

5. Network Utilities and Energy Generation

5.1 Introduction

Network utilities form part of the services and infrastructure that contribute to the efficient functioning of the city, and contribute directly to the well-being and health and safety of people living in Dunedin. Network utilities are important in providing efficient and effective networks of infrastructure, telecommunications and electricity to Dunedin and civil defence operations.

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. The New Zealand Government is committed to increasing New Zealand's proportion of renewable energy generation to 90% by 2025. 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.

While network utilities activities enable the efficient and effective operation of infrastructure networks and allow people to provide for their well-being, network utilities structures can have adverse effects on landscape, biodiversity, cultural and heritage values, public health and safety and the amenity of residential areas.

In response to the issues, the Second Generation Plan (2GP) proposes a framework for balancing the necessary establishment, operation, maintenance and upgrading of network utilities with 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 design, location, scale and size of the structures used in these activities in order to minimise these adverse effects as far as practicable. The degree of restriction on these aspects is determined by the environment in which the particular structures are located and the scale needed to effectively operate and contribute to the network.

The controls in the 2GP will lead to 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.

5.2 Objectives and Policies

Objective 5.2.1	
Network utilities activities, including renewable energy generation activities, are able to operate 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 5.2.1.2	Require development to be designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 5.2.1.3	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 network utilities structures to be of a scale, size, design and location that enables the provision of network utilities while: <ul style="list-style-type: none"> a. minimising, as far as practicable, adverse effects on the amenity and character of the zone; b. maintaining a high level of pedestrian amenity in pedestrian street frontages.
Policy 5.2.1.6	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 located, designed, and operated to ensure any risk to health and safety is no more than minor.
Policy 5.2.1.9	Require earthworks to be set back from network utilities an adequate distance to avoid: <ul style="list-style-type: none"> 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	Avoid regional scale energy generation and biomass generators - stand-alone outside the rural or industrial zones unless there will be no material adverse effects on the amenity of surrounding area.
Policy 5.2.1.11	Only allow network utility structures - large scale, regional scale energy generation in the rural zones, network utilities poles and masts - small scale (other than in the rural, rural residential or industrial zones), community scale energy generation, biomass generators - stand-alone, and biomass energy generation on-site energy generation and energy resource investigation devices (other than in the rural and industrial zones) where the activity is designed and located to avoid any significant adverse effects and minimise adverse effects, as far as practicable, including: <ul style="list-style-type: none"> a. effects on visual amenity and the character of the zone in which the activity is located; and b. 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.

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 and energy generation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the network utilities and energy generation category are listed in the nested table in Section 1.6.
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.
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) Regulation 2008 (NESTF), although rules in the District Plan may still apply:
 - a. telecommunication utilities activities which emit radio-frequency fields;
 - b. telecommunication equipment cabinets in the road reserve and noise from these cabinets; and
 - c. the installation or replacement of masts and antenna on existing buildings or structures in the road reserve.
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 utilities activities.
8. The activity status of network utilities in the major facilities 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 overlay zones, the provisions of the proposed (transition) zone apply.

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay zone name
RU	Rural Zones
RR	Rural Residential Zones

Acronym	Activity status
CMU	Commercial and Mixed Use Zones
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
ASCV	Scheduled Area of Significant Conservation Value
UCMA	Urban Conservation Mapped Area
GPA	Ground Protection Area
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

5.3.2 Activity status table — Network utilities activities

1.	Performance standards that apply to all network utilities activities	a. Noise b. Reflectivity (network utilities activities in landscape or natural coastal character overlays only) c. Setback from coast and water bodies; d. Setback from national grid e. Setback from ridgeline f. Setback from scheduled tree				
New, or additions and alterations to existing, network utilities activities		Activity status				Performance standards
		a. RU, Ind	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASCV, SHS, HP	
2.	Operation, repair and maintenance of existing network utilities	P	P	—	—	i. Light spill
3.	Realignment, reconfiguration or relocation of existing network utilities	P	P	—	—	i. Location
4.	Underground or internal network utilities	P	P	—	—	i. Technical standards (gas pressure regulating stations and water or energy pipes only)
5.	Amateur radio configurations	P	P	RD	—	i. Amateur radio standards
6.	Irrigation races and open drains	P	P	—	—	
7.	Stormwater detention basins	P	P	—	—	
8.	Network utilities structures - small scale	P	P	RD	—	i. Buildings and structures located on or above the footpath ii. Location iii. Maximum dimensions iv. Maximum height v. Technical standards
9.	Network utilities poles and masts - small scale	P	RD (P in RR)	RD	RD	i. Buildings and structures located on or above the footpath ii. Maximum dimensions iii. Maximum height

