content with the different types of effect from network utilities that are managed in the Plan.
[9] **NU cl.16:** All clause 16 amendments in this paragraph are intended to improve clarity and readability, and remove unnecessary words.
[10] **NU cl.16:** This paragraph has been added for clarity, to explain the methods used in the Plan to protect network

utilities from the effects of third party activities.

[11] **NU cl.16:** This paragraph has been removed on the basis that it is superfluous; it does not relate to any provision in Section 5.

5.2 Objectives and Policies

Objective 5.2.1	
Network ~~utilities~~ utility ***{NU cl.16}*** activities, including renewable energy generation activities, are able to establish, operate and upgrade ***{NU 806.21}*** efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.	
Policy 5.2.1.1	Encourage the use and development of renewable energy generation.
Policy 5.2.1.A ***{NU 457.192}***	Enable network utility activities throughout the city where effects can be adequately managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas.
~~Policy 5.2.1.2 ***{NU 918.29[1]}***~~	~~Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.~~
~~Policy 5.2.1.3 ***{NU 918.29[1]}***~~	~~Require sensitive activities, hazardous substances, and earthworks to be set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people are avoided.~~
Policy 5.2.1.5	Require underground or internal network utilities and ***{NU 308.137}*** network ~~utilities~~ utility ***{NU cl.16}*** structures – small scale ***{NU 576.9}*** to be ~~of a scale, size, design and location that enables~~ designed and located to enable ***{NU cl.16}***[2] the provision of network utilities while a. ~~minimising, as far as practicable,~~ avoiding or, where avoidance is not practicable, adequately mitigating ***{NU 906.7}*** adverse effects on the amenity and character of the zone; b. ~~maintaining a high level of pedestrian amenity in pedestrian street frontages~~. ***{NU cl.16[2]}***
~~Policy 5.2.1.6 ***{NU 308.122 and 743.17}***~~	~~Require energy resource investigation devices to be designed, operated and located to minimise, as far as practicable, any adverse effects on amenity.~~
Policy 5.2.1.7	Require ~~network utilities structures are~~ substations, ***{NU 915.17}*** underground or internal network utilities and network utility structures – small scale to be ***{NU 576.9}*** located, designed, and operated to ensure any risk to health and safety is ~~no more than minor~~ avoided or minimised as far as practicable. ***{NU 918.27}***
~~Policy 5.2.1.9 ***{NU 918.29[1]}***~~	~~Require earthworks to be set back from network utilities an adequate distance to avoid:~~ a. ~~damage to existing network utilities;~~ b. ~~obstruction of access to existing underground network utilities; and~~ c. ~~adverse effects on the health and safety of people.~~
~~Policy 5.2.1.10 ***{NU 308.122 and 308.468}***~~	~~Avoid regional scale energy generation ***{NU 308.122}*** and biomass generators - stand-alone ***{NU 308.468}*** outside the rural or industrial zones unless there will be no material adverse effects on the amenity of surrounding area. ***{NU 308.122 and 308.468}***~~

Objective 5.2.1	
Network ~~utilities~~ utility ***{NU cl.16}*** activities, including renewable energy generation activities, are able to establish, operate and upgrade ***{NU 806.21}*** efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.	
Policy 5.2.1.11	Only allow network utility structures - large scale (in all zones) ***{NU cl.16}***, ~~regional scale energy generation in the rural zones,~~ ***{NU 308.122}*** network utility poles and masts - small scale (~~other than in the rural, rural residential or industrial zones~~ in residential and recreation zones ***{NU 576.40}***), ~~community scale energy generation,~~ ***{NU 308.122}*** ~~biomass generators - stand-alone,~~ ***{NU 308.468}*** ~~and biomass energy generation on-site energy generation~~ ***{NU 308.137}*** ~~and energy resource investigation devices (other than in the rural and industrial zones)~~ ***{NU 308.122 and 743.17}*** and substations (other than in industrial zones) ***{NU 915.17}*** where the activity is designed and located to avoid ~~any significant adverse effects and minimise adverse effects, as far as practicable, including~~ or, if avoidance is not practicable, adequately mitigate ***{NU 457.14}***: a. adverse ***{NU 457.14}*** effects on visual amenity and the character of the zone in which the activity is located; and b. adverse ***{NU 457.14}*** effects on the amenity of any surrounding residential activities.
Policy 5.2.1.12	Only allow new network utilities or additions to existing network utilities in transition overlay zones where network utilities are located to support a logical and efficient future pattern of development.

[1] **NU 918.29:** Policies 5.2.1.2, 5.2.1.3, and 5.2.1.9 have been moved to new Objective 5.2.2.

[2] **NU cl.16:** As a clause 16 amendment, the maximum volume of network utility structures – small scale in pedestrian street frontages is now managed via new Policy 18.2.3.13. This does not result in a substantive change to provisions.

Objective 5.2.2 ***{NU 918.29}***	
The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities. ***{NU 918.29}***	
~~Policy 5.2.1.2~~ ***{NU 806.26[1]}***	~~Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.~~
Policy ~~5.2.1.9~~ 5.2.2.1 ***{NU 918.29[3]}***	Require earthworks to be set back from network utilities an adequate distance to avoid: a. damage to existing network utilities; b. obstruction of access to existing underground network utilities; and c. adverse effects on the health and safety of people.

Objective 5.2.2 ***{NU 918.29}***	
The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities. ***{NU 918.29}***	
Policy ~~5.2.1.3~~ 5.2.2.2 ***{NU 918.29[3]}***	Require National Grid ***{PO cl.16[2]}*** sensitive activities, hazardous substances, buildings, structures, public amenities, network utility activities ***{NU 806.26}*** and earthworks to be set back an adequate distance from the ~~n~~National ~~g~~Grid ***{NU cl.16}*** to ensure: a. adverse effects on the health and safety of people are avoided~~.~~ ; b. adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and ***{NU 806.11}*** c. the potential for reverse sensitivity is avoided or minimised as far as practicable. ***{NU 806.11}***
Policy 5.2.2.3 ***{NU 806.11}***	Require subdivision activities in the **National Grid Corridor mapped area** to be designed so that any necessary building platforms are located a sufficient distance from the National Grid to ensure that: a. adverse effects on the health and safety of people are avoided; b. adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and c. the potential for reverse sensitivity is avoided or minimised as far as practicable.
Policy 5.2.2.4 ***{NU806.11}***	Only allow subdivision activities in the **National Grid Corridor mapped area** where the subdivision is designed to ensure that any associated future land use and development will: a. avoid adverse effects on the health and safety of people; b. avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the National Grid; and c. avoid or minimise, as far as practicable, the potential for reverse sensitivity.
Policy 5.2.2.5 ***{NU 918.25}***	Only allow subdivision and sensitive activities, where these are not otherwise permitted, in the **radio transmitters mapped area** where the potential for reverse sensitivity is avoided or minimised as far as practicable.

[1] **NU 806.26:** Policy 5.2.1.2 has been moved from Objective 5.2.1 to new Objective 5.2.2 as part of the decision to add the new objective. It has then been deleted, and its content incorporated into revised Policy 5.2.1.3.
[2] **PO cl.16:** As a clause 16 amendment, a reference has been added to the new definition of "National Grid sensitive activities" which is discussed in the Plan Overview decision. This does not result in a substantive change to the effect of provisions.
[3] **NU 918.29:** Policy 5.2.2.1 and Policy 5.2.2.2 were notified as Policy 5.2.1.9 and Policy 5.2.1.3 respectively. They have been moved from Objective 5.2.1 to new Objective 5.2.2 as part of the decision to add the new objective.

Rules

Rule 5.3 Activity Status

Rule 5.3.1 Activity Status introduction

1. The activity status table in Rule 5.3.2 shows the activity status of network ~~utilities~~ utility ***{NU cl.16}*** ~~and energy generation~~ ***{NU 360.233}*** activities across all zones, provided any performance standards shown in the far right column are met. The activities in the network ~~utilities~~ utility ***{NU cl.16}*** ~~and energy generation~~ activities ***{NU 360.233}*** category are listed in the Nested Table in Section 1.3~~6~~ ***{PO cl.16}***.
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. ***{PO cl.16}***.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. The following activities are managed through the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations ~~2008~~ 2016 ***{NU cl.16[1]}*** (NESTF), although rules in the District Plan ~~may~~ still apply in certain circumstances, as set out in the NESTF ***{NU cl.16}***:
    a. telecommunication ~~utilities activities~~ facilities ***{NU cl.16}*** ~~which~~ that ***{NU cl.16}*** emit radio-frequency fields;
    b. telecommunication equipment cabinets ~~in the road reserve and noise from these cabinets~~; ***{NU cl.16}***
    c. noise from these cabinets, only when located in the road reserve; ~~and~~ ***{NU cl.16}***
    d. ~~the installation or replacement of masts and antenna on existing buildings or structures in the road reserve.~~ new poles and attached antennas, in the road reserve and in rural and rural residential zones only (note that masts are called poles under the NESTF); ***{NU cl.16}***
    e. new antennas on existing poles, and new antennas on buildings; ***{NU cl.16}***
    f. small-cell units on existing structures; and ***{NU cl.16}***
    g. telecommunications lines. ***{NU cl.16}***
6. The operation, maintenance, upgrading, relocation or removal of existing transmission lines which are part of the National Grid are managed through the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), unless otherwise stated by a NESETA rule.
7. Any utilities included in the definitions of building utilities or rooftop structures are managed by zone rules and are not considered to be network utility activities.
8. The activity status of network utilities in the major facility zones is determined by the default zone of the major facility as listed in Appendix A9, except for the Port, Dunedin International Airport and Campus zones which are included in the 'all other zones' category in Rule 5.3.2.
9. For all transitional ***{ULS cl.16}*** overlay zones, the provisions of the proposed (transition) zone apply.
10. Any site development activities associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions of the relevant management zone section. ***{PO cl.16}***
11. Any earthworks associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions in Section 8A. ***{PO cl.16}***
12. Any construction associated with an activity provided for in the activity status table in Rule 5.3.2 is subject to the provisions in Section 4. ***{PO cl.16}***

[1] **NU cl.16:** All clause 16 changes in Rule 5.3.1.5 are required to reflect the differences between NESTF 2008 and NESTF 2016.

Legend

Acronym	~~Activity status~~ Meaning ***{PO cl.16}***
+	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) ***{PO 490.1 and others}***
N/A	~~No additional provisions apply or not relevant~~ Not Applicable ***{PO 490.1 and others}***
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RU	Rural Zones
RR	Rural Residential Zones
CMU	Commercial and Mixed Use Zones
WP ***{NU cl.16}***	Warehouse Precinct Zone
PPH ***{NU cl.16}***	Princes, Parry and Harrow Street Zone
SSYP ***{NU cl.16}***	Smith Street and York Place Zone
HE ***{NU cl.16}***	Harbourside Edge Zone
Ind	Industrial Zones
ONL	Outstanding Natural Landscape Overlay Zone
ONF	Outstanding Natural Feature Overlay Zones
SNL	Significant Natural Landscape Overlay Zone
NCC	Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HP	Heritage Precinct
SHS	Scheduled Heritage Site
PPF ***{NU cl.16}***	**Primary Pedestrian Street Frontage mapped area**

Acronym	~~Activity status~~ Meaning ***{PO cl.16}***
SPF ***{NU cl.16}***	**Secondary Pedestrian Street Frontage mapped area**
~~ASCV~~ ASBV	Areas ~~Scheduled area~~ of Significant ~~Conservation~~ Biodiversity Value ***{NatEnv 958.60}***
~~UCMA~~	~~Urban Conservation Mapped Area~~ ***{NU cl.16}***
GPMA	Groundwater Protection Mapped Area ***{NU cl.16}***
MHWS	Mean High Water Springs
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations ~~2008~~ 2016 ***{NU cl.16}***

5.3.2 Activity status table — Network ~~utilities~~ utility *{NU cl.16}* activities

1.	Performance standards that apply to all network ~~utilities~~ utility ***{NU cl.16}*** activities	a. Noise b. ~~Reflectivity (network utilities activities in landscape or natural coastal character overlays only)~~ ***{NU 743.17}*** c. Setback from coast and water bodies~~;~~ d. Setback from ~~n~~National ~~g~~Grid e. ~~Setback from ridgeline~~ ***{RU 874.41 and others}*** f. Setback from scheduled tree

New, or additions and alterations to existing, network ~~utilities~~ utility ***{NU cl.16}*** activities		Activity status[6]				Performance standards
		a. ~~RU,~~ ~~Ind~~ Res and Rec ***{NU cl.16[3]}***	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ~~ASCV~~ ASBV ***{NatEnv 958.60}***, SHS, HP	
2.	Operation, repair, minor upgrading ***{NU 457.4}*** and maintenance of existing network utilities	P	P	P	P	i. Light spill
~~3. {NU 457.4}~~	~~Realignment, reconfiguration or relocation of existing network utilities~~	~~P~~	~~P~~	~~—~~	~~—~~	i. ~~Location~~
4.	Underground or internal network utilities	P	P	P	P	i. Technical standards (gas pressure regulating stations and water or energy pipes only) ii. Maximum height ***{NU 308.137}***
~~5. {NU cl.16[1]}~~	~~Amateur radio configurations~~	~~P~~	~~P~~	~~RD~~	~~—~~	i. ~~Amateur radio standards~~
~~6. {NU cl.16[2]}~~	~~Irrigation races and open drains~~	~~P~~	~~P~~	~~—~~	~~—~~	
~~7. {NU cl.16[2]}~~	~~Stormwater detention basins~~	~~P~~	~~P~~	~~—~~	~~—~~	
11.	Standby or temporary ***{NU 457.8}*** energy generators	P	P	P	P	

A. ***{NU 915.17}***	Substations ***{NU 915.17}***	RD	RD (P in Ind) ***{NU 915.17}***	NC	D	i. Technical standards ***{NU 915.17}***
Network utility structures - small scale ***{NU cl.16}***		a. ~~RU, Ind~~ Res and Rec ***{NU cl.16}***	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ~~ASCV~~ ASBV ***{NatEnv 958.60}***, SHS, HP	Performance standards
9.	Network ~~utilities~~ utility ***{NU cl.16}*** poles and masts - small scale	~~P~~ RD ***{NU cl.16[3]}***	~~RD (P in RR)~~ P ***{NU 576.40}***	RD	RD	i. ~~Buildings and structures located on or above the footpath~~ ***{NU 457.169}*** ii. ~~Maximum dimensions~~ iii. ~~Maximum height~~ ***{NU cl.16}*** i. Scale thresholds ***{NU cl.16[4]}***
12.	Wind generators - ~~on-site energy generation~~ small scale ***{NU 308.122}***	P	P	~~NC~~ RD ***{NU 302.122}***	RD	i. ~~On-site energy generation design standards~~ Scale thresholds ***{NU 308.122}*** ii. Design standards for wind generators ***{NU cl.16[10]}*** iii. Setbacks for wind generators ***{NU cl.16[11]}***

13.	Hydro generators - ~~on-site energy generation~~ small scale ***{NU 308.122}***	P	P	~~NC~~ RD ***{NU 302.122}***	RD	i. ~~On-site energy generation design standards~~ Scale thresholds ***{NU 308.122}*** ii. Location
14.	Solar panels - ~~on-site energy generation~~ small scale ***{NU 308.122}***	P	P	~~NC~~ RD ***{NU 302.122}***	RD	i. ~~On-site energy generation design standards~~ Scale thresholds ***{NU 308.122}*** ii. Site coverage ***{NU cl.16[7]}***
8.	All other ~~Network utilities~~ network utility ***{NU cl.16}*** structures - small scale	P	P	RD	P	i. ~~Buildings and structures located on or above the footpath~~ ***{NU 457.169}*** ii. Location iii. ~~Maximum dimensions~~ Scale thresholds ***{NU cl.16}*** iv. ~~Maximum height~~ Maximum volume in PPF, SPF, HP and SHS ***{NU 457.20}*** v. Technical standards vi. Clearance from navigable water body ***{NU cl.16[8]}***

Network utility structures - large scale ***{NU cl.16}***		a. ~~RU,~~ ~~Ind~~ Res and Rec ***{NU cl.16}***	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ~~ASCV~~ ASBV ***{NatEnv 958.60}***, SHS, HP	Performance standards
~~16. {NU 308.462}~~	~~Wind generators - community scale~~	~~RD~~	~~D~~	~~NC~~	~~NC~~	i. ~~Boundary setbacks~~
~~17. {NU 308.462}~~	~~Hydro generators - community scale~~	~~P~~	~~D~~	~~NC~~	~~D~~	
15.	Solar panels - ~~community scale~~ large scale ***{NU 308.462}*** with an area between 200m² and 500m² in a rural or industrial zone ***{NU cl.16⁹}***	~~RD~~ N/A ***{NU cl.16⁹}***	~~D~~ RD ***{NU cl.16⁹}***	NC	D	
18.	All other solar panels - ~~regional scale~~ large scale ***{NU 308.462}***	D	~~NC~~ D ***{NU 308.462}***	NC	~~NC~~ D+ ***{NU 308.462}***	
19.	Wind generators - ~~regional~~ large ***{NU 308.462}*** scale	D	~~NC~~ D ***{NU 308.462}***	NC	~~NC~~ D+ ***{NU 308.462}***	
20.	Hydro generators - ~~regional~~ large ***{NU 308.462}*** scale	D	~~NC~~ D ***{NU 308.462}***	NC	~~NC~~ D+ ***{NU 308.462}***	
C. ***{NU cl.16₅}***	Network utility structures – large scale (amateur radio configurations only)	RD	RD	RD+	RD	
10.	All other ~~Network utilities~~ network utility ***{NU cl.16}*** structures - large scale	~~RD~~ D ***{NU 764.1}***	~~RD~~ D ***{NU 764.1}***	NC	D+	i. ~~Buildings and structures located on or above the footpath~~ ***{NU 457.169}***
~~21. {NU 308.122 and 743.17}~~	~~Energy resource investigation devices~~	~~P~~	~~RD~~	~~NC~~	~~RD~~	i. ~~Energy resource investigation standards~~
~~22. {NU 308.137}~~	~~Biomass generators - on-site energy generation~~	~~P~~	~~RD~~	~~NC~~	~~RD~~	i. ~~On-site energy generation design standards~~
~~23. {NU 308.468}~~	~~Biomass generators - stand-alone~~	~~D~~	~~NC~~	~~NC~~	~~NC~~	

[1] **NU cl.16:** All clause 16 changes in Rule 5.3.2.5 are required due to reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
[2] **NU cl.16:** All clause 16 changes in rules 5.3.2.6 and 5.3.2.7 are required due to reformatting of provisions to manage irrigation races and open drains, and stormwater detection basins, via earthworks provisions only, given that they are always permitted, with no performance standards, under notified network utility rules. This does not change the effect of provisions.
[3] **NU cl.16:** Amendment required due to reformatting of columns; column 'a' now covers the Res and Rec zones, not the RU and Ind zones. This does not change the effect of provisions.
[4] **NU cl.16:** Clause 16 amendments in this cell are necessary due to reformatting of 'Maximum dimensions' and 'Maximum height' standards as 'Scale thresholds'. This does not change the effect of provisions.
[5] **NU cl.16:** New Rule 5.3.2.C required due to reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
[6] **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.
[7] **NU cl.16:** The site coverage performance standard was part of notified Rule 5.5.10 on-site energy generation design standards, but has now been separated out into new Rule 5.5.E. This does not change the effect of provisions.
[8] **NU cl.16:** The clearance from navigable water body performance standard was part of notified Rule 5.5.8 maximum height, but has now been separated out into new Rule 5.5.C. This does not change the effect of provisions.
[9] **NU cl.16:** This rule has been reformatted, for reasons discussed in the Network Utilities decision. This does not change the effect of provisions.
[10] **NU cl.16:** The content of this performance standard was notified as part of 'On-site energy generation design standards'. The renaming of the content does not change the effect of provisions. However, some content has been amended in response to submissions – see details at Rule 5.5.D.
[11] **NU cl.16:** The content of this performance standard was notified as part of 'On-site energy generation design standards'. The renaming of the content does not change the effect of provisions. However, some content has been amended in response to submissions – see details at Rule 5.5.12.A.