10.	Network utilities structures - large scale	RD	RD	NC	D	i. Buildings and structures located on or above the footpath
11.	Standby energy generators	P	P	—	—	
12.	Wind generators - on-site energy generation	P	P	NC	RD	i. On-site energy generation design standards
13.	Hydro generators - on-site energy generation	P	P	NC	RD	i. On-site energy generation design standards ii. Location
14.	Solar panels - on-site energy generation	P	P	NC	RD	i. On-site energy generation design standards
15.	Solar panels - community scale	RD	D	NC	D	
16.	Wind generators - community scale	RD	D	NC	NC	i. Boundary setbacks
17.	Hydro generators - community scale	P	D	NC	D	
18.	Solar panels - regional scale	D	NC	NC	NC	
19.	Wind generators - regional scale	D	NC	NC	NC	
20.	Hydro generators - regional scale	D	NC	NC	NC	
21.	Energy resource investigation devices	P	RD	NC	RD	i. Energy resource investigation standards
22.	Biomass generators - on-site energy generation	P	RD	NC	RD	i. On-site energy generation design standards
23.	Biomass generators - stand-alone	D	NC	NC	NC	

Note 5.3A - Other requirements outside of the District Plan

- For telecommunication utilities, also refer to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (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.
- For activities on existing high voltage national 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 national grid transmission lines.
- For the trimming and pruning of vegetation necessary to protect electricity lines also refer to the Electricity (Hazards from Trees) Regulations 2003.
- 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.
- 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.

Note 5.3B - General advice

1. Network utilities activities are not subject to the natural hazards rules. However, the establishment of new network utilities, the operation, repair and maintenance of existing network utilities and the realignment, relocation or reconfiguration of existing network utilities 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.

Note 5.3D - Other relevant District Plan provisions

1. Earthworks are managed through the management and major facilities zone sections.

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 s95B 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 s95B of the RMA where their written approval is not provided:
 1. all restricted discretionary activities that list 'effect 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 s95B of the RMA where their written approval is not provided:
 1. activities that contravene performance standard 5.6.1 '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.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 5.5 Network Utilities Activities Performance Standards

5.5.1 Amateur Radio Standards

5.5.1.1 Antenna and aerals

- a. The maximum diameter of amateur radio configurations is:
 - i. for aerial elements, 80mm;
 - ii. for wire aerals, 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 aerals is:
 - i. for elements, 14.9m; and
 - ii. for booms, 13m.
- c. The maximum height of aerals 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 aerals) 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. 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.

5.5.1.2 Support Structures

- a. There must be no more than six support structures for wire aerals.
- 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 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

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.

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5.5.4 Energy Resource Investigation Standards

1. The maximum height of energy resource investigation devices is 80m.
2. Masts and guy wires must be set back from boundaries a distance at least equal to the height of the masts.
3. The anchor points for any guy wires must meet the boundary setback performance standard for the zone in which the activity is located.

4. The maximum number of masts per site is three.
5. The maximum installation period is five years.

5.5.5 Light Spill

The operation, repair and maintenance of existing network utilities must comply with Rule 9.3.5.