Note 5.3.2A - Other requirements outside of the District Plan

1. For telecommunication ~~utilities~~ facilities ***{NU cl.16}***, also refer to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations ~~2008~~ 2016 ***{NU cl.16}*** (NESTF). ~~The NESTF are regulations made under the RMA and specify the activity status of activities which involve the emission of radio-frequency fields, installation of telecommunication equipment cabinets in public roads including regulations on noise emissions, and the installation, addition and replacement of mast and antennas on existing structures alongside public roads or in the road reserve. Activities not specified as permitted in the NESTF are managed under the rules in this Plan.~~ ***{NU cl.16}***
2. For activities on existing high voltage ~~n~~National ~~g~~Grid transmission lines also refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA). The NESETA outlines the activity status, conditions and resource consent requirements for electricity transmission activities undertaken as part of the operation of high voltage ~~n~~National ~~g~~Grid transmission lines.
3. For the trimming and pruning of vegetation necessary to protect electricity lines also refer to the Electricity (Hazards from Trees) Regulations 2003.
4. For works within the road reserve a corridor access request may be required by the DCC, see http://www.dunedin.govt.nz/services/roads-and-footpaths/corridor-access-request for further information. For works within a state highway road corridor, an agreement to work on the road corridor will be required from the NZ Transport Agency. ***{NU 881.53}***
5. Works within the dripline of trees in the road reserve may require approval from the DCC's Parks, Recreation and Aquatics Group Department. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
6. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on

the location of structures and activities in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001. ***{NU cl.16}***

7. ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand.~~ An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. ***{Her 547.80}*** If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand ~~before you begin~~ ***{Her 547.80}***. This is the case regardless of whether the ~~land on which the~~ ***{Her 547.80}*** site is ~~located is~~ ***{Her 547.80}*** designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted. ***{PO cl.16[1]}***
8. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites ~~which~~ that ***{Her cl.16}*** may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.***{PO cl.16[1]}***
9. Scheduled archaeological sites are identified on the Planning Maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. ***{Her 1071.47}***

[1] **PO cl.16:** Content moved from Note 5.3.2A

Note 5.3.2B - General advice

1. Network ~~utilities~~ utility ***{NU cl.16}*** activities are not subject to the natural hazards rules, with the exception of Rule 10.3.3 Setback from the Coast and Water Bodies, which implements Natural Hazards Policy 11.2.1.19 ***{NU cl.16}***. However, the establishment of new network utilities~~,~~ and the operation, minor upgrading, ***{NU 457.4}*** repair and maintenance of existing network utilities ~~and the realignment, relocation or reconfiguration of existing network utilities~~ ***{NU 457.4}*** should take into account risks associated with natural hazards.

~~Note 5.3C - Other requirements outside of the District Plan~~

1. ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.~~
2. ~~The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.~~ ***{PO cl.16[1]}***

[1] **PO cl.16:** Content moved to Note 5.3.2A. Any amendments to provisions as a result of submissions are shown there.

~~Note 5.3D - Other relevant District Plan provisions~~*{NU cl.16}*

1. ~~Earthworks are managed through the management and major facilities zone sections.~~***{NU cl.16}***

Rule 5.4 Notification

1. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95~~B~~E ***{PO cl.16}*** of the RMA where their written approval is not provided:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand.

2. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95~~B~~E ***{PO cl.16}*** of the RMA where their written approval is not provided:
    1. all restricted discretionary activities that list 'effects ***{NU cl.16}*** on cultural values of Manawhenua as a matter for discretion; and
    2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.

3. With respect to resource consent applications for the following activities, Transpower NZ Limited will be considered an affected person in accordance with section 95~~B~~E ***{PO cl.16}*** of the RMA where their written approval is not provided:
    1. activities that contravene performance standard 5.6.~~1~~ ***{NU cl.16}*** 'Setback from National Grid'.

4. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.~~ ***{PO cl.16}***

5. Applications for resource consent for the following activities will be considered without the need to obtain the written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification: ***{NU 457.20}***
    1. Freestanding network utility structures in a **primary** or **secondary pedestrian street frontage mapped area**, heritage precincts and scheduled heritage sites that exceed 0.5m³ in volume (where visible from an adjoining public place) but that do not exceed 4m in height or 4m² in area of footprint. ***{NU 457.20}***

6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 5.5 Network Utility Activities Performance Standards

5.5.1 Amateur Radio Standards {Confirmed to be replaced by 5.5.A - NU cl.16[1]}

[1] **NU cl.16:** The content of Rule 5.5.1 has been moved to new Rule 5.5.A.7 Amateur radio configurations - small scale thresholds.

~~5.5.1.1 Antenna and aerials~~

a. ~~The maximum diameter of amateur radio configurations is:~~
   i. ~~for aerial elements, 80mm;~~
   ii. ~~for wire aerials, 115mm;~~
   iii. ~~for dish antenna, 2m; and~~
   iv. ~~for panel antenna, 2m, unless than 2m² in area.~~

b. ~~The maximum length of horizontal high frequency Yagi aerials is:~~
   i. ~~for elements, 14.9m; and~~
   ii. ~~for booms, 13m.~~

c. ~~The maximum height of aerials is 2m above the maximum height of the zone in which the activity is located, except:~~
   i. ~~one vertical aerial is permitted to a maximum height of 20m, provided there is only one vertical aerial or one support structure (and attached aerials) per site.~~

d. ~~One pedestal mounted antenna is allowed per site where all of the following are met:~~
   i. ~~the antenna is pivoted at a maximum of 4m above the ground;~~
   ii. ~~the maximum diameter of the antenna is 5m; and~~
   iii. ~~he pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.~~

~~5.5.1.2 Support Structures~~

a. ~~There must be no more than six support structures for wire aerials.~~
b. ~~Only one support structure may be a lattice mast.~~
c. ~~The maximum height of poles and support structures is the maximum height of the zone in which the activity is located, except:~~
   i. ~~one support structure may exceed the height of the zone~~
   ii. ~~in which the activity is located by a maximum of 2m.~~
d. ~~The maximum diameter of guy wires is 12mm.~~

5.5.2 Buildings and Structures Located on or Above the Footpath {Confirmed for deletion - NU 457.169}

~~Network utilities poles and masts - small scale, network utilities structures - small scale and network utilities structures - large scale must comply with Rule 6.7.2.1.~~ ***{NU 457.169 and others}***

5.5.3 Blank Page {Confirmed for deletion - NU 881.54}

~~This page has no content~~ ***{NU 881.54}***

5.5.4 Energy Resource Investigation Standards {Confirmed for deletion - NU 308.122 and NU 743.17}

1. ~~The maximum height of energy resource investigation devices is 80m.~~ ***{NU 308.122}***
2. ~~Masts and guy wires must be set back from boundaries a distance at least equal to the height of the masts.~~ ***{NU 308.122}***
3. ~~The anchor points for any guy wires must meet the boundary setback performance standard for the zone in which the activity is located.~~ ***{NU 308.122}***
4. ~~The maximum number of masts per site is three.~~ ***{NU 308.122}***
5. ~~The maximum installation period is five years.~~ ***{NU 743.17}***

5.5.5 Light Spill

The operation, repair, minor upgrading ***{NU 457.4}*** and maintenance of existing network utilities must comply with Rule 9.3.5.

5.5.6 Location

1. Network ~~utilities~~ utility ***{NU cl.16}*** structures - small scale must ~~be located~~ co-locate ***{NU cl.16}*** against[1] a building or be attached to a~~n existing~~ ***{NU 576.44}*** network utility ~~utilities~~ ***{NU cl.16}*** pole or mast if:
   a. on a **primary** ~~of secondary~~ ***{NU 576.44}*** **pedestrian street frontage mapped area**;
   b. within a heritage precinct and visible from an adjoining public place; or
   c. over 0.5m² in area or 500mm in height, located in a Natural ~~c~~Coastal ~~landscape~~ Character Overlay Zone (NCC), ***{NU 576.44}*** visible from an adjoining public place, and located on the seaward side of a coastal road.
2. Pipes (excluding those ~~considered~~ defined ***{NU cl.16}*** as building utilities) and lines must be located underground, except:
   a. lines in the rural or rural residential zones;
   b. lines attached to existing network utility ~~utilities~~ ***{NU cl.16}*** poles and masts, or to existing buildings or structures ***{NU 576.44}***;
   c. activities undertaken as part of the operation, repair, minor upgrading ***{NU 457.4}*** and maintenance of existing network utilities (including extensions of overhead lines to serve a single customer) ***{NU 457.18}***; and
   d. pipes or lines provided for under NESETA or NESTF.
3. ~~The realignment, reconfiguration or relocation of above-ground pipes and network utilities poles and masts must occur within 3 of the existing location or alignment, except:~~ ***{NU 457.4}***
   a. ~~national grid support structure and/or national grid line managed under NESETA are exempt from this performance standard.~~ ***{NU 457.4}***
4. In a heritage precinct, hydro generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** must be located so that they are not visible from any adjoining public place.
5. Network utility ~~utilities~~ ***{NU cl.16}*** structures - small scale located on outstanding natural features must co-locate against a~~n existing~~ ***{NU 576.44}*** building or with an existing network utility structure, or be attached to a network utility pole or mast. ***{NU 576.44}***
6. Activities that contravene Rule 5.5.6.5 are ~~a~~ non-complying activity~~ies~~. ***{NU cl.16}***

7. Activities that otherwise contravene this performance standard are restricted discretionary activities. ***{PO cl.16}***

[1] For the purposes of rules 5.5.6.1 and 5.5.6.5, "against" means "as close as practicable to the structure specified in the rule, subject to the requirements of the Building Code". ***{NU 576.44}***

Note 5.5.6A - Other requirements outside of the District Plan ***{NU cl.16}***

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.6.1 in **primary pedestrian street frontage mapped areas**. ***{NU cl.16}***

5.5.7 Maximum Dimensions {Confirmed to be replaced by 5.5.A and 5.5.B - NU cl.16[1]}

[1] **NU cl.16:** The content of Rule 5.5.7 has been moved to new rules 5.5.A and 5.5.B except that rules 5.5.7.1.a.i, 5.5.7.1.a.ii, 5.5.7.1.a.vii and 5.5.7.2.a have been deleted in response to submissions.

~~Rule 5.5.7.1 Maximum dimensions: network utilities structures - small scale~~ ***{NU cl.16}***

a. ~~Small scale network utility structures must comply with the following maximum dimensions:~~

~~**Activity**~~		~~**1. Res, RR, Rec, ONF, HNCC, ONCC, NCC, SNL, ONL**~~	~~**2. Along primary or secondary street frontages; in heritage precincts; or on a scheduled heritage site, where visible from an adjoining public place**~~	~~**3. All other zones**~~
~~i.~~ ***{NU 576.46}***	~~Volume (when pole-mounted)~~	~~0.3m³~~	~~0.3m³~~	~~0.3m³~~
~~ii.~~ ***{NU 576.46}***	~~Volume (ground-mounted)~~	~~0.4m³~~	~~0.4m³~~	~~0.4m³~~
~~iii.~~	~~Maximum area~~	~~4m²~~	~~0.5m²~~ ***{NU 457.20}***	~~4m²~~
~~iv.~~	~~Diameter of head arrays~~	~~0.8m~~	~~0.8m~~	~~4m~~
~~v.~~	~~Diameter of dish antenna~~	~~1.2m~~	~~1.2m~~	~~1.8m~~
~~vi.~~	~~Cross-sectional area of aerials~~	~~1.m²~~	~~1.m²~~	~~1.5m²~~
~~vii.~~ ***{NU 915.17}***	~~Gross floor area of substations~~	~~6.5m²~~	~~6.5m²~~	~~6.5m²~~

b. ~~Except dish antenna and aerials in the Dunedin International Airport, industrial zones, and Port Zone are exempt from these performance standards.~~

c. ~~Network utilities structures - small scale that exceed these thresholds will be treated as network utilities structures - large scale.~~

~~Rule 5.5.7.2 Maximum dimensions: Network utilities poles and masts - small scale~~

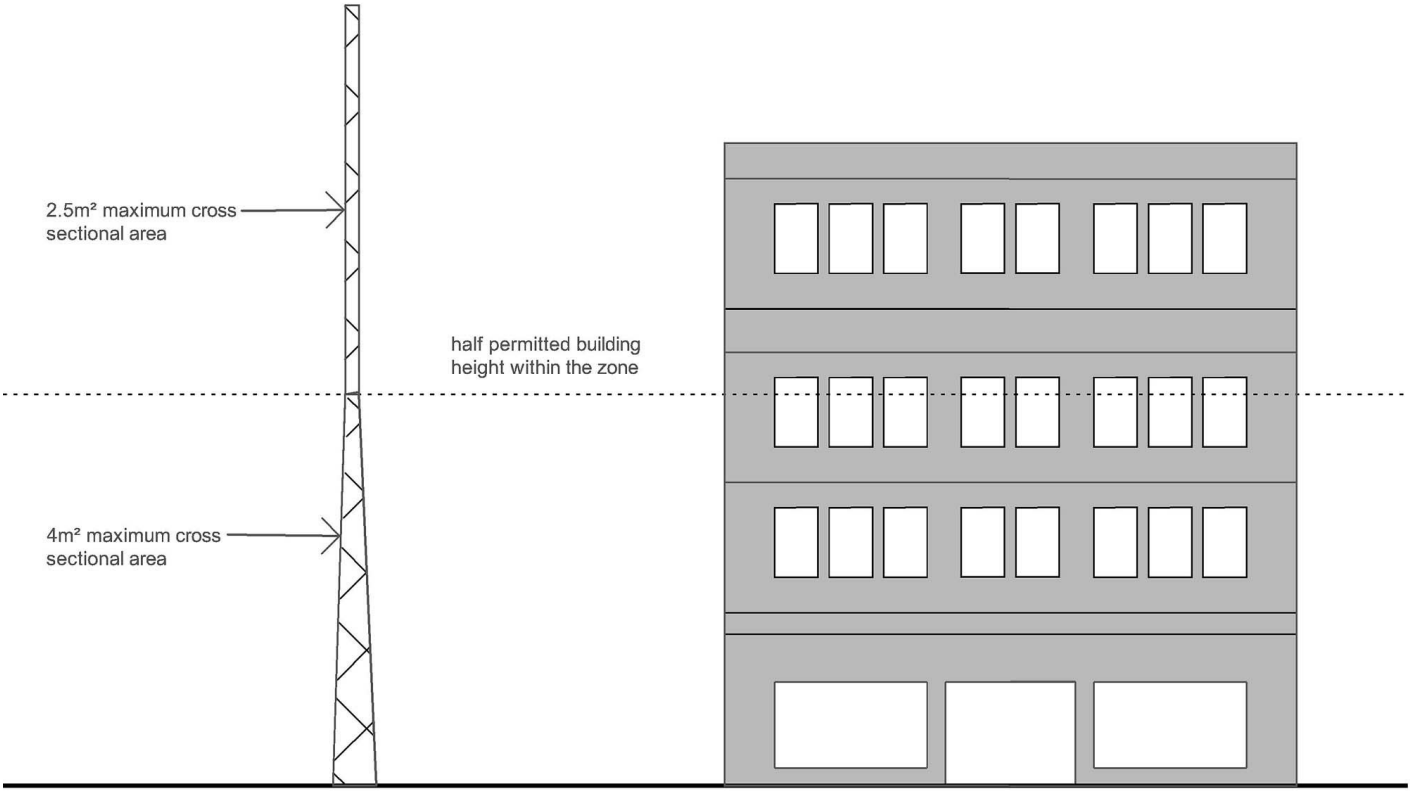
a. ~~The maximum diameter of tubular masts is 0.5m, except tubular masts in the Dunedin International Airport, industrial zones and Port Zone, are exempt from the standard.~~ ***{NU 576.47 and others}***

b. ~~The maximum cross-sectional area of lattice masts is:~~
   i. ~~4m² to the point that is half the maximum height of the zone in which the activity is located, and~~
   ii. ~~2.5m² from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5A).~~

c. ~~The maximum cross-sectional area of all other network utilities poles and masts - small scale is 1m².~~

d. ~~Network utilities poles and masts - small scale that exceed these thresholds will be treated as network utilities structures - large scale.~~

~~Figure 5.5A: Cross-sectional area of lattice mast~~ ***{NU cl.16}***[1]



[1] **NU cl.16:** Figure has moved to Rule 5.5.A

~~Note 5.5A - Other requirements outside of the District Plan~~ ***{NU cl.16}***

1. ~~There may be additional controls specified under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, for the installation or replacement of masts and antenna in the road reserve.~~ ***{NU cl.16}***

5.5.8 Maximum Height {Confirmed to be replaced by 5.5.A, 5.5.B and 5.5.C - NU cl.16[1]}

[1] **NU cl.16:** The content of Rule 5.5.8 has been moved to new rules 5.5.A, 5.5.B and 5.5.C, except that Rule 5.5.8.5.b.ii has been deleted in response to submissions.