5.5.6 Location

1. Network utilities structures - small scale must be located against a building or attached to an existing network utilities pole or mast if:
 - a. on a primary or secondary pedestrian street frontage;
 - 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 coastal landscape overlay, visible from an adjoining public place, and located on the seaward side of a coastal road.
2. Pipes (excluding those considered 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 utilities poles and masts;
 - c. activities undertaken as part of the operation, repair and maintenance of existing network utilities; 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 3m of the existing location or alignment, except:
 - a. national grid support structure managed under NESETA are exempt from this performance standard.
4. In a heritage precinct, hydro generators - on-site energy generation must be located so that they are not visible from any adjoining public place.
5. Network utilities structures - small scale located on outstanding natural features must co-locate against an existing building or with an existing network utility structure.
6. Activities that contravene Rule 5.5.6.5 are a non-complying activity.

5.5.7 Maximum Dimensions

Rule 5.5.7.1 Maximum dimensions: network utilities structures - small scale

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

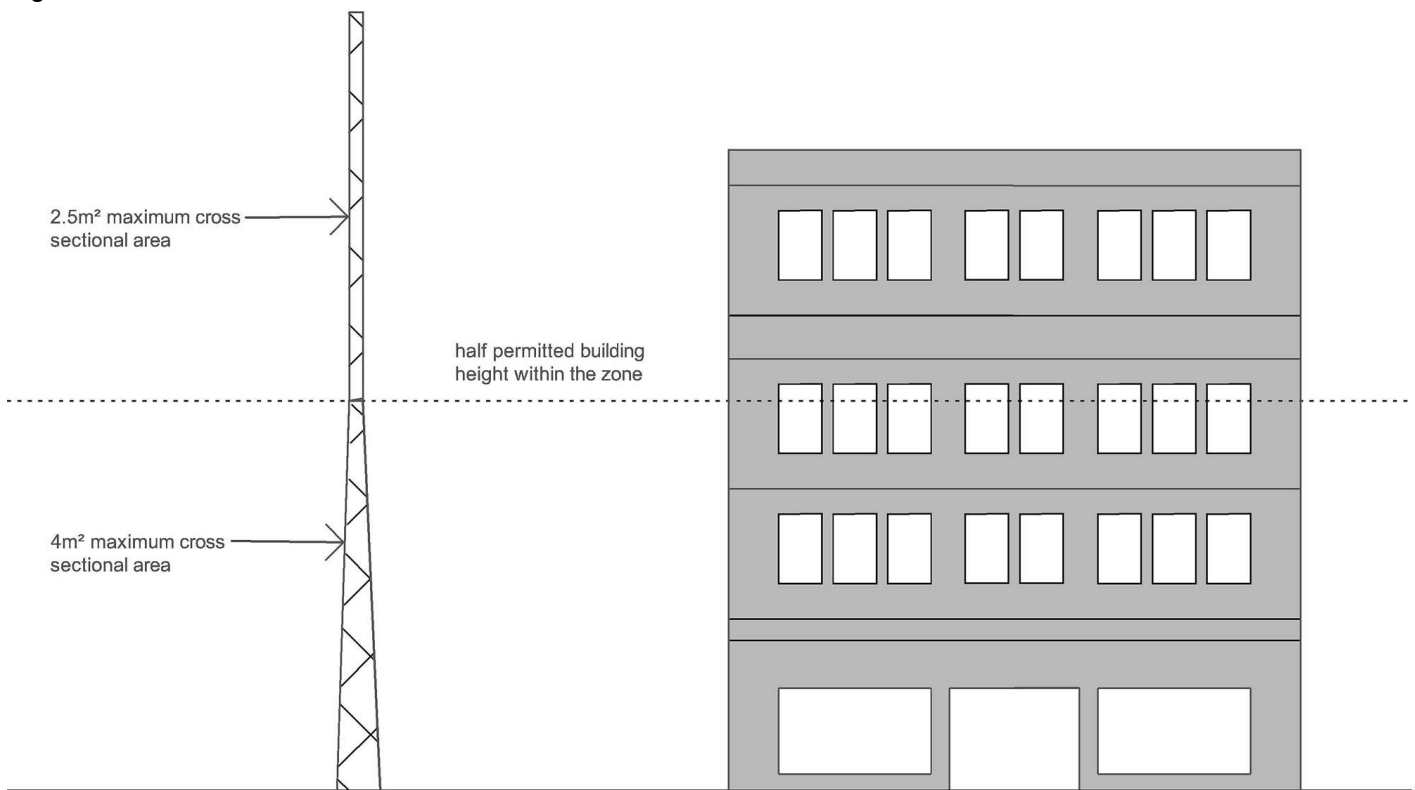
Activity		1. Res, RR, Rec, ONF, HNCC, ONCC, NCC, SNL, ONL	2. Along primary or secondary street frontages; in heritage precincts; or on a scheduled heritage site, where visible from an adjoining public place	3. All other zones
i.	Volume (when pole-mounted)	0.3m ³	0.3m ³	0.3m ³
ii.	Volume (ground-mounted)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