1. ~~Rules 5.5.8.3 - 5.5.8.6 specify the maximum height of network utilities activities in all zones.~~
2. ~~Except:~~
   a. ~~network utilities in the Dunedin International Airport and Port zones have no maximum height;~~
   b. ~~for additions provided for under the NESTF, the maximum height only applies in SNL, ONF, ONL, NCC, HNCC, and ONCC overlay zones; and~~
   c. ~~for amateur radio configurations, which are managed by Rule 5.5.1.~~

~~5.5.8.3 Maximum height: network utilities attached to buildings~~

a. ~~The maximum height of network utilities structures - small scale including necessary support structures (excluding any attached lightning rods) attached to buildings is:~~
   i. ~~in residential zones, Recreation Zone, General Residential 1 Transitional Overlay Zone, and all landscape and coastal overlay zones, 2m above the section of building to which the structure is attached; and~~
   ii. ~~in all other zones, 5m above the section of building to which the structure is attached (see Figure 5.5B).~~

b. ~~Activities that exceed these thresholds will be treated as network utilities structures - large scale.~~

~~5.5.8.4 Maximum height: network utilities attached to existing network utilities poles and masts~~

a. ~~The maximum height of network utilities structures - small scale (excluding any attached lightning rods) attached to existing network utilities poles and masts is 5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5C)~~

b. ~~Activities that exceed these thresholds will be treated as network utilities structures - large scale.~~

~~5.5.8.5 Maximum height: 'freestanding' network utilities structures and network utilities poles and masts~~

a. ~~The maximum height of network utilities poles and masts - small scale (including any attached head arrays, aerials, and dish antenna, but excluding lightning rods) is:~~
   i. ~~in the rural, rural residential, and industrial zones, 20m; and~~
   ii. ~~in all other zones, 5m above the maximum height of the zone in which the activity is located (see Figure 5.5D)~~

b. ~~The maximum height of 'freestanding' network utilities structures - small scale is:~~
   i. ~~along any primary or secondary street frontage, or in a heritage precinct, or on a scheduled heritage site, where visible from an adjoining public place, 0.5m; and~~ ***{NU 457.20}***
   ii. ~~in all other zones, 4m (except for roadside cabinets where only the limits of the NESTF apply).~~

c. ~~Activities that exceed these thresholds will be treated as network utilities structures - large scale.~~

~~5.5.8.6 Clearance from navigable water body~~

a. ~~Network utilities structures (small and large scale) must maintain a minimum clearance between lines and a navigable water body of 10m between the lowest point of the line and highest point of either river bank (see Figure 5.5E)~~

b. ~~Activities that contravene this performance standard are non-complying activities.~~

~~Note 5.5B - Other requirements outside of the District Plan~~ ***~~{NU cl.16}~~***

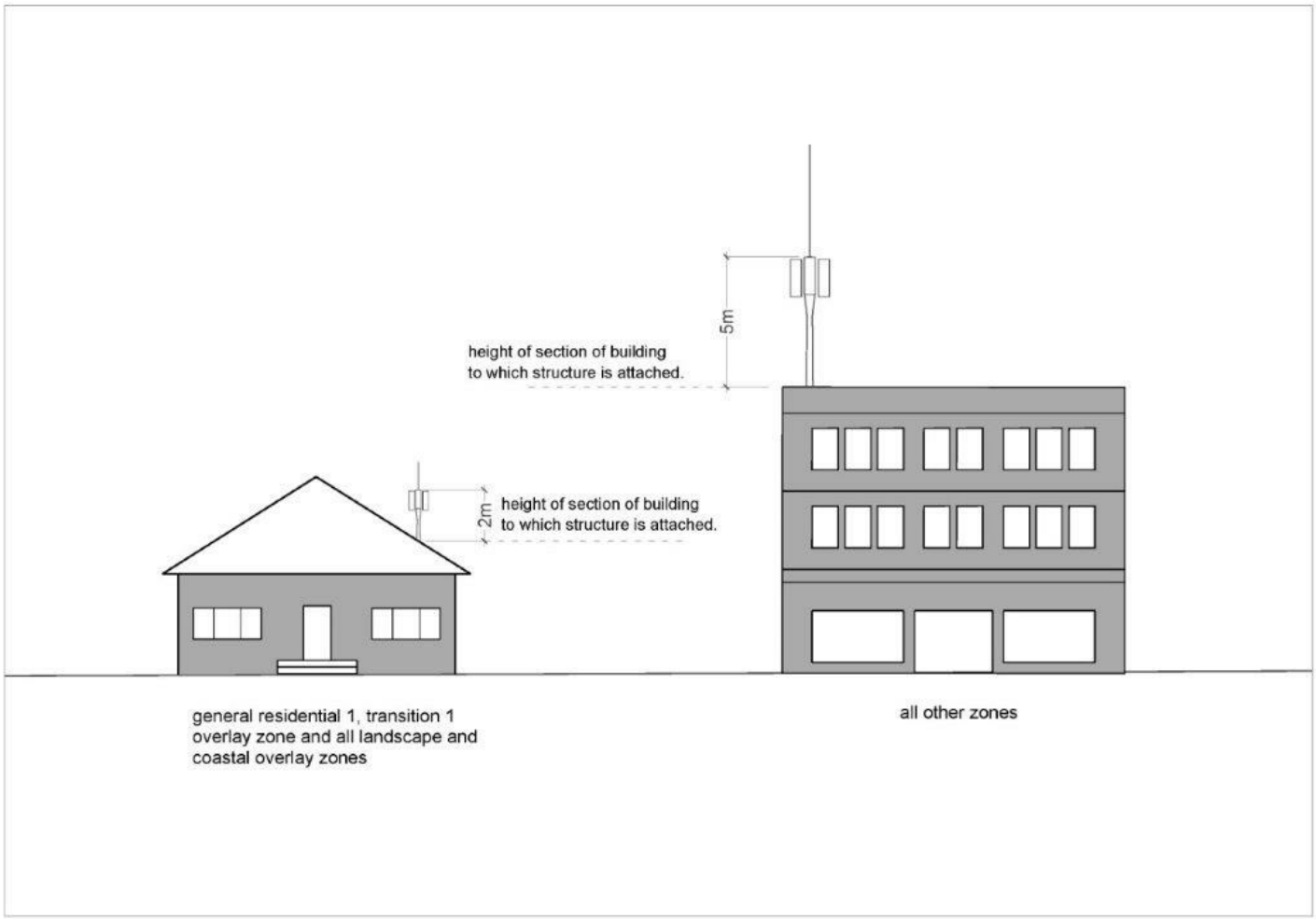
1. ~~Where for the installation or replacement of masts and antenna in the road reserve, there may be additional controls specified under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.~~

~~Note 5.5C - Other relevant District Plan provisions~~ ***~~{NU 360.199}~~***

1. ~~See also rules 5.5.7 and 5.5.1.~~

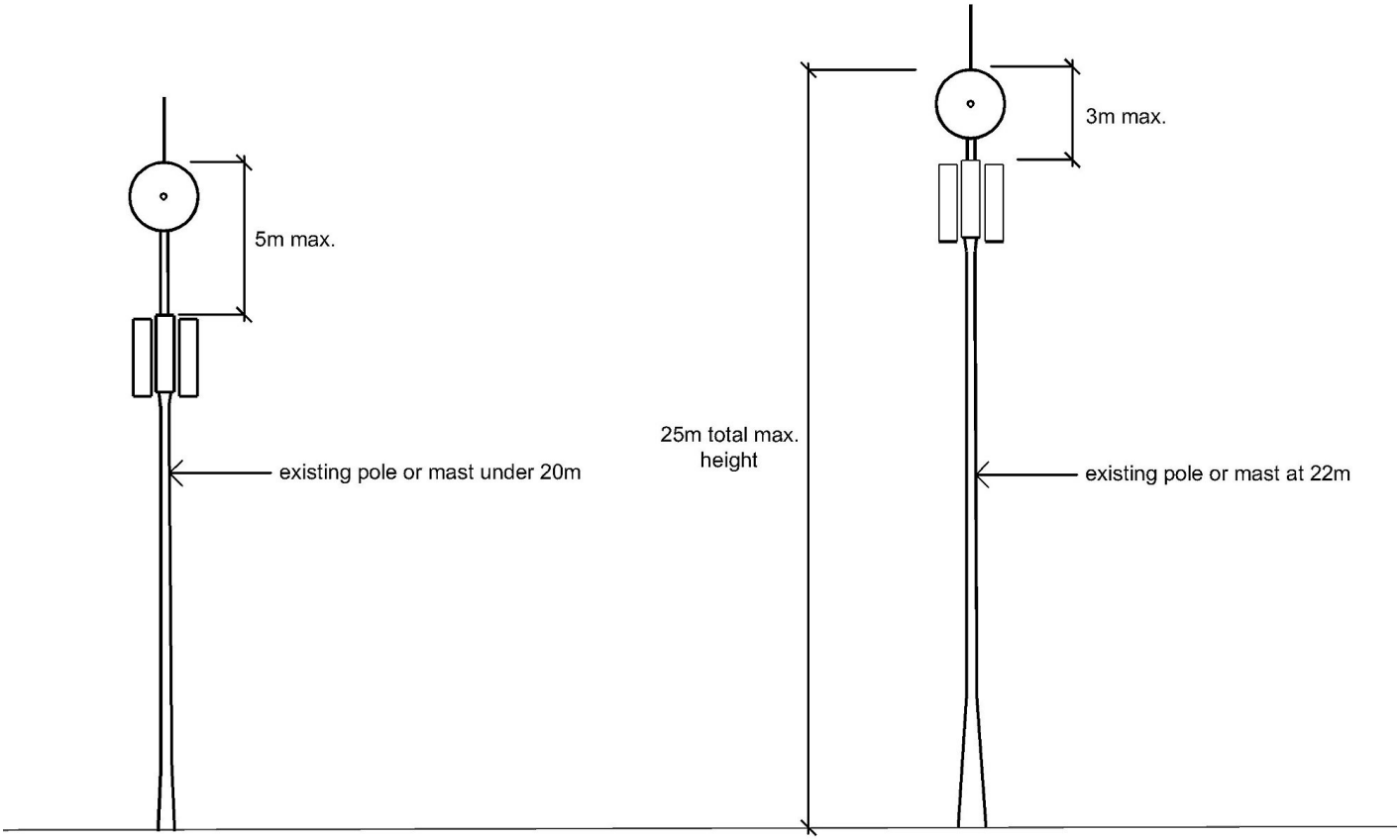
~~Figure 5.5B: Height of utilities attached to buildings~~ ***{NU cl.16[1]}***

[1] **NU cl.16:** Figure 5.5B has moved to Rule 5.5A



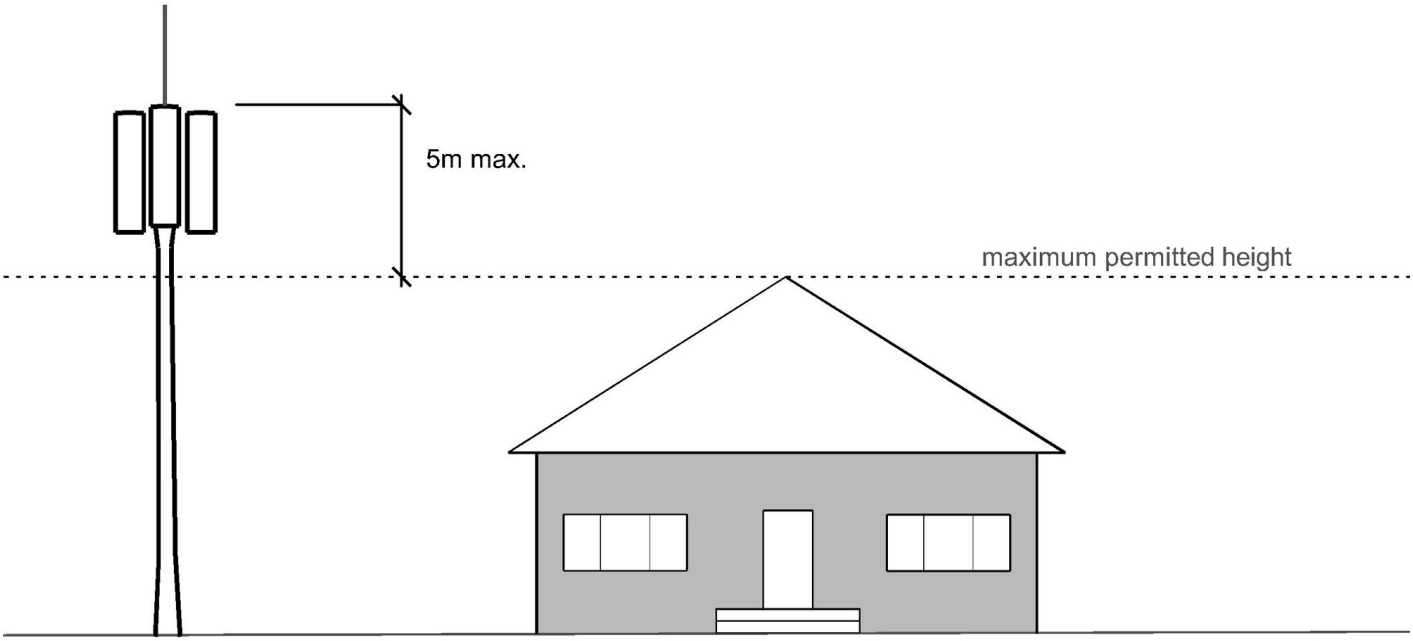
~~5.5C: Height of utilities attached to existing poles or masts~~ ***{NU cl.16}***[1]

[1] **NU cl.16:** Figure 5.5C has moved to Rule 5.5.A



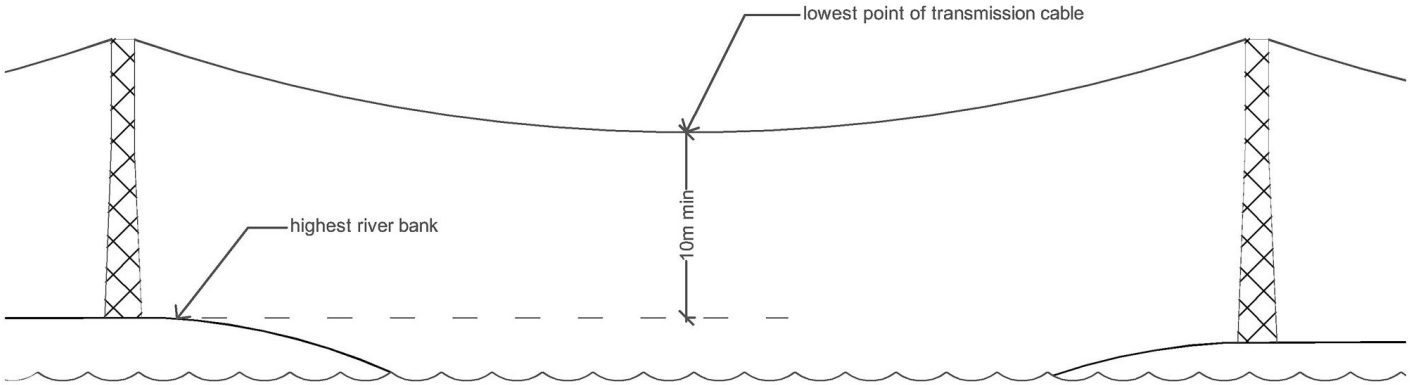
~~Figure 5.5D: Maximum height of utilities in all zones except the rural, rural residential and industrial zones~~ ***{NU cl.16}*** [1]

[1] **NU cl.16:** Figure 5.5D has moved to Rule 5.5.A



~~Figure 5.5E: Height above navigable water body~~ ***{NU cl.16}*** [1]

[1] **NU cl.16:** Figure 5.5E has moved to Rule 5.5.C



5.5.A Scale Thresholds {Confirmed to replace 5.5.7 and 5.5.8 - NU cl.16[1]}

[1] **NU cl.16:** New Rule 5.5.A was notified as Rule 5.5.1, Rule 5.5.7, Rule 5.5.8 and Rule 5.5.10. Where there has been no change to the effect of rules (i.e. only formatting has changed), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references are provided.

1. The following network utility structures are always considered network utility structures – small scale: ***{NU 576.9}***
   a. Lines. ***{NU576.9}***

2. All other network utility structures must not exceed the scale thresholds set out in rules 5.5.A.3 to 5.5.A.8 to be considered small scale. Network utility structures that exceed these thresholds are treated as large scale.

Rule 5.5.A.3 Hydro generators ~~design standards~~ - small scale thresholds {NU 308.122}

Threshold		i. Rural and industrial zones [2]	ii. All other zones
a.	Maximum surface area of stored water	200m²	100m²
b.	Maximum height of weir or dam	2m	1m
c.	Maximum installed capacity	4MW	500kW

d. Hydro generators that exceed these thresholds are treated as hydro generators – large scale. ***{NU 308.122}***

[2] **NU cl.16:**The scale thresholds shown in this table for Hydro Generators - Small Scale in Rural and Industrial Zones were the notified thresholds in the definition of Hydro Generators - Community Scale, which was a Permitted activity in these zones. Given the removal of the Community Scale activity, and given that Hydro Generators - Large Scale are Discretionary in all zones, it is necessary to use the notified Community Scale (rather than On-site Energy Generation) thresholds here, in order to retain the effect of notified provisions.

Rule 5.5.A.4 Solar panels ~~design standards~~ - small scale thresholds {NU 308.122}

a. The maximum area of solar panels – small scale is 200m².

b. Solar panels that exceed this scale threshold are treated as solar panels – large scale. ***{NU 308.122}***

Note 5.5.A.4A - Other relevant District Plan provisions ***{NU cl.16}***

1. Roof-top solar panels that meet the definition of building utilities are covered by provisions for buildings in the management zone sections, and are not subject to provisions for network utility activities.

Rule 5.5.A.5 ~~Number and design of wind turbines~~ Wind generators - small scale thresholds ***{NU 308.122}***

a. The maximum number of wind generators per site is:

i.	Rural zones	2
ii.	All other zones	1

b. The maximum height of wind generators (to blade tip) is:

i.	Rural and rural residential zones	20m
ii.	Freestanding wind generators in all other zones	2m above the maximum height for buildings and structures in the zone in which the wind generator is located
iii.	Rooftop wind generators in all other zones ***{NU 308.122}***	i. 2m above the part of the building the generator is attached to (in residential zones, Recreation Zone, CBD and centres zones, and WP, PPH, SSYP and HE zones) ***{NU 308.122}*** ii. The greater of: 2m above the maximum height for buildings and structures in the zone in which the wind generator is located; or 2m above the part of the building the generator is attached to (in all other zones). ***{NU 308.122}***

c. The maximum rotor diameter of wind generators is: ***{NU 743.17}***

i.	Rural and rural residential zones ***{NU 743.17}***	6m ***{NU 743.17}***
ii.	Industrial zones, Trade Related Zone and CBD Edge Commercial zones	No limit on rotor diameter
iii.	All other zones ***{NU 743.17}***	1.5m ***{NU 743.17}***

d. Wind generators that exceed these thresholds are treated as wind generators – large scale. ***{NU 308.122}***

Rule 5.5.A.6 Network utility poles and masts - small scale thresholds

Dimension		Scale threshold		
		i. Res, Rec	ii. All other zones	iii. ONF, HNCC, ONCC, NCC, SNL, ONL
a.	Diameter of head arrays	0.8m	1m - CBD and centres ***{NU 576.40}*** 6m - rural, rural residential and industrial zones ***{NU 576.46}*** 4m - all other zones	0.8m
b.	Diameter of dish antenna	~~1m~~ 1.2m ***{NU 576.46}***	1.8m	~~1m~~ 1.2m ***{NU 576.46}***

c.	~~Cross sectional area of aerials~~ Maximum area of largest antenna face (excluding dish antennas) ***{NU 576.46}***	~~1m²~~1.5m² ***{NU 576.46}***
d.	Maximum height	The greater of ***{NU 457.20}*** 1. ~~20m~~ 25m ***{NU 576.50}*** in the rural, rural residential and industrial zones; or 5m over the maximum height for buildings and structures in the zone in which the activity is located in all other zones (see Figure 5.5X); or 2. the height required to meet the safety clearance requirements of the New Zealand Electrical Code of Practice for Electrical Distances (NZECP34). ***{NU457.20}***
e. ***{NU 576.40}***	Height in relation to boundary	In commercial and mixed use and major facility zones, network utility poles and masts on sites adjacent to residential zones must comply with any height in relation to boundary rule that applies to buildings and structures on the same site.
f.	Maximum cross sectional area of lattice masts	1. 4m² to the point that is half the maximum height of the zone in which the activity is located, and 2. 2.5m² from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5W).
g.	Cross sectional area of all other poles and masts (excluding any associated cross arms) ***{NU cl.16}***	~~1m²~~ 2m² ***{NU 576.47}***

h. Except:
   i. any lightning rods attached to network utility poles and masts or attached network utility structures are exempt from these thresholds
   ii. dish antennas in the Dunedin International Airport Zone ***{NU cl.16}***, industrial zones, ***{NU cl.16}*** and Port Zone are exempt from these thresholds
   iii. network utility poles and masts in the Dunedin International Airport Zone ***{NU cl.16}*** and Port Zone have no maximum height
   iv. wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds ***{NU 308.122 and 743.17}***

i. Network utility poles and masts that exceed these thresholds are treated as network utility structures – large scale.

Note 5.5.A.6A - Other requirements outside of the District Plan *{NU cl.16}*

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.A.6 that are more restrictive than the NESTF, except in ONF, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.

Figure 5.5W: Cross-sectional area of lattice mast ***{NU cl.16[1]}***

[1] **NU cl.16:** Figure has moved from Rule 5.5.7

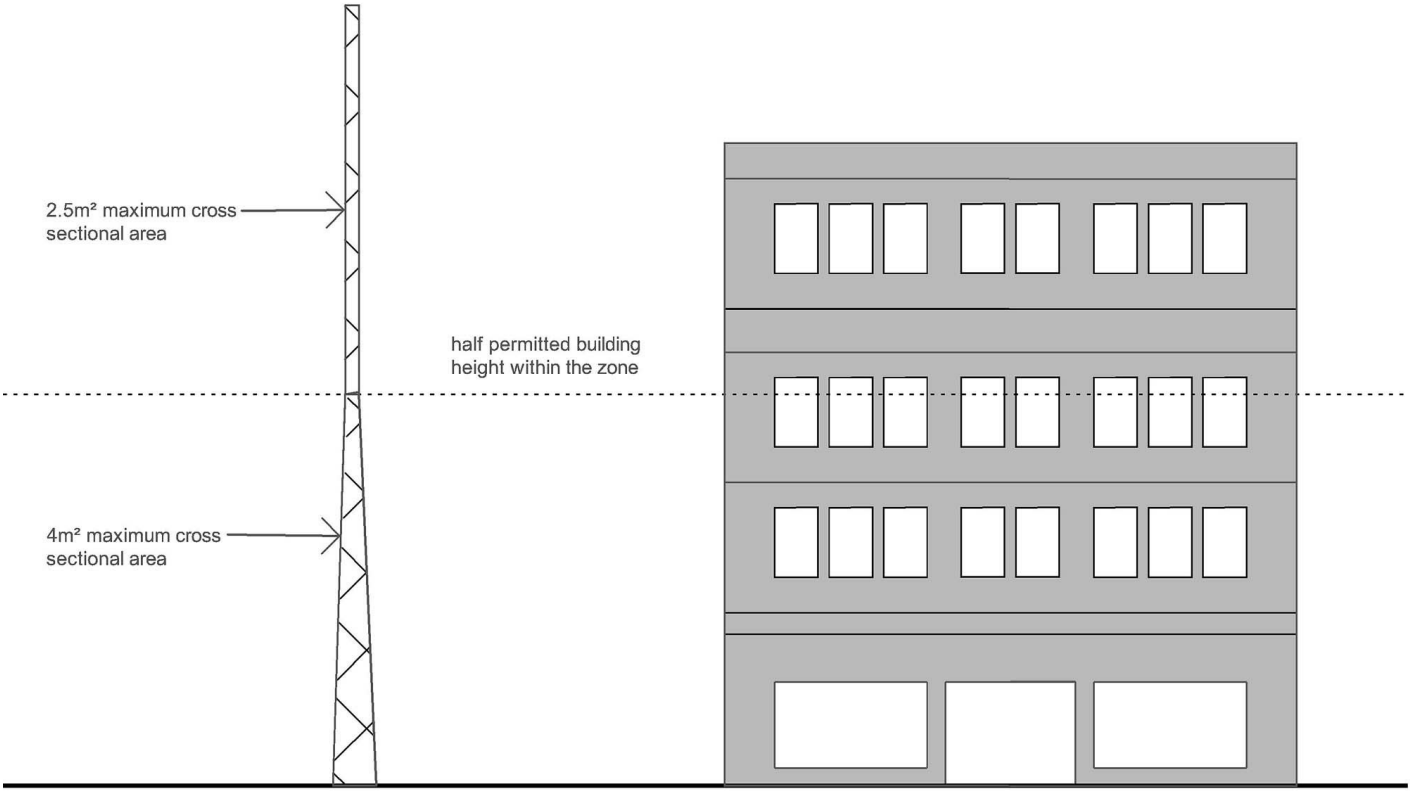
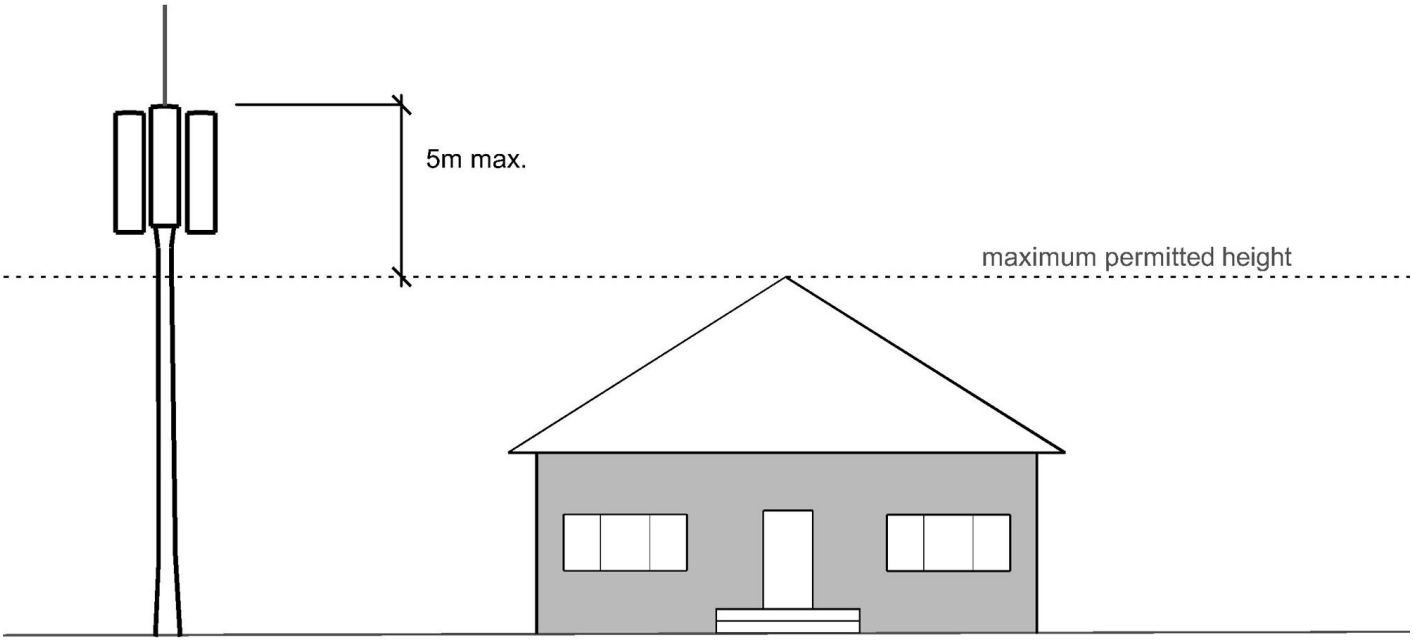


Figure 5.5X: Maximum height of new poles or masts in all zones except the rural, rural residential and industrial zones ***{NU cl.16[1]}***

[1] **NU cl.16:** Figure has moved from Rule 5.5.8



Rule 5.5.A.7 ~~Amateur radio standards~~ Amateur radio configurations - small scale thresholds ***{NU cl.16[1]}***

a. Amateur radio configurations must not exceed the following scale thresholds to be considered network utility structures – small scale.

b. The maximum diameter of amateur radio configurations is:

Part of amateur radio configuration		Maximum diameter
i.	~~aerial~~ Antenna ***{NU 576.5}*** elements	80mm
ii.	Wire ~~aerials~~ antennas ***{NU 576.5}***	~~115mm~~ 15mm ***{NU 402.1}***
iii.	Dish antennas	2m
iv.	Panel antennas	2m, unless less ***{NU 402.1}*** than 2m² in area
v.	Guy wires	12mm

c. The maximum length of horizontal high frequency Yagi ~~aerials~~ antennas ***{NU 576.5}*** is:

Part of antenna		Maximum length
i.	Elements	14.9m
ii.	Booms	13m

d. The maximum height of ~~aerials~~ antennas ***{NU 576.5}*** is ~~2m~~ 5m ***{NU 402.3}*** above the maximum height of the zone in which the activity is located, except that one vertical ~~aerial~~ antenna ***{NU 576.5}*** is permitted to a

maximum height of 20m ~~, provided there is only one vertical aerial or one support structure (and attached aerials) per site.~~ ***{NU402.2}***

e. One pedestal mounted antenna is allowed per site where all of the following are met:
   i. the antenna is pivoted at a maximum of 4m above the ground;
   ii. the maximum diameter of the antenna is 5m; and
   iii. the pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.

f. There must be no more than six support structures for wire ~~aerials~~ antennas ***{NU 576.5}***

g. Only one support structure may be a lattice mast.

h. The maximum height of poles and support structures is the maximum height for buildings and structures in the zone in which the activity is located, except:
   i. ~~one support structure may exceed the height of the zone in which the activity is located by a maximum of 2m~~ in the commercial and mixed use, rural, and rural residential zones, one support structure (including attached antennas) may have a maximum height of 20m ***{NU 402.3}***
   ii. in all other zones:
      1. one non-retractable support structure (including attached antennas) may have a maximum height of 5m above the maximum height for buildings and structures in the zone where the activity is located ***{NU 402.3}***
      2. one retractable support structure (including attached antennas) up to 20m in height may be used from sunset to sunrise. ***{NU 402.3}***

i. Amateur radio configurations that exceed these thresholds are treated as network utility structures – large scale.

[1] **NU cl.16:** Provisions for amateur radio configurations have been reformatted so that they are treated as a type of network utility structure. i.e. they are provided for either as network utility structures - small scale or network utility structures - large scale depending on whether they comply with scale thresholds. This does not change the effect of provisions.

Rule 5.5.A.8 All other network utility structures - small scale thresholds

a. Network utility structures – *freestanding*

Dimension		Scale threshold - all zones
i.	Height	4m
ii.	Area of footprint	4m²

b. Network utility structures – *attached to buildings, or attached to existing poles or masts*

Dimension		Scale threshold		
		Res, Rec	~~GRITZ~~ RTZ, ***{ULS cl.16}*** ONF, HNCC, ONCC, NCC, SNL, ONL	All other zones
i.	Height when attached to buildings (including necessary support structures) (see Figure 5.5Y)	2m above the section of the building to which the structure is attached	2m above the section of the building to which the structure is attached	5m above the section of the building to which the structure is attached
ii.	Height when attached to existing poles and masts	5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5Z)		
iii.	Diameter of head arrays	The relevant threshold stated in Rule 5.5.A.6.a above applies.		
iv.	Diameter of dish antenna	The relevant threshold stated in Rule 5.5.A.6.b above applies.		
v.	~~Cross sectional area of antennas~~ Maximum area of largest antenna face (excluding dish antennas) ***{NU 576.46}***	The relevant threshold stated in Rule 5.5.A.6.c above applies		

c. Except:

i. any lightning rods attached to network utility structures are exempt from these thresholds

ii. dish antennas in the Dunedin International Airport Zone ***{NU cl.16}***, industrial zones, and Port Zone are exempt from these thresholds

iii. network utility structures in the Dunedin International Airport Zone ***{NU cl.16}*** and Port Zone have no maximum height

iv. wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds ***{NU 308.122 and 743.17}***

v. ~~for additions provided for under the NESTF, the maximum height only applies in SNL, ONF, ONL, NCC, HNCC, and ONCC overlay zones~~ ***{NU cl.16[1]}***

d. Network utility structures that exceed these thresholds are treated as network utility structures – large scale.

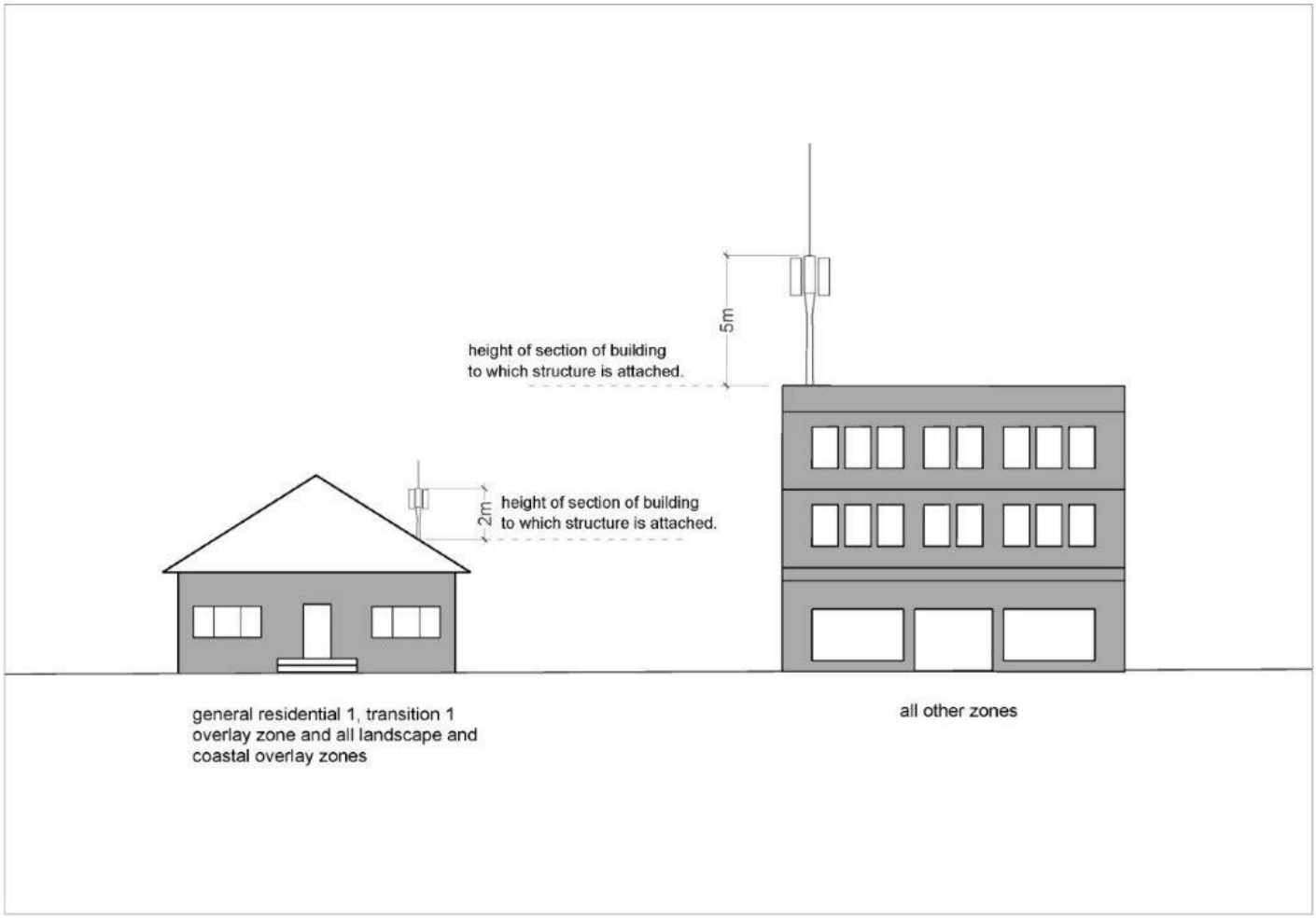
[1] **NU cl.16:** Clarification of the relationship between Plan provisions and the NESTF 2016 has been transferred from the rule to a note to plan users (Note 5.5Z). This does not change the effect of provisions.

Note 5.5.A.8A - Other requirements outside of the District Plan *{NU cl.16}*

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.A.8 that are more restrictive than the NESTF, except in ONF, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.
2. Under Regulations 26, 27, 30, 31, 32 and 33 of the NESTF 2016, once an antenna is established on a new pole, it may be upgraded to a larger structure as a permitted activity. These regulations set out the permitted scale (height, pole width and headframe width) of upgrades in different environments.

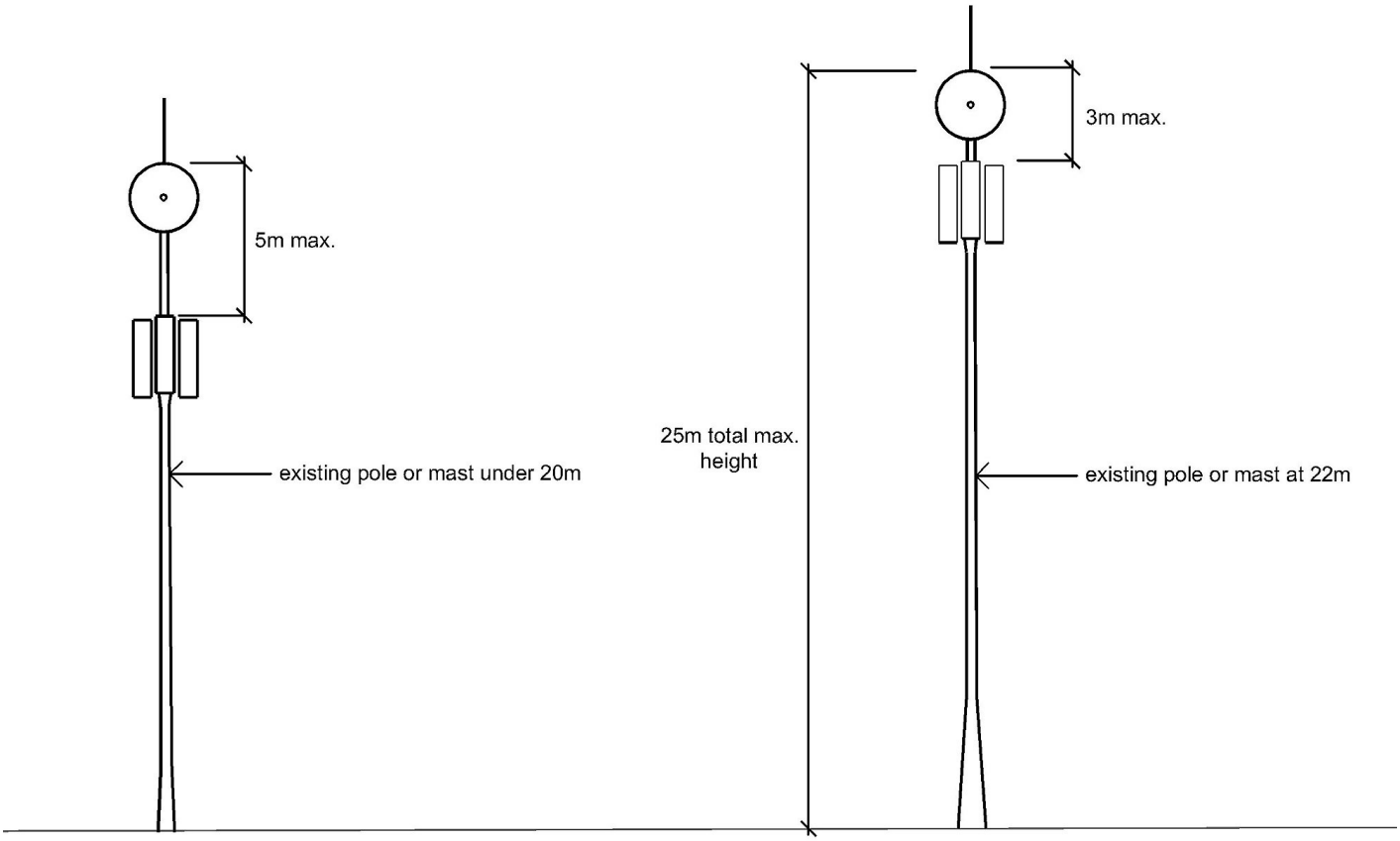
Figure 5.5Y: Height of utilities attached to buildings ***{NU cl.16[1]}***

[1] **NU cl.16:** Figure has been moved from Rule 5.5.8 and corrected so that it accurately illustrates Rule 5.5.A.8.b.i



5.5Z: Height of utilities attached to existing poles or masts ***{NU cl.16[1]}***

[1] **NU cl.16:** Figure has moved from Rule 5.5.8



5.5.B Maximum Volume in Pedestrian Street Frontage mapped areas, Heritage Precincts and Scheduled Heritage Sites {Confirmed to replace 5.5.7.1.a.iii.2 and 5.5.8.5.b.i - NU 457.20[1]}

1. In **primary** and **secondary pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites, the maximum ~~scale~~ volume ***{NU 457.20}*** of freestanding network utility structures - small scale that are visible from an adjoining public place is ~~0.5m² in area and 0.5m in height~~ 0.5m³. ***{NU 457.20}***
2. Network utility structures - small scale that contravene this performance standard are restricted discretionary activities. ***{NU 457.20}***

[1] **NU 457.20:** Rule 5.5.B has been separated out from notified rules 5.5.7 and 5.5.8, in response to NU 457.20. This is to allow for more enabling provisions to apply to contraventions of this standards (as compared to contraventions of Rule 5.5.A).

Note 5.5.BA - Other requirements outside of the District Plan ***{NU cl.16}***

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.B in **primary** and **secondary pedestrian street frontage mapped areas**.

5.5.C Clearance from Navigable Water Body {Confirmed to replace 5.5.8.6 - NU cl.16[1]}

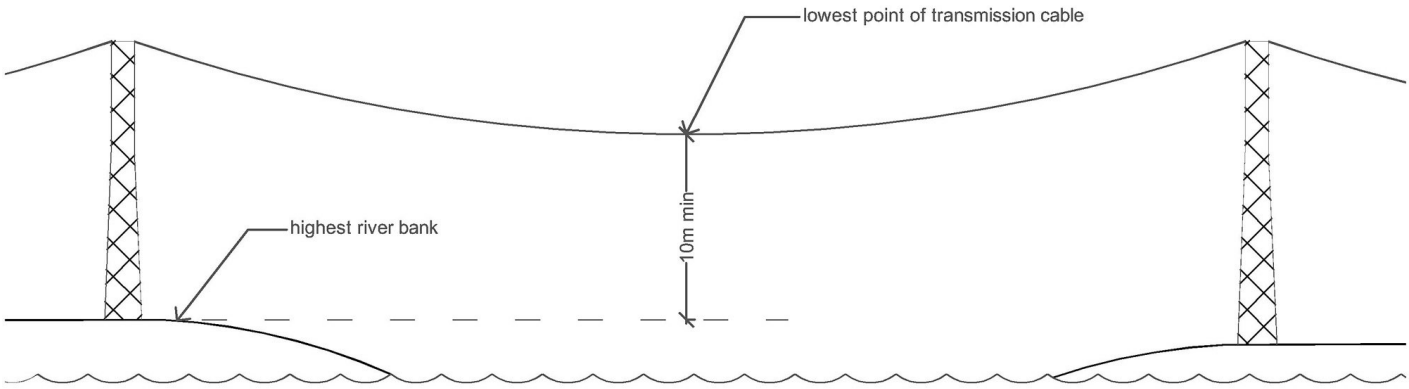
a. Network utility structures – small scale that cross navigable water bodies must maintain a minimum clearance of 10m between the lowest point of any lines and the highest point of either river bank (see Figure 5.5E), except:
   i. this standard does not apply in the case of lines attached to any existing bridge or structure crossing a navigable water body, where the existing freeboard height above the waterway is not reduced. ***{NU 322.24}***

b. Network utility structures – small scale that contravene this performance standard are non-complying activities.

[1] **NU cl.16:** New Rule 5.5.C was notified as Rule 5.5.8.6. Where there has been no change to the effect of the rule, plain text is used. Where the rule has been amended in response to submissions, this is shown in the usual way.

Figure 5.5X: Height above navigable water body ***{NU cl.16[1]}***

[1] **NU cl.16:** Figure has moved from Rule 5.5.8



5.5.9 Noise

All network utility activities must comply with Rule 9.3.6.

5.5.10 On-site Energy Generation Design Standards {Confirmed to be replaced by 5.5.A.3-5, 5.5.D and 5.5.12.A - NU cl.16[1]}

[1] **NU cl.16:** The content of Rule 5.5.10 has been moved to new rules 5.5.A.3-5, 5.5.D and 5.5.12.A, except that Rule 5.5.10.4 has been deleted in response to submissions.

~~5.5.10.1 Number and design of wind turbines~~

a. ~~Wind turbines must not use lattice towers.~~
b. ~~The maximum number of wind turbines per site is two in the rural zones, and one in all other zones.~~
c. ~~The maximum height of wind turbines is:~~
    i. ~~in the rural and rural residential zones, 20m;~~
    ii. ~~in all other zones, 2m above the maximum height of the zone in which the wind turbine is located~~
d. ~~Wind turbines must be set back from road and site boundaries a distance equal to the height of the structure.~~

~~5.5.10.2 Solar panel design standards~~

a. ~~The maximum area of solar panels is 200m².~~
b. ~~In zones where site coverage standards exist, solar panels which are ground mounted must also comply with these standards.~~

~~5.5.10.3 Hydro generator design standards~~

a. ~~The maximum surface area of stored water is 100m².~~
b. ~~The maximum height of a weir or dam is 1m.~~
c. ~~The maximum installed capacity of a hydro generator is 500kW.~~

~~5.5.10.4 Biomass energy generators - design standards~~ ***{NU 308.137}***

~~Biomass energy generators - on-site energy generation must comply with the development standards of the zone in which they are located.~~ ***{NU 308.137}***

5.5.11 Reflectivity {Confirmed to be replaced by 5.5.D.4 - NU 743.17[1]}

~~Wind generators - on-site energy generation in any landscape or natural coastal character overlay zone must comply with Rule 10.3.6.~~ ***{NU 743.17}***

[1] **NU 743.17:** Rule 5.5.11 has been replaced by new Rule 5.5.D.4. The effect of this rule has been amended in response to submissions.

5.5.D Design Standards for Wind Generators {Confirmed to replace 5.5.10 and 5.5.11 - NU cl.16[1]}

1. Wind generators – small scale must not use lattice towers.
2. In the CBD Zone, centres zones, WP, PPH, SSYP and HE zones, residential zones and the Recreation Zone, wind generators – small scale must be attached to rooftops. ***{NU 743.53}***
3. For freestanding wind generators – small scale, the maximum diameter of the mast is 600mm. ***{NU743.17}***
4. All exterior surfaces of wind generators – small scale ~~in any landscape or natural coastal character overlay zone~~ ***{NU 743.17}*** must have a light reflectance value (LRV) of 30% or less.
5. Rooftop wind generators must comply with the height in relation to boundary rule that applies to buildings and structures in the zone in which the wind generator is located, except in the Rural, Rural Residential and Industrial zones. ***{NU 743.53}***
6. Wind generators – small scale that contravene these standards are restricted discretionary activities.

[1] **NU cl.16:** New Rule 5.5.D was notified as rules 5.5.10 and 5.5.11. Where there has been no change to the effect of the rule, plain text is used. Where the rule has been amended in response to submissions, this is shown in the usual way.

5.5.E Site Coverage {Confirmed to replace 5.5.10.2.b - NU cl.16[1]}

1. Solar panels – small scale that are ground mounted must comply with any site coverage standards for the zone in which they are located.
2. Solar panels – small scale that contravene this standard are restricted discretionary activities.

[1] **NU cl.16:** New Rule 5.5.E was notified as Rule 5.5.10.2. There is no change to the effect of the rule.

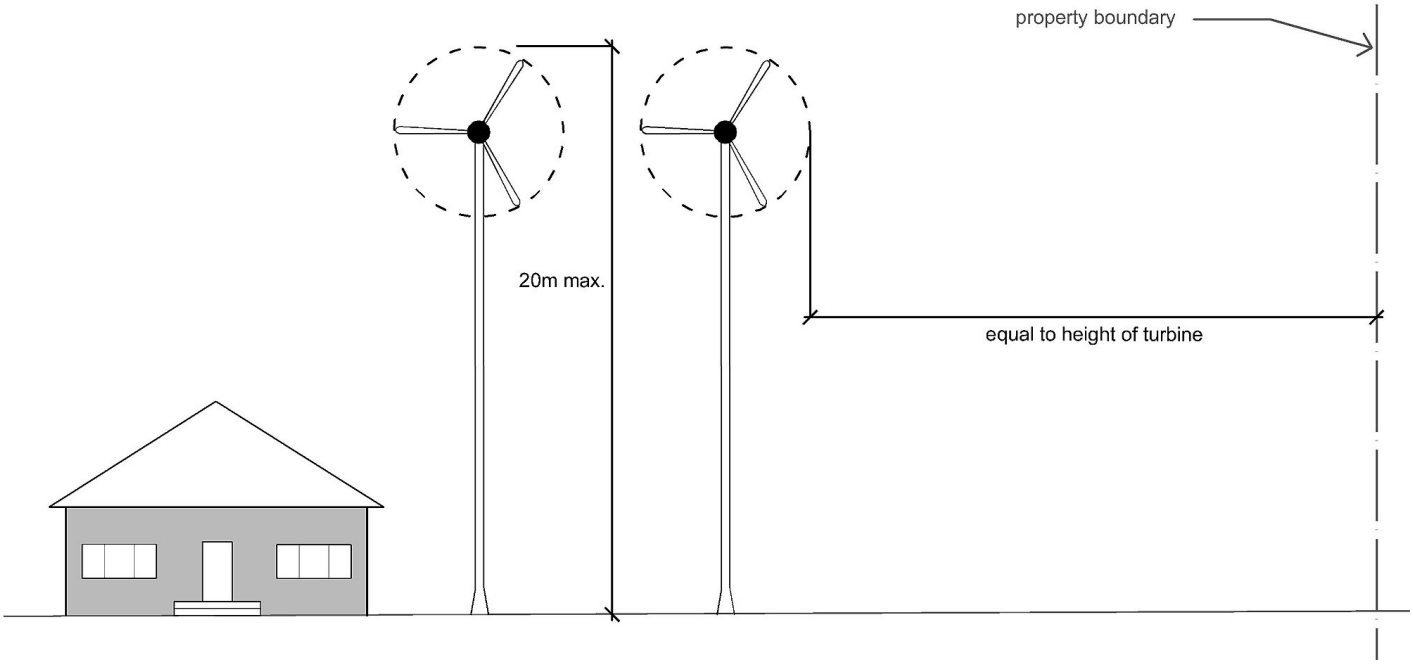
5.5.12 Setbacks

~~5.5.12.1 Boundary Setbacks~~ ***{NU 308.122}***

~~Wind generators - community scale must set back all structures from road and site boundaries a distance equal to the height of the structure.~~

~~Note: Boundary setbacks for wind generators - on-site energy generation are managed through Rule 5.5.10.1~~.

~~**Fig 5.5F: Wind generators setback from boundary**~~ ***{NU 308.122}***



5.5.12.A Setbacks for wind generators ***{NU cl.16}***

a. Setbacks in industrial zones

Activity		1. Minimum setback from boundaries of any Residential, Recreation or CMU Zone (excluding the Trade Related Zone and the CBD Edge Commercial zones) ***{NU 743.53}***	2. Minimum setback from road and site boundaries
i.	Wind generators – small scale with a rotor diameter less than or equal to 1.5m	N/A	A distance equal to the height of the structure
ii.	Wind generators – small scale with a rotor diameter exceeding 1.5m ***{NU 743.53}***	100m ***{NU 743.53}***	A distance equal to the height of the structure

b. Setbacks in rural and rural residential zones

~~Wind turbines must be set back from road or site boundaries a distance equal to the height of the structure~~ ***{NU 743.17}***

i. Wind generators – small scale with a rotor diameter less than or equal to 4m, and with a height less than or equal to 15m, must be set back at least 50m from any road or property boundary; and ***{NU 743.17}***

ii. Wind generators – small scale with a rotor diameter exceeding 4m, and/or with a height exceeding 15m, must be set back at least 100m from any road or property boundary. ***{NU 743.17}***

c. Setbacks in commercial and mixed use and major facility zones

Free standing ***{NU 308.122}*** wind generators – small scale in the Trade Related Zone, the CBD Edge Commercial zones and all major facility zones must have a minimum setback as follows:

Location		Setback distance
i.	From site boundaries	Equal to the height of the structure above ground level
ii. ***{NU 394.69}***	From any residential building on a separate site	Equal to three times the height of the structure above ground level

d. Wind generators - small scale that contravene this performance standard are restricted discretionary activities.***{PO cl.16}***

[1] **NU cl.16:** New Rule 5.5.12.A was notified as Rule 5.5.10.1.d. The rule has been significantly expanded in response to submissions.

5.5.12.2 Setback from coast and water bodies

Network utility ~~utilities~~ ***{NU cl.16}*** activities must comply with Rule 10.3.3.

~~5.5.12.3 Setback from ridgeline~~ ***{RU 874.41 and others}***

~~Network utilities structures (all scales) and network utilities poles and masts - small scale must comply with Rule 16.6.11.4.~~ ***{RU 874.41 and others}***

5.5.12.4 Setback from scheduled tree

Network utility ~~utilities~~ ***{NU cl.16}*** activities must comply with Rule 7.5.2.

5.5.13 Technical Standards

1. The maximum voltage of overground electricity lines and any associated network utilities is 110kV, or the voltage of existing lines on existing support structures, whichever is greater.
2. The maximum gauge pressure of network utilities for energy transformation, transmission or distribution, including pipes and new underground gas pressure regulating stations is 2000 kilopascals.
3. Activities that contravene the performance standard for maximum gauge pressure are non-complying activities.

5.5.F Maximum Height {NU 308.137}

1. Any external protrusions, such as vents and chimneys, associated with underground or internal network utilities are subject to the maximum height performance standard for the zone in which the utility is located, and for the purposes of that standard are considered rooftop structures.
2. Activities that contravene this performance standard are restricted discretionary activities.***{PO cl.16}***

Rule 5.6 Setbacks from National Grid and Network Utilities

5.6.1 Setback from National Grid

5.6.1.1 Setback from ~~n~~National ~~g~~Grid ***{NU cl.16}*** ~~(sensitive activities, buildings and structures)~~ (buildings and structures, city-wide activities and National Grid sensitive activities) ***{NU cl.16[1]}***

a. ~~Sensitive activities, new buildings to be used for sensitive activities, additions and alterations to buildings used for sensitive activities, must be set back at least 12m from national grid transmission lines, and national grid substations (see **Figure 5.6A**), except: *{NU 806.11}*~~
   i. ~~additions or alterations that do not increase either the building height or footprint. *{NU 806.11}*~~

b. ~~Other buildings and structures, above-ground network utilities activities, public play equipment, and freestanding flagpoles must be set back at least 10m from any point of a national grid transmission line, except: *{NU 806.11}*~~
   i. ~~network utilities activities within the road reserve or associated with the operation of the national grid; *{NU 806.11}*~~

c. ~~Buildings, structures and above-ground network utilities activities must be set back 12m from a national grid support structure, except fences with a maximum height of 2.5m must be set back 5m from a national grid support structure. *{NU 806.11}*~~

d. ~~All buildings and structures must maintain a minimum vertical clearance of 10m below the lowest point of the national grid transmission line. *{NU 806.11}*~~

e. ~~Activities that contravene the setback from national grid (sensitive activities, buildings and structures) are non-complying activities. *{NU 806.11}*~~

a. Buildings, structures, additions and alterations, public amenities, underground or internal network utilities (except where located within an existing building or structure), network utility structures - small scale, network utility structures – large scale, standby or temporary energy generators and National Grid sensitive activities must be set back at least: ***{NU 806.11}***
   i. 12m from the outside edge of a National Grid support structure foundation or from the boundary of a National Grid substation; and ***{NU 806.11}***
   ii. 12m from the centre line of any point of a National Grid transmission line; ***{NU 806.11}***

b. The following activities are exempt from this standard, provided either that they meet the requirements of NZECP 34:2001 (where the prior written consent of the electricity infrastructure owner is not needed to meet those requirements), or that there is a minimum vertical clearance of 10m between the lowest point of the National Grid conductor and the highest point of any structure: ***{NU 806.11}***
   i. network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes); ***{NU 576.54}***
   ii. fences not more than 2.5m in height and located at least 5m from a National Grid support structure; ***{NU 806.11}***
   iii. artificial crop protection and crop support structures not more than 2.5m in height and located at least 8m from a National Grid pole support structure (but not a tower), provided that such structures: ***{NU 1090.21}***
      1. are removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes, and ***{NU 1090.21}***
      2. allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; ***{NU 1090.21}***

iv. farming or horticultural buildings that are not used for intensive farming, milking/dairy sheds, produce packing facilities or commercial greenhouses and that are not residential buildings (exempt from Rule 5.6.1.1.a.ii only); ***{NU 806.11}***

v. structures associated with irrigation or the supply of stockwater, including the reticulation and storage of water, provided that they do not permanently obstruct existing vehicular access to a National Grid support structure (exempt from Rule 5.6.1.1.a.ii only) ***{NU 576.54}***

vi. in residential zones, buildings that are not residential buildings and that are less than 10m² in area and under 2.5m in height (exempt from Rule 5.6.1.1.a.ii only). ***{NU 806.11}***

c. Activities that contravene these standards are non-complying activities. ***{NU 806.11}***

[1] **NU cl.16:** The title of this rule has been amended to more accurately reflect its content. This does not change the effect of the rule.

5.6.1.2 Setback from ~~national grid~~ National Grid ***{NU cl.16}*** (earthworks)

a. ~~Earthworks within 12m of a national grid support structure or transmission line must:~~
   i. ~~be no greater than 300mm in depth;~~
   ii. ~~not compromise the stability of any national grid support structure; and~~
   iii. ~~not breach the ground to conductor clearance distances required by Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) as follows:~~
   ~~Table 5.6A: Ground to conductor clearance distances~~

~~Circuit voltage~~		~~Vertical distance to ground~~			~~Radial distance~~
		~~a. Across or along roads or driveways~~	~~b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways~~	~~c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. topography)~~	~~d. In any direction other than vertical on all land~~
~~1.~~	~~Not exceeding 1 kV and insulated~~	~~5.5m~~	~~4.0m~~	~~2.7m~~	~~2.0m~~
~~2.~~	~~Not exceeding 1 kV~~	~~5.5m~~	~~5.0m~~	~~4.5m~~	~~2.0m~~
~~3.~~	~~Exceeding 1 kV but not exceeding 33 kV~~	~~6.5m~~	~~5.5m~~	~~4.5m~~	~~2.0m~~
~~4.~~	~~Exceeding 33 kV but not exceeding 110 kV~~	~~6.5m~~	~~6.5m~~	~~5.5m~~	~~3.0m~~

~~Circuit voltage~~		~~Vertical distance to ground~~			~~Radial distance~~
		~~a. Across or along roads or driveways~~	~~b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways~~	~~c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. topography)~~	~~d. In any direction other than vertical on all land~~
~~5.~~	~~Exceeding 110 kV but not exceeding 220 kV~~	~~7.5m~~	~~7.5m~~	~~6.0m~~	~~4.5m~~
~~6.~~	~~Exceeding 220 kV a.c. or d.c.~~	~~8.0m~~	~~8.0m~~	~~6.5m~~	~~5.0m~~

b. ~~Except the following are exempt from 5.6.1.2.a.i:~~
   i. ~~earthworks for the repair, sealing or resealing of a road, footpath, driveway or farm track;~~
   ii. ~~earthworks which result in vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a national grid support structure or stay wire;~~
   iii. ~~earthworks ancillary to network utilities activities; and~~
   iv. ~~earthworks ancillary to the operation, repair, and maintenance of the roading network~~

a. The maximum depth of earthworks within 12m of the outer edge of a foundation of a National Grid support structure is 300mm, except that the following earthworks are exempt from this standard: ***{NU 806.11}***
   i. earthworks ancillary to the operation, repair, and maintenance of the roading network; ***{NU 806.11}***
   ii. earthworks for the repair, sealing or resealing of a driveway or vehicle track; ***{NU 806.11}***
   iii. earthworks that result in vertical holes less than 500mm in diameter, provided that the earthworks are located more than 1.5m from the outer edge of a National Grid pole or stay wire (this exemption does not apply to earthworks within 12m of the outer edge of National Grid towers); ***{NU 806.11}***
   iv. earthworks associated with post holes for the erection of farm fences or horticulture structures, provided that the earthworks are located at least 5m from the outer edge of a National Grid support structure ***{NU 806.11}***
   v. earthworks ancillary to a network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes) and associated access tracks, provided that the activity is undertaken in accordance with NZECP 34:2001; ***{NU 806.11}***
   vi. earthworks that are part of cultivation. ***{NU 806.11}***

b. Activities that contravene this performance standard are restricted discretionary activities.***{PO cl.16}***

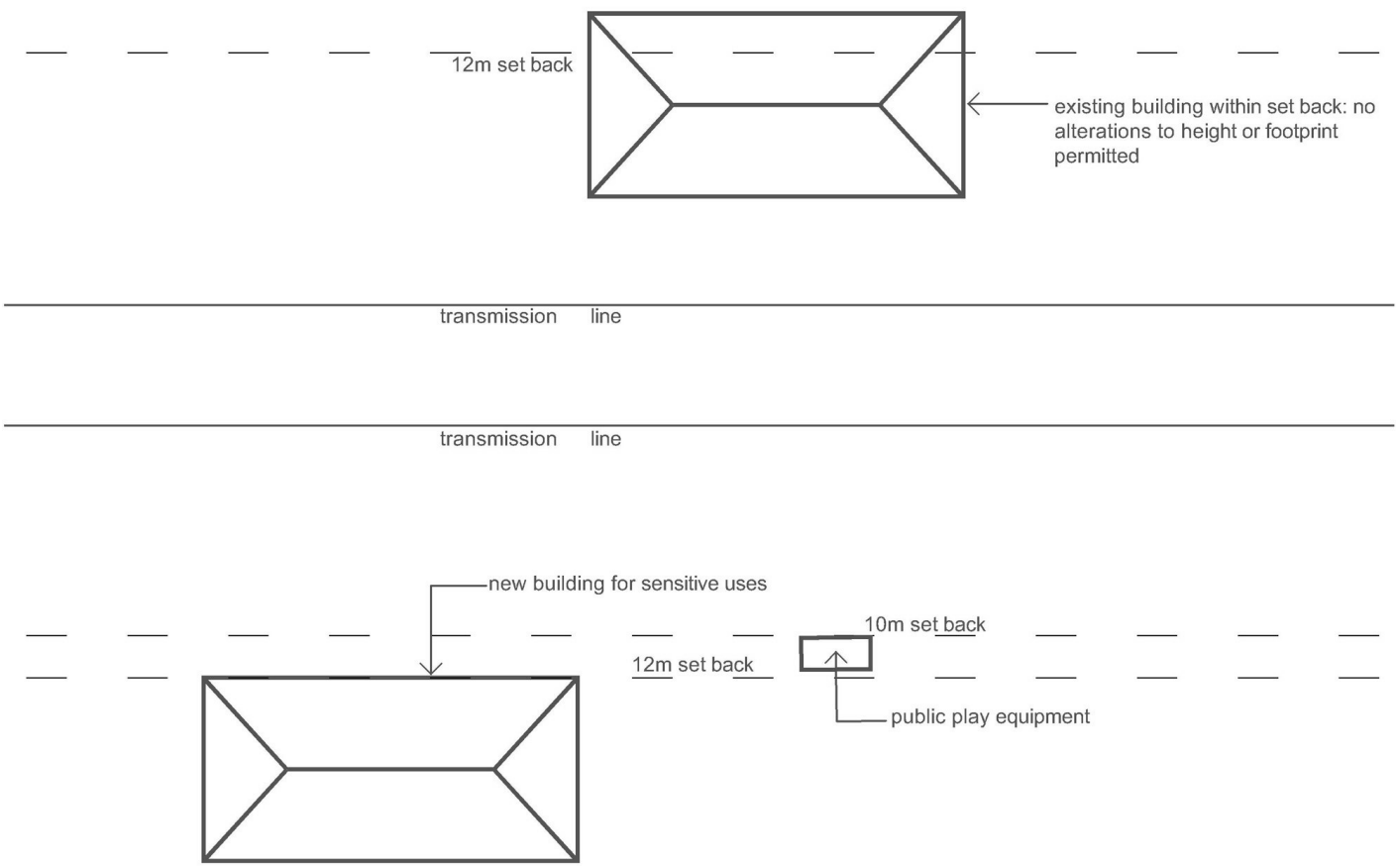
Note 5.6.1A – Other requirements outside of the District Plan *{NU 806.11}*

1. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to transmission lines. Compliance with this code is mandatory.

Compliance with this plan does not ensure compliance with NZECP 34:2001.

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

Figure 5.6A: National ~~g~~Grid setbacks (to be deleted; *{NU 806.11}*)



5.6.2 Setback from Network Utilities

a. Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network ~~utilities~~ utility ***{NU cl.16}*** structures, except:
   i. earthworks within 12m of a ~~n~~National ~~g~~Grid ~~transmission line or~~ ***{NU 806.11}*** support structure, which are managed through Rule 5.6.1;
   ii. earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities ***{NU 576.9}***; and
   iii. earthworks ancillary to the operation, repair, and maintenance of the roading network.

b. Activities that contravene this performance standard are restricted discretionary activities.***{PO cl.16}***

Rule 5.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 5.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 5.7.2 - ~~5.7.3~~ 5.7.5 ***{NU cl.16}***:
   a. list the matters Council will restrict its discretion to; and
   b. provide guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 5.7.2 and 5.7.3 apply to network ~~utilities~~ utility activities performance standards generally ***{NU cl.16}***; Rule 5.7.4 applies to performance standards for setbacks ***{NU cl.16}*** from the National Grid ~~national grid~~ ***{NU cl.16}*** and network utilities. Rule 5.7.5 contains additional provisions that apply to network utility activities performance standards in overlay zones and mapped areas and on scheduled items. ***{NU cl.16[1]}***

[1] **NU cl.16:** New Rule 5.7.5 provides cross references to relevant assessment rules in other Plan sections. This does not change the effect of provisions.

5.7.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All performance standards contraventions	*Potential circumstances that may support a consent application include:* a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a performance standard would improve the design of the network utilities structure in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. ~~*General assessment guidance:*~~ ***{NU 576.58}*** e. ~~Whether breaching the performance standard is essential to establish or maintain an essential network utility service.~~ ***{NU 576.58}*** f. ~~The potential benefits of the proposed utility particularly;~~ ***{NU 576.58}*** i. ~~contributions to national energy objectives or renewable energy generation targets~~ ***{NU 576.58}***

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
A.	All performance standard contraventions ***{NU 576.58}***	a. Benefits of network utility activities ***{NU 576.58}***	*Relevant objectives and policies:* ***{NU 576.58}*** i. Objectives 2.2.2, ***{NU 764.1}*** 2.3.1, ***{NU 918.22}*** 5.2.1 ***{NU 576.58}*** ii. Policies 2.3.1.7 ***{NU 918.22}***, 2.2.2.3 ***{NU 764.1}*** iii. Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) ***{NU 457.192}*** iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) ***{NU 308.122}*** *General assessment guidance:* ***{NU 576.58}*** In assessing the effects of the proposed activity, Council will consider: ***{NU 576.58}*** v. The potential benefits of the proposed activity, particularly: ***{NU 576.58}*** 1. contributions to national energy objectives or renewable energy generation targets; ***{NU 576.58}*** 2. the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and ***{NU 764.1}*** 3. the benefits of having a distributed network for greater energy resilience. ***{NU 764.1}*** *Potential circumstances which may support a consent application include:* ***{NU 576.58}*** vi. The proposed activity is essential to establish or maintain a network utility service. ***{NU 576.58}***

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		b. Technical and operational constraints of network utility activities ***{NU 576.58}***	*Relevant objectives and policies:* ***{NU 576.58}*** i. Objectives 2.2.2, ***{NU 764.1}*** 2.3.1, ***{NU 918.22}*** 5.2.1 ***{NU 576.58}*** ii. Policies 2.3.1.7 ***{NU 918.22}***, 2.2.2.3 ***{NU 764.1}*** iii. Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) ***{NU 457.192}*** iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) ***{NU 308.122}*** *General assessment guidance:* ***{NU 576.58}*** In assessing the effects of the proposed activity, Council will consider: ***{NU 576.58}*** v. The constraints imposed on size, design and location by the technical and operational requirements of the network utility. ***{NU 576.58}***
~~1.~~ ***{NU cl.16[1]}***	~~Amateur radio standards~~	~~a. Effects on character and amenity of zone~~	~~*Relevant objectives and policies:*~~ ~~i. Objective 5.2.1~~ ~~ii. Network utility structures are of a scale, size, design and location that enables the provision of amateur radio configurations while:~~ ~~1. minimising, as far as practicable, adverse effects on the amenity and character of the zone~~ ~~*Potential circumstances which may support a consent application include:*~~ ~~iii. Breach of the performance standard is essential to establish or maintain effective functioning of amateur radio configurations.~~

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~2.~~ ***{NU 308.122}***	~~Boundary setbacks (wind generators)~~	~~a. Effects on character and amenity of zone~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Network utility structures are of a location that enables the provision of network utilities while minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5.a)~~
		b. ~~Effects on health and safety~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Network utility structures are located, designed and operated in a way that ensures any risk to health and safety is no more than minor (Policy 5.2.1.7).~~ ~~*Potential circumstances which may support a consent application include:*~~ iii. ~~There is no risk that wind turbines may collapse and damage buildings and pose a risk to the health and safety of people.~~
~~3.~~ ***{NU 457.169 and others}***	~~Buildings and structures located on or above footpath~~	~~a. Effects on safety and efficiency of the transport network~~	~~See Rule 6.9~~
		~~b. Effects on health and safety~~	~~See Rule 9.4~~
~~4.~~ ***{NU 308.122 and 743.17}***	~~Energy resource investigation standards~~	~~a. Effects on amenity~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Energy resource investigation devices are designed, operated and located in a way that minimises, as far as practicable, any adverse effects on amenity (Policy 5.2.1.6).~~ ~~*Potential circumstances which may support a consent application include:*~~ iii. ~~The natural landforms of topography (e.g. cliffs, tall trees on-site or on adjacent sites or reserves) provide a backdrop to the device.~~

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Location	a. Effects on character and amenity of ~~surrounding~~ the ***{NU cl.16}*** zone~~s~~ ***{NU cl.16}***	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are ~~of a location that~~ designed and located to enable~~s~~ ***{NU cl.16}*** the provision of network utilities while~~:~~ avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.5) ***{NU 906.7}*** 1. ~~minimising, as far as practicable, adverse effects on the amenity and character of the zone; and~~ ***{NU 906.7}*** 2. ~~maintaining a high level of pedestrian amenity in pedestrian street frontages (Policy 5.2.1.5).~~ ***{NU cl.16}*** [3] *Potential circumstances which may support a consent application include:* iii. ~~Alternative siting has been considered which would provide the same service without detracting from the streetscape profile or pedestrian accessibility.~~ Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons ***{NU 576.58}*** iv. Ground conditions, topography, or other site constraints make placing pipes underground impracticable.
~~6.~~ ***{NU cl.16[2]}***	~~Location **in a heritage precinct** {NU cl.16}~~	~~a. Effects on heritage streetscape character~~ ***{NU cl.16}***	
~~7.~~ ***{NU cl.16[2]}***	~~Location **in a pedestrian street frontage** {NU cl.16}~~	~~a. Effects on pedestrian amenity~~ ***{NU cl.16}***	

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~8.~~ ***{NU 308.122}***	~~On-site energy generation design standards~~	~~a. Effects on character and amenity of zone~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Network utilities structures are of a scale, size, design and location that enables the provision of network utilities while minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5).~~ ~~*Potential circumstances which may support a consent application include:*~~ iii. ~~Due to the location of on-site energy generation structures within the site. , effects on rural character and visual amenity outside of the site will not be significant.~~ iv. ~~Natural landforms of topography (e.g. cliffs, tall trees on-site or on adjacent sites or reserves) provide a backdrop to the device so increase in contravention has no or only minor effects.~~ v. ~~Sunlight admission to the footpath and street is maintained.~~ vi. ~~The device is consistent with the height of the surrounding properties.~~
~~9.~~ ***{NU 743.17}***	~~In the **ONL** or **SNL overlay zones**:~~ • ~~Reflectivity~~	~~a. Effects on landscape~~	~~See Rule 10.4~~
~~10.~~ ***{NU 743.17}***	~~In the **NCC Overlay Zone**:~~ • ~~Reflectivity~~	~~a. Effects on natural character of the coast~~	~~See Rule 10.4~~
11.	Setback from coast and water bodies	a. Effects on biodiversity values ***{NatEnv 958.60}*** and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~12.~~ ***{NU cl.16[6]}***	~~Setback from national grid (earthworks)~~	~~a. Effects on health and safety~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Earthworks are set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people is avoided (Policy 5.2.1.3)~~ iii. ~~Earthworks do not create a risk of electrical hazard which affects public or individual safety or property.~~
		~~b. Effects on efficient and effective operation of network utilities~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Development is designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensures any adverse effects are insignificant (Policy 5.2.1.2).~~ iii. ~~Earthworks do not compromise the structural integrity of the national grid, or the ability to gain access to national grid infrastructure for maintenance.~~
~~13.~~ ***{NU cl.16[7]}***	~~Setback from network utilities (earthworks)~~	~~a. Effects on health and safety~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Earthworks, excluding earthworks ancillary utilities, are set back from network utilities an adequate distance to avoid adverse effects on the health and safety of people (Policy 5.2.1.9.c).~~
		~~b. Effects on efficient and effective operation of network utilities~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Earthworks are set back from network utilities an adequate distance to avoid adverse effects on:~~ 1. ~~damage to existing network utilities (Policy 5.2.1.9.a); and~~ 2. ~~obstruction of access to existing underground network utilities (Policy 5.2.1.9.b).~~ ~~*Potential circumstances which may support a consent application include:*~~ iii. ~~The network utility owner or operator has provided written approval for the proposed earthworks.~~ iv. ~~Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.~~

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~14.~~ ***{RU 874.41 and others}***	~~Setback from ridgeline~~	~~a. Effects on rural character and visual amenity~~	~~See Rule 16.9~~
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Technical standards	a. Effects on health and safety	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.1 ii. Network ~~utilities structures~~ utility activities ***{NU cl.16}*** are located, designed and operated to ensure any risk to health and safety is ~~no more than minor~~ avoided or minimised as far as practicable ***{NU 918.27}*** (Policy 5.2.1.7) *Potential circumstances which may support a consent application include:* iii. ~~Breach~~ Contravention ***{NU cl.16}*** of the performance standard does not result in a safety risk.
18. ***{NU cl.16$_4$}***	• Design standards for wind generators • Setbacks for wind generators	a. Effects on character and amenity of zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while ~~minimising, as far as practicable~~ avoiding or, where avoidance is not practicable, adequately mitigating ***{NU 906.7}*** adverse effects on the amenity and character of the zone (Policy 5.2.1.5). *Potential circumstances which may support a consent application include:* iii. The visibility of wind generators outside the site is limited by their location within the site, or by vegetation, existing buildings and structures, natural landforms or topography. iv. The scale or design is consistent or compatible with surrounding buildings or structures.
19. ***{NU cl.16$_5$}***	Site coverage	a. Effects on character and amenity of zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while ~~minimising, as far as practicable~~ avoiding or, where avoidance is not practicable, adequately mitigating ***{NU 906.7}*** adverse effects on the amenity and character of the zone (Policy 5.2.1.5).

5.7.3 Assessment of performance standard contraventions (network ~~utilities~~ utility *{NU cl.16}* activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
20.	Maximum height (underground or internal network utilities) ***{NU 308.137}***	a. Effects on character and amenity of zone ***{NU 308.137}***	*Relevant objectives and policies:* ***{NU 308.137}*** i. Objective 5.2.1 ***{NU 308.137}*** ii. Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.5). ***{NU 308.137}***

[1] **NU cl.16:** Deletion of this rule is required due to the reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
[2] **NU cl.16:** Deletion of this rule is required due to creation of separate table (Rule 5.7.5) for effects assessed via assessment rules in other sections of the Plan. This does not change the effect of provisions.
[3] **NU cl.16:** Policy 5.2.1.5 has been amended to remove reference to effects on pedestrian amenity. Management of this type of effect has moved to Policy 18.2.3.13. This does not change the effect of provisions.
[4] **NU cl.16:** New assessment rule needed due to reformatting of associated performance standards. The content of this rule reflects that of notified Rule 5.7.3.8, but with amendments for brevity and clarity. This does not change the effect of provisions.
[5] **NU cl.16:** New assessment rule needed due to reformatting of associated performance standards. This does not change the effect of provisions.
[6] **NU cl.16:** Rule 5.7.3.12 has been deleted because it duplicates Rule 5.7.4.1. This does not change the effect of provisions.
[7] **NU cl.16:** Rule 5.7.3.13 has been deleted because it duplicates Rule 5.7.4.2. This does not change the effect of provisions.

5.7.4 Assessment of performance standard contraventions (setbacks from ~~n~~National ~~g~~Grid and network utilities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Setback from ~~n~~National ~~g~~Grid (earthworks)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objectives ~~5.2.1~~ 5.2.2 ***{NU 918.29}*** ii. ~~Earthworks are set back an adequate distance from the national grid to ensure that adverse~~ Adverse ***{NU cl.16}*** effects on the health and safety of people are avoided (Policy ~~5.2.1.3~~ 5.2.2.2.a ***{NU 918.29}***) *General assessment guidance:* ***{NU806.11}*** iii. Council will generally refuse consent if earthworks do not comply with Section 2 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). ***{NU806.11}*** *Potential circumstances that may support a consent application include:* iv. Earthworks do not create a risk of electrical hazard which affects public or individual safety or property.
		b. Effects on efficient and effective operation of network utilities	*Relevant objectives and policies:* i. Objectives ~~5.2.1~~ 5.2.2 ***{NU 918.29}*** ii. ~~Development is designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensures any adverse effects are insignificant (Policy 5.2.1.2).~~ Adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant (Policy 5.2.2.2.b) ***{NU806.11}*** *Potential circumstances that may support a consent application include:* ***{NU cl.16}*** iii. Earthworks do not compromise the structural integrity of the ~~n~~National ~~g~~Grid, or the ability to gain access to ~~n~~National ~~g~~Grid infrastructure for maintenance.

5.7.4 Assessment of performance standard contraventions (setbacks from ~~n~~National ~~g~~Grid and network utilities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Setback from network utilities (earthworks)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective~~s 5.2.1~~ 5.2.2 ***{NU 918.29}*** ii. Earthworks~~, excluding earthworks ancillary utilities,~~ ***{NU cl.16¹}*** are set back ~~from network utilities~~ ***{NU cl.16}*** an adequate distance from network utilities ***{NU cl.16}*** to avoid adverse effects on the health and safety of people (Policy ~~5.2.1.9.c~~ 5.2.2.1.c ***{NU 918.29)***.
		b. Effects on efficient and effective operation of network utilities	Relevant objectives and policies: i. Objective~~s 5.2.1~~ 5.2.2 ***{NU 918.29}*** ii. Earthworks are setback ~~from network utilities~~ ***{NU cl.16}*** an adequate distance from network utilities ***{NU cl.16}*** to avoid: ~~adverse effects on~~ ***{NU cl.16¹}*** 1. damage to existing network utilities (Policy ~~5.2.1.9.a~~ 5.2.2.1.a ***{NU 918.29}***); and 2. obstruction of access to existing underground network utilities (Policy ~~5.2.1.9.b~~ 5.2.2.1.b ***{NU 918.29}*).** Potential circumstances that may support a consent application include: iii. The network utility owner or operator has provided written approval for the proposed earthworks. iv. Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.

¹ NU cl.16: This amendment is required so that the assessment rule correctly paraphrases the policy. This does not change the effect of provisions.

5.7.5 Assessment of restricted discretionary performance standard contraventions located in an overlay zone or mapped area, or affecting a scheduled item *{NU cl.16}* [1]			
Activity ***{NU cl.16}***		Matters of discretion ***{NU cl.16}***	Guidance on the assessment of resource consents ***{NU cl.16}***
1. ***{NU cl.16}***	In a **primary** or **secondary pedestrian street frontage mapped area**: ***{NU cl.16}*** • Location (Rule 5.5.6.1.a) • Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites ***{NU 457.20}***	a. Effects on pedestrian amenity	See Rule 18.9
2. ***{NU cl.16}***	In a heritage precinct: • Location (Rule 5.5.6.1.b, Rule 5.5.6.4) • Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites ***{NU 457.20}***	a. Effects on heritage streetscape character	See Rule 13.5

5.7.5 Assessment of restricted discretionary performance standard contraventions located in an overlay zone or mapped area, or affecting a scheduled item *{NU cl.16}* [1]			
Activity ***{NU cl.16}***		Matters of discretion ***{NU cl.16}***	Guidance on the assessment of resource consents ***{NU cl.16}***
3. ***{NU cl.16}***	On a scheduled heritage site: • Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites ***{NU 457.20}***	a. Effects on heritage values	See Rule 13.5
4. ***{NU 576.9}***	In the NCC Overlay Zone: • Location (Rule 5.5.6.1.c)	a. Effects on natural character of the coast	See Rule 10.4

[1] **NU cl.16:** New table, to reflect formatting of other Plan sections. This table provides cross references to assessment rules in other Plan sections. This does not change the effect of provisions.

Rule 5.8 Assessment of Restricted Discretionary Activities

Rule 5.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 5.8.2 - 5.8.4~~4~~5 ***{NU 806.11}***:
   a. list the matters Council will restrict its discretion to; and
   b. provide guidance on how a consent application will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rule 5.8.2 applies to network utility activities generally; Rule 5.8.3 contains additional provisions that apply to network utility activities in overlay zones, mapped areas, heritage precincts, and on scheduled items; Rule 5.8.4 contains additional provisions that apply to subdivision activities in the **radio transmitters mapped area** ***{NU 918.25}***; Rule 5.8.5 contains additional provisions that apply to subdivision activities in the **National Grid Corridor mapped area** ***{NU806.11}***.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ ***{PO cl.16}*** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 5.7; and
      iv. the matters of discretion in this section will be assessed as indicated.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 5.9; and
      iii. the assessment guidance in this section will also be considered.
   c. if the contravention of the performance standard defaults to **non-complying** then:
      i. the activity, as a whole, will be **non-complying**; and
      ii. the performance standard contravention will be assessed as indicated in Section 5.10; and
      iii. the assessment guidance in this section will also be considered.

5.8.2 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	All restricted discretionary network utility activities ***{NU 576.58}***	a. Benefits of network utility activities ***{NU 576.58}***	*Relevant objectives and policies:* ***{NU 576.58}*** i. Objectives 2.2.2, ***{NU 764.1}*** 2.3.1, ***{NU 918.22}*** 5.2.1 ***{NU 576.58}*** ii. Policies 2.3.1.7, ***{NU 918.22}*** 2.2.2.3, ***{NU 764.1}*** 2.2.1.11 ***{NH 908.35}*** iii. Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) ***{NU 457.192}*** iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) ***{NU 308.122}*** *General assessment guidance* ***{NU 576.58}*** In assessing the effects of the proposed activity, Council will consider: ***{NU 576.58}*** v. The potential benefits of the proposed activity, particularly: ***{NU 576.58}*** 1. contributions to national energy objectives or renewable energy generation targets. ***{NU 576.58}*** 2. the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure ***{NU 764.1}*** 3. the benefits of having a distributed network for greater energy resilience ***{NU 764.1}.*** *Potential circumstances that may support a consent application include:* ***{NU 576.58}*** vi. The proposed activity is necessary to establish or maintain a network utility service. ***{NU 576.58}***

5.8.2 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Technical and operational constraints of network utility activities ***{NU 576.58}***	*Relevant objectives and policies:* ***{NU 576.58}*** i. Objectives 2.2.2, ***{NU 764.1}*** 2.3.1, ***{NU 918.22}*** 5.2.1 ***{NU 576.58}*** ii. Policies 2.3.1.7 ***{NU 918.22}***, 2.2.2.3 ***{NU 764.1}*** iii. Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) ***{NU 457.192}*** iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) ***{NU 308.122}*** *General assessment guidance:* ***{NU 576.58}*** In assessing the effects of the proposed activity, Council will consider: ***{NU 576.58}*** v. The constraints imposed on size, design and location by the technical and operational requirements of the network utility. ***{NU 576.58}***
~~1.~~ ***{NU cl.16[5]}***	• ~~Network utilities structures - large scale~~ ***{NU 764.1}***	~~a.~~ c. Effects on character and amenity of zone ***{NU cl. 16}***	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utilities are designed and located to avoid ~~any significant adverse effects, and minimise adverse effects, as far as practicable, including~~ or, if avoidance is not practicable, adequately mitigate ***{NU 457.14 and others}*** 1. adverse effects on visual amenity and the character of the zone in which the activity is located (Policy 5.2.1.11.a); ~~and~~ ***{NU cl.16}*** 2. ~~effects on the amenity of any surrounding residential activities. (Policy 5.2.1.11).~~ ***{NU cl.16[1]}*** *Potential circumstances that may support a consent application include:* iii. ~~Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby dwellings is maintained or any reduction is minor.~~ ***{NU 576.58}*** iv. Where practicable, the network utility is designed, located or screened to be unobtrusive. ***{NU 576.58}*** v. The same network utility poles or masts are to be used to support multiple network utilities. ***{NU 576.58}*** vi. ~~For utilities attaching to existing masts or buildings, there~~

5.8.2 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			~~are other utilities which are of a similar scale.~~ ***{NU 576.58}*** vii. ~~The height of the network utility is consistent with surrounding buildings.~~ The scale or design is consistent or compatible with surrounding buildings or structures. ***{NU 576.58}*** viii. The visibility of the network utility is limited by vegetation, existing buildings or structures and/or ~~N~~natural landforms ~~of~~ or topography ~~(e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building so increase in height as a result of utility has no or only minor effects.~~ ***{NU 576.58}*** ix. ~~No alternative sites exist which could provide the same coverage with reduced effects on visual amenity.~~ Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons ***{NU 576.58}*** x. Sunlight admission to the footpath and street is maintained~~, and there are no significant shadowing effects on residential buildings.~~ ***{NU 576.58}*** xi. The structure is not situated on visually prominent rural zoned land. ***{NU cl.16[2]}*** xii. Landscaping is used to screen the structure from public viewpoints. ***{NU cl.16[2]}***
		~~b.~~ d. Effects on surrounding sites' residential amenity	*Relevant objectives and policies* ***{NU cl.16}*** [1] i. Objective 5.2.1 ***{NU cl.16}*** ii. Network utilities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of any surrounding residential activities (Policy 5.2.1.11.b). ***{NU cl.16}*** *Potential circumstances that may support a consent application include:* ***{NU cl.16}*** iii. Alternative sites, which would have lesser effects on the amenity of surrounding residential activities, have been considered but are impracticable for operational reasons. ***{NU 576.58}***
		~~c. Effects on streetscape amenity~~ ***{NU cl.16}*** [3]	

5.8.2 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
~~2.~~ ***{NU cl.16}*** [4]	~~Outside the rural and industrial zones:~~ • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • ~~Biomass generators - on-site energy generation~~ ***{NU 308.137}*** ~~Outside the rural, rural residential and industrial zones:~~ • ~~Network utilities poles and masts - small scale~~	~~a. Effects on the amenity of surrounding properties~~ ~~b. Effects on streetscape amenity~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including:~~ 1. ~~effects on visual amenity and the character of the zone in which the activity is located; and~~ 2. ~~effects on the amenity of any surrounding residential activities (Policy 5.2.1.11).~~ ~~*Potential circumstances that may support a consent application include:*~~ iii. ~~The utility structure is designed, located or screen to be as unobtrusive as possible.~~ iv. ~~The visual cohesion of the street is not reduced by the utility structure.~~ v. ~~Sunlight admission to the footpath and street is maintained.~~ vi. ~~The scale, size or design is consistent or compatible with surrounding properties.~~ vii. ~~No alternative siting exists which could provide the same coverage with reduced effects on visual amenity.~~ viii. ~~The activity which could provide the same coverage with reduced effects on visual amenity. is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.~~

5.8.2 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
~~3.~~ ***{NU 308.462}***	~~In the rural and industrial zones:~~ • ~~Solar panels - community scale~~ • ~~Wind generators - community scale~~	~~a. Effects on the amenity of surrounding properties~~ ~~b. Effects on rural character and amenity~~	~~*Relevant objectives and policies:*~~ i. ~~Objective 5.2.1~~ ii. ~~Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including:~~ 1. ~~effects on visual amenity and the character of the zone in which the activity is located; and~~ 2. ~~effects on the amenity of any surrounding residential activities (Policy 5.2.1.11).~~ iii. ~~The structure is not situated on visually prominent rural zoned land.~~ iv. ~~Landscaping is used to screen the structure from public viewpoints.~~ v. ~~The nature of the activity is such that reverse sensitive effects to industrial or port activities will not occur.~~

[1] **NU cl.16:** This assessment rule has been reformatted to separate assessment of "effects on character and amenity of zone" from assessment of "effects on surrounding sites' residential amenity". As a result, the reference to the part of Policy 5.2.1.11 that concerns effects on surrounding sites' residential amenity has been deleted from Rule 5.8.2.A.c.ii, and a reference to this part of Policy 5.2.1.11 has been included in a separate row (as Rule 5.8.2.A.d.ii). This does not change the effect of provisions.
[2] **NU cl.16:** This assessment rule has been transferred from Rule 5.8.2.3, which applied to solar panels under notified provisions. This does not change the effect of provisions.
[3] **NU cl.16:** Deletion of this rule is required due to creation of separate table (Rule 5.7.5) for effects assessed via assessment rules in other sections of the Plan. This does not change the effect of provisions.
[4] **NU cl.16:** Assessment rule no longer needed due to: deletion of separate provisions for Energy Resource Investigation Devices and Biomass Generators - On-site Energy Generation, in response to submissions, as indicated; and amalgamation of assessment rule for Network Utility Poles and Masts - Small Scale in residential and recreation zones with Rule 5.8.2.1. This does not change the effect of provisions.
[5] **NU cl.16:** Notified Rule 5.8.2.1 has been amalgamated with new Rule 5.8.2.A, which applies to all restricted discretionary activities. This does not change the effect of provisions.

5.8.3 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities in an overlay zone, mapped area, heritage precinct, or scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	**In the ONF Overlay Zone**: • Network utility structures - large scale (~~A~~amateur radio configurations only) ***{NU cl.16}*** • ~~Network utilities~~ Network utility ***{NU cl.16}*** poles and masts - small scale • Wind generators – small scale ***{NU 308.122}*** • Hydro generators – small scale ***{NU 308.122}*** • Solar panels – small scale ***{NU 308.122}*** • All other ~~Network utilities~~ network utility ***{NU cl.16}*** structures - small scale	a. Effects on landscape values	See Rule 10.5
2.	**In the HNCC or ONCC overlay zones**: • Network utility structures - large scale (~~A~~amateur radio configurations only) ***{NU cl.16}*** • ~~Network utilities~~ Network utility poles and masts - small scale ***{NU cl.16}*** • Wind generators – small scale ***{NU 308.122}*** • Hydro generators – small scale ***{NU 308.122}*** • Solar panels – small scale ***{NU 308.122}*** • All other ~~Network utilities~~ network utility structures - small scale ***{NU cl.16}***	a. Effects on natural character of the coast	See Rule 10.5
3.	**In an ~~Scheduled ASCV~~ ASBV *{NatEnv 958.60}***: • ~~Network utilities~~ Network utility poles and masts - small scale ***{NU cl.16}*** • Wind generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Hydro generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Solar panels - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • ~~Biomass generators - on-site energy generation~~ ***{NU 308.137}***	a. Effects on biodiversity values ***{NatEnv 958.60}***	See Rule 10.5
4.	In a **wāhi tūpuna mapped area** where network utility activities are identified as a threat in Appendix A4	a. Effects on cultural values of Manawhenua	See Rule 14.4

5.8.3 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities in an overlay zone, mapped area, heritage precinct, or scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	**In the SNL or ONL overlay zones**: • ~~Network utilities~~ Network utility poles and masts - small scale ***{NU cl.16}*** • Wind generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Hydro generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Solar panels - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • ~~Biomass generators - on-site energy generation~~ ***{NU 308.137}***	a. Effects on landscape values	See Rule 10.5
6.	**In the NCC Overlay Zone**: • ~~Network utilities~~ Network utility poles and masts - small scale ***{NU cl.16}*** • Wind generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Hydro generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Solar panels - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • ~~Biomass generators - on-site energy generation~~ ***{NU 308.137}***	a. Effects on natural character of the coast	See Rule 10.5
7.	All RD activities due to affecting **scheduled heritage sites** • ~~Network utilities~~ Network utility poles and masts - small scale ***{NU cl.16}*** • Wind generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Hydro generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Solar panels - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • ~~Biomass generators - on-site energy generation~~ ***{NU 308.137}***	a. Effects ***{NU cl.16}*** on heritage values	See Rule 13.6

5.8.3 Assessment of restricted discretionary network ~~utilities~~ utility *{NU cl.16}* activities in an overlay zone, mapped area, heritage precinct, or scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
8.	All RD activities due to being in a **heritage precinct** • ~~Network utilities~~ Network utility poles and masts - small scale ***{NU cl.16}*** • Wind generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Hydro generators - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • Solar panels - small scale ~~on-site energy generation~~ ***{NU 308.122}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • ~~Biomass generators - on-site energy generation~~ ***{NU 308.137}***	a. Effects on heritage streetscape character	See Rule 13.6

5.8.4 Assessment of subdivision activities within the radio transmitters mapped area *{NU 918.25}*			
Activity ***{NU 918.25}***		Matters of discretion ***{NU 918.25}***	Guidance on the assessment of resource consents ***{NU 918.25}***
1. ***{NU 918.25}***	General Subdivision	a. Reverse sensitivity effects ***{NU 918.25}***	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.2 ii. The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area *{NU 806.11}*			
Activity ***{NU 806.11}***		Matters of discretion ***{NU 806.11}***	Guidance on the assessment of resource consents ***{NU 806.11}***
1. ***{NU 806.11}***	All Subdivision activities in the **National Grid Corridor mapped area**	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 5.2.2 ii. Subdivision in the **National Grid Corridor mapped area** is designed to ensure that any associated future land use and development will avoid effects on the health and safety of people (Policy 5.2.2.4.a). *Design considerations that may support a consent application include:* iii. The design and layout of the subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Code of Practice for Safe Electrical Distances (NZECP 34:2001) *Potential circumstances that may support a consent application include:* iv. Written approval is obtained from the owner and/or operator of the National Grid.
		b. Reverse sensitivity effects	*Relevant objectives and policies:* i. Objective 5.2.2 ii. Subdivision in the **National Grid Corridor mapped area** is designed to ensure that any associated future land use and development will avoid or minimise the potential for reverse sensitivity. (Policy 5.2.2.4.c) *Potential circumstances that may support a consent application include:* iii. Written approval is obtained from the owner and/or operator of the National Grid

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area *{NU 806.11}*			
Activity ***{NU 806.11}***		Matters of discretion ***{NU 806.11}***	Guidance on the assessment of resource consents ***{NU 806.11}***
		c. Effects on efficient and effective operation of network utilities	*Relevant objectives and policies:* i. Objective 5.2.2 ii. Subdivision in the **National Grid Corridor mapped area** is designed to ensure that any associated future land use and development will avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the National Grid (Policy 5.2.2.4.b). *Design considerations that may support a consent application include:* iii. The design and layout of the subdivision clearly identifies the National Grid and: 1. ensures continued access to existing transmission lines for maintenance, inspections and upgrading 2. provides for the on-going efficient operation, maintenance, development and upgrade of the National Grid 3. enables roads and reserves to be located near to or under transmission lines and building platforms away from transmission lines 4. allows buildings and structures to be located and orientated and vegetation positioned in a way that meets the policy test in 5.2.2.4.b. *Potential circumstances that may support a consent application include:* iv. Written approval is obtained from the owner and/or operator of the National Grid.

Rule 5.9 Assessment of Discretionary Activities

Rule 5.9.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 5.9.2 - 5.9.~~3~~4 ***{NU 918.25}*** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. potential circumstances that may support a consent application;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

5.9.2 Assessment of discretionary network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
1. ***{NU cl.16[1]}***	All discretionary activities, including but not limited to the activities listed below ***{PO cl. 16}***	*Relevant objectives and policies (priority considerations):* a. Objectives 5.2.1, 2.2.2 ***{NU 764.1}***, 2.3.1 ***{NU 918.22}***, 10.2.1 ***{Nat Env 900.35}*** ,Policies 2.3.1.7 ***{NU 918.22}*** ,2.2.2.3 **{NU 764.1}** b. Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) ***{NU 457.192}*** c. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) ***{NU 308.122}*** d. ~~Large scale n~~Network utilities ***{NU cl.16}*** are designed and located to avoid ~~any significant adverse effects, and minimise adverse effects, as far as practicable, including~~ or, if avoidance is not practicable, adequately mitigate: ***{NU 457.14 and others}*** i. adverse effects on visual amenity and the character of the zone in which the activity is located; and ***{NU 457.14 and others}*** ii. adverse effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). ***{NU 457.14 and others}*** *General assessment guidance:* e. In assessing the effects of the activity, Council will consider: ***{NU cl.16}*** i. the potential benefits of proposed network utilities, particularly: 1. contributions to national energy objectives and renewable energy generation targets ~~will be considered;~~ ***{NU cl.16}***

5.9.2 Assessment of discretionary network ~~utilities~~ utility *{NU cl.16}* activities	
Activity	Guidance on the assessment of resource consents
	2. the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; ***{NU 764.1}***
	3. the benefits of having a distributed network for greater energy resilience; and ***{NU 764.1}***
	ii. ~~Whether network utilities are being conducted in accordance with relevant industry standards will be considered~~. ***{NU cl.16}***
	iii. the constraints imposed on size, design and location by the technical and operational requirements of the network utility or energy generation activity. ***{NU 576.58}***
	f. ~~In assessing the significance of effects, consideration will be given to:~~ ***{MW cl.16[3]}***
	i. ~~Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with~~ ***{MW cl.16}***
	1. ~~wāhi tūpuna; and:~~ ***{MW cl.16}***
	2. ~~mahika kai (Objective 14.2.1).~~ ***{MW cl.16}***
	ii. ~~If located outside a **wāhi tūpuna mapped area**, Kai tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.~~ ***{MW 1071.109}***
	g. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.
	Potential circumstances that may support a consent application include:
	h. ~~The location of proposed network utilities~~ The proposed activity ***{NU cl.16}*** is essential for the effective operation of a network ~~service~~ utility. ***{NU cl.16}***.
	i. The proposed activity is to be undertaken in accordance with relevant industry standards. ***{NU cl.16}***
	j. The utility is not located on visually prominent land. ***{NU 576.58}***
	k. The visibility of the utility is limited by vegetation, existing building/structures, and/or natural forms or topography. ***{NU 576.58}***

5.9.2 Assessment of discretionary network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
		l. Landscaping is used to screen the utility from public viewpoints. ***{NU 576.58}*** m. Wind generators – large scale are located a sufficient distance from dwellings to adequately mitigate adverse effects on amenity, taking into account factors such as: the number, scale and geographical spread of turbines; and the degree to which landform or vegetation reduces visual and noise effects from turbines on nearby dwellings. ***{NU 600.5}*** n. Alternative sites, which would have lesser effects on character or amenity, have been considered but are impracticable for operational reasons. ***{NU 576.58}*** *Relevant guidance from other sections (priority considerations):* o. For activities that may have effects on biodiversity values see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1. ***{Nat Env 900.35}*** p. For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2. ***{NatEnv 900.38}*** q. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. ***{MW cl.16[3]}***
~~2.~~ ***{NU cl.16[2]}***	~~In the rural or industrial zones:~~ • ~~Solar panels - regional scale~~ ***{NU308.122}*** • ~~Wind generators - regional scale~~ ***{NU308.122}*** • ~~Hydro generators - regional scale~~ ***{NU308.122}*** • ~~Biomass generators - stand-alone~~ ***{NU 308.468}***	~~*Relevant objectives and policies (priority considerations):*~~ ***{NU cl.16}*** a. ~~Objective 5.2.1~~ ***{NU cl.16}*** b. ~~Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including:~~ ***{NU cl.16}*** i. ~~effects on visual amenity and the character of the zone in which the activity is located; and~~ ***{NU cl.16}*** ii. ~~effects on the amenity of any surrounding residential activities (Policy 5.2.1.11).~~ ***{NU cl.16}***

5.9.2 Assessment of discretionary network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
~~3.~~ ***{NU 308.122}***	~~In all zones except the rural or industrial zones:~~ ***{NU 308.122}*** • ~~Solar panels - community scale~~ • ~~Wind generators - community scale~~ • ~~Hydro-generators - community scale~~	~~*Relevant objectives and policies (priority considerations):*~~ a. ~~Objective 5.2.1~~ b. ~~Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including~~ i. ~~effects on visual amenity and the character of the zone in which the activity is located; and~~ ii. ~~effects on the amenity of any surrounding residential activities (Policy 5.2.1.11).~~ c. ~~Landscaping or screening are used to screen the device from surrounding properties.~~ d. ~~The height of network utilities are compatible with the height of surrounding properties.~~
4.	**In the SNL or ONL overlay zones:** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Solar panels - ~~community~~ large ***{NU 308.122}*** scale • Hydro generators - ~~community~~ large ***{NU 308.122}*** scale • Wind generators - large scale ***{NU 308.122 and others}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects ~~on~~ related to ***{NatEnv cl.16}*** landscape values.
5.	**In an ~~scheduled ASCV~~ ASBV *{NatEnv 958.60}*:** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Solar panels - ~~community~~ large ***{NU 308.122}*** scale • Hydro generators - ~~community~~ large ***{NU 308.122}*** scale • Wind generators - large scale ***{NU 308.122 and others}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. ***{Nat Env 958.60}***

5.9.2 Assessment of discretionary network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
6.	**In the NCC Overlay Zone:** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Solar panels - ~~community~~ large ***{NU 308.122}*** scale • Hydro generators - ~~community~~ large ***{NU 308.122}*** scale • Wind generators - large scale ***{NU 308.122 and others}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.
7.	**On a scheduled heritage site:** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Solar panels - ~~community~~ large ***{NU 308.122}*** scale • Hydro generators - ~~community~~ large ***{NU 308.122}*** scale • Wind generators - large scale ***{NU 308.122 and others}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.2 and effects on heritage values.
8.	**In a heritage precinct:** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Solar panels - ~~community~~ large ***{NU 308.122}*** scale • Hydro generators - ~~community~~ large ***{NU 308.122}*** scale • Wind generators - large scale ***{NU 308.122 and others}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.

5.9.2 Assessment of discretionary network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
9.	All discretionary activities identified as a threat in a **wāhi tūpuna mapped area** in Appendix A4	*Relevant guidance from other sections (priority considerations):* a. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
~~10. *{NU 360.200}*~~	~~In a **hazard overlay zone**:~~ • ~~Network utilities structures - large scale~~ • ~~Solar panels - community scale~~ • ~~Hydro generators - community scale~~	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.~~

[1] **NU cl. 16:** Rule 5.9.2.1 has been reformatted to include the contents of notified Rule 5.9.2.2 (these moved clauses are 5.9.2.1.f, 5.9.2.1.g, and 5.9.2.1.m through to 5.9.2.1.q), and to rearrange the text so that "*General assessment guidance*" appears above "*Potential circumstances that may support a consent application*". This does not change the effect of provisions.
[2] **NU cl. 16:** The contents of notified Rule 5.9.2.2 has been included in Rule 5.9.2.1. This does not change the effect of provisions.
[3] **MW cl.16:** As a clause 16 amendment, 5.9.2.1.h has been rewritten to redirect to Section 14.5. This is not a substantive change.

5.9.3 Assessment of discretionary performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Noise - where the limit is exceeded by ~~up to~~ less than ***{PHS cl.16}*** 5dB LAeq (15min)	*Relevant guidance from other sections (priority considerations):* a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Light spill - where the limit is exceeded by 25% or less	

5.9.4 Assessment of discretionary activities within the radio transmitters mapped area *{NU 918.25}*		
Activity ***{NU 918.25}***		Guidance on the assessment of resource consents ***{NU 918.25}***
1. ***{NU 918.25}***	All discretionary activities	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.2 ii. The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)

Rule 5.10 Assessment of Non-complying Activities

Rule 5.10.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 5.10.2 - 5.10.~~4~~5 ***{NU 918.25}*** provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

5.10.2 Assessment of all non-complying network ~~utilities~~ utility *{NU cl.16}* activities	
Activity	Guidance on the assessment of resource consents
1. All non-complying activities listed below ***{PO cl.16}***	*Relevant objectives and policies (priority considerations):* a. Objectives 2.2.2, 2.7.1, 2.3.1 ***{NU 918.22}***, 5.2.1 b. Policies 2.2.2.3 ***{NU 764.1}***, 2.3.1.7 ***{NU 918.22}***, 5.2.1.1 ***{NU 308.122}***, 5.2.1.A ***{NU 457.192}*** c. In assessing the significance of effects, consideration will be given to: i. short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone; iv. ~~Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with;~~ ***{MW cl.16[1]}*** 1. ~~wāhi tūpuna; and~~ ***{MW cl.16}*** 2. ~~mahika kai (Objective 14.2.1).~~ ***{MW cl.16}*** v. ~~If located outside a **wāhi tūpuna mapped area**, Kai tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna~~ ***{MW 1071.109}*** *General assessment guidance:* d. In assessing the effects of the activity, the ***{NU cl.16}*** Council will consider: i. the potential benefits of the ***{NU cl.16}*** proposed ~~network utilities activities~~ activity ***{NU cl.16}***, particularly: 1. contributions to national energy objectives or renewable energy generation targets; 2. the benefits in terms of the efficient use of energy of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; ***{NU 764.1}***

5.10.2 Assessment of all non-complying network ~~utilities~~ utility *{NU cl.16}* activities	
Activity	Guidance on the assessment of resource consents
	3. the benefits of having a distributed network for greater energy resilience; and ***{NU 764.1}*** ii. the constraints imposed on size, design and location by the technical and operational requirements of the network utility; and ***{NU 576.58 and others}*** iii. whether relevant industry standards are being complied with. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. *Potential circumstances that may support a consent application include:* f. The proposed activity is essential to establish or maintain a network utility service. ***{NU 576.58}*** *Relevant guidance from other sections (priority considerations):* g. See section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. ***{MW cl.16[1]}*** h. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. ***{NatEnv 900.35}*** i. For activities adjacent to water bodies and the coast see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. ***{NatEnv 900.38}***

[1] **MW cl.16:** As a clause 16 amendment, 5.10.2.1.c.iv has been rewritten to redirect to Section 14.6. This is not a substantive change.

5.10.3 Assessment of non-complying network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
~~1.~~ ***{NU 308.462}***	~~In all zones except the rural or industrial zones:~~ ***{NU 308.462}*** • ~~Biomass generators - stand-alone~~ ***{NU 308.468}*** • ~~Hydro generators - regional scale~~ ***{NU 308.462}*** • ~~Solar panels - regional scale~~ ***{NU 308.462}*** • ~~Wind generators - regional scale~~ ***{NU 308.462}***	~~*Relevant objectives and policies (priority considerations):*~~ ***{NU 308.462}*** a. ~~Objectives 5.2.1~~ ***{NU 308.462}*** b. ~~There will be no material adverse effects on the amenity of surrounding area (Policy 5.2.1.10).~~ ***{NU 308.462}***
2.	**In the HNCC or ONCC overlay zones**: • ~~Biomass generators - all scales~~ ***{NU 308.137 and NU 308.468}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • Hydro generators - ~~all scales~~ large scale ***{NU 308.462}*** • Solar panels - ~~all scales~~ large scale ***{NU 308.462}*** • Wind generators - ~~all scales~~ large scale ***{NU 308.462}*** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.

5.10.3 Assessment of non-complying network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
4.	**In the ONF~~, SNL or ONL~~ *{NU 308.122}* overlay zones**: • ~~Biomass generators - all scales~~ ***{NU 308.137 and NU 308.468}*** • ~~Energy resource investigation devices~~ ***{NU 308.122}*** • Hydro generators - ~~all scales~~ large scale ***{NU 308.462}*** • Solar panels - ~~all scales~~ large scale ***{NU 308.462}*** • Wind generators - ~~all scales~~ large scale ***{NU 308.462}*** • Network ~~utilities~~ utility ***{NU cl.16}*** structures - large scale other than amateur radio configurations ***{NU cl.16}*** • Substations ***{NU 915.17}***	*Relevant guidance from other sections (priority considerations):* a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects ~~on~~ related to ***{NatEnv cl.16}*** landscape values.
	~~**In a scheduled ASCV** *{NU 308.462}*~~ • ~~Biomass generators - stand-alone *{NU 308.468}*~~ • ~~Hydro generators - regional scale *{NU 308.462}*~~ • ~~Solar panels - regional scale *{NU 308.462}*~~ • ~~Wind generators - community scale *{NU 308.462}*~~ • ~~Wind generators - regional scale *{NU 308.462}*~~	~~See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.~~ ***{NU 308.462}***
5.	All non-complying activities identified as a threat in a **wāhi tūpuna mapped area** in Appendix A4	*Relevant guidance from other sections (priority considerations):* a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

5.10.3 Assessment of non-complying network ~~utilities~~ utility *{NU cl.16}* activities		
Activity		Guidance on the assessment of resource consents
~~6.~~ ***{NU 308.462}***	~~**On a scheduled heritage site or in a heritage precinct:** **{NU 308.462}**~~ • ~~Biomass generators - stand-alone~~ ***{NU 308.468}*** • ~~Hydro generators - regional scale~~ ***{NU 308.462}*** • ~~Solar panels - regional scale~~ ***{NU 308.462}*** • ~~Wind generators - community scale~~ ***{NU 308.462}*** • ~~Wind generators - regional scale~~ ***{NU 308.462}***	~~See Rule 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.~~ ***{NU 308.462}***

5.10.4 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	• ~~Maximum height -~~ ***{NU cl.16}*** Clearance from navigable water body (Rule ~~5.5.8.6~~ 5.5.C ***{NU cl.16}***) • Technical standards - Maximum gauge pressure (Rule ~~5.5.10.2~~ 5.5.13.2 ***{NU cl.16}***)	*Relevant objectives and policies (priority considerations):* a. Objective 5.2.1 b. Policy 5.2.1.7 *Potential circumstances which may support a consent application include:* c. ~~Non-compliance with~~ Contravention of ***{NU cl.16}*** the performance standard does not result in a safety risk.
2.	Light spill - where the limit is exceeded by greater than 25%	*Relevant guidance from other sections (priority considerations):* a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety ***{PHS cl.16}***.
3.	~~Location - co-location on an ONF (Rule 5.5.6.5)~~ Network utility structures - small scale - location within an ONF (Rule 5.5.6.5) ***{NU 360.201}***	*Relevant guidance from other sections (priority considerations):* a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects ~~on~~ related to ***{NatEnv cl.16}*** landscape values.
4.	Noise - where the limit is exceeded by 5bD LAeq (15 min) or more ~~Noise from wind turbines used for on-site energy generation~~ ***{NU cl.16[3]}***	*Relevant guidance from other sections (priority considerations):* a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

5.10.4 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
5. • Setback from National Grid ~~national grid~~ ***{NU cl.16}*** (~~sensitive activities,~~ buildings, ~~and~~ structures, city-wide activities and National Grid sensitive activities (Rule 5.6.1.1) ***{NU cl.16[1]}***) • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) - Setback from National Grid ***{NU cl.16}*** • Subdivision performance standards - Shape (rules 15.7.6.2.c, 16.7.5.2.d, 17.7.6.2.d, 18.7.5.2.c, 19.7.5.2.c and 20.7.5.2) ***{NU 806.11}***	*Relevant objectives and policies (priority considerations):* a. Objective ~~5.2.1~~ 5.2.2 ***{NU 918.29}*** b. ~~Sensitive activities~~ Activities ***{NU cl.16}*** ~~and hazardous substances~~ ***{NU cl.16}*** are set back an adequate distance from the ~~n~~National ~~g~~Grid to ensure: i. adverse effects on the health and safety of people are avoided ~~or are insignificant~~ ***{NU cl.16[2]}*** (Policy ~~5.2.1.3~~ 5.2.2.2.a ***{NU 918.29}***); ii. adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided, or, where avoidance is not practicable, insignificant. (Policy 5.2.2.2.b); and ***{NU 806.11 and others}*** iii. the potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.2.c). ***{NU 806.11}*** c. Any necessary building platforms are located a sufficient distance from the National Grid to ensure that: ***{NU 806.11}*** i. adverse effects on the health and safety of people are avoided; ***{NU 806.11}*** ii. adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and ***{NU 806.11}*** iii. the potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.3). ***{NU 806.11}*** *Potential circumstances that may support a consent application include:* d. Written approval is obtained from the owner and/or operator of the ~~n~~National ~~g~~Grid line. e. ~~The ability to operate, maintain, upgrade and develop the national transmission network, including access to the national grid infrastructure, is not impeded.~~ ***{NU 918.29}*** f. The proposal complies with New Zealand Electrical Code of Practices for Electrical Safe Distances (NZECP34:2001). g. ~~The design and layout of the subdivision enables appropriate separation distances between national grid infrastructure and land use and development.~~ ***{NU 806.11}***

5.10.4 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
		800.11}

[1] **NU cl.16:** The title of this performance standard has been amended to more accurately reflect its contents. This does not change the effect of provisions.
[2] **NU cl.16:** This amendment is required so that the assessment rule accurately paraphrases the policy. This does not change the effect of provisions.
[3] **NU cl.16:** This text has been deleted from this rule because it was included in error, and does not align with the noise rules in Section 9 of the Plan. This does not change the effect of provisions.

5.10.5 Assessment of non-complying activities within the radio transmitters mapped area ***{NU 918.25}***		
Activity ***{NU 918.25}***		Guidance on the assessment of resource consents ***{NU 918.25}***
1. ***{NU 918.25}***	All non-complying activities	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.2 ii. The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)