- 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.
- b. The maximum cross-sectional area of lattice masts is:
- 4m² to the point that is half the maximum height of the zone in which the activity is located, and
 - 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



Note 5.5A - Other requirements outside of the District Plan

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.

5.5.8 Maximum Height

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
 - 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

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

1. See also rules 5.5.7 and 5.5.1.

Figure 5.5B: Height of utilities attached to buildings

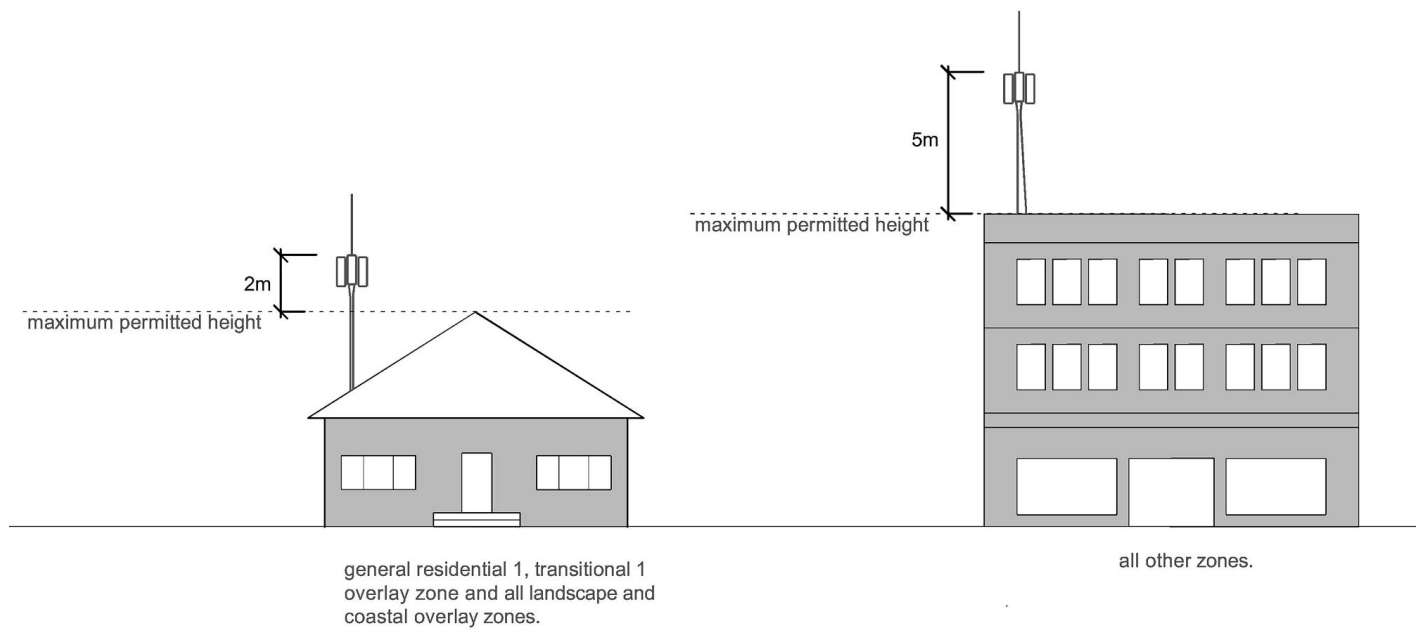


Figure 5.5C: Height of utilities attached to existing poles or masts

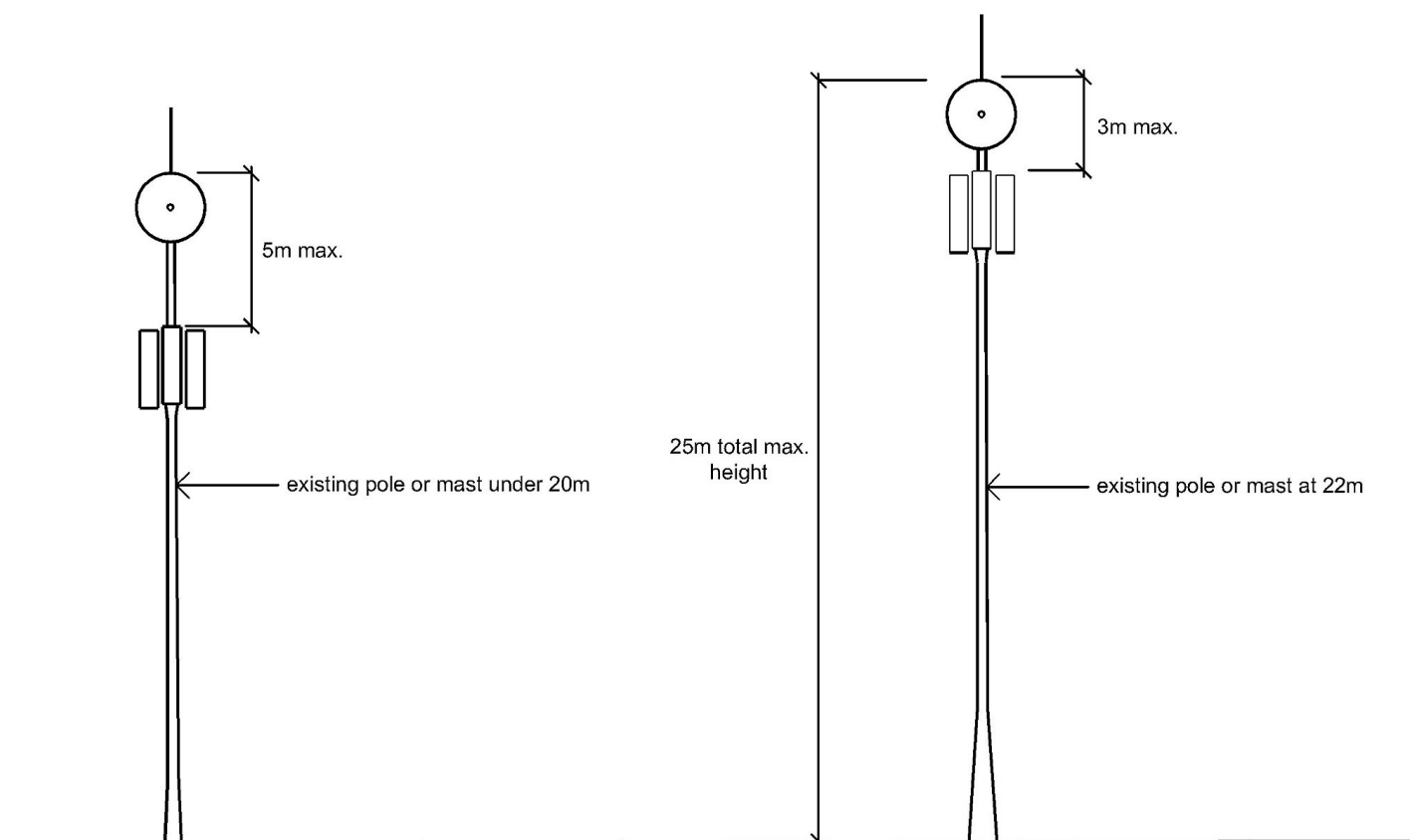


Figure 5.5D: Maximum height of utilities in all zones except the rural, rural residential and industrial zones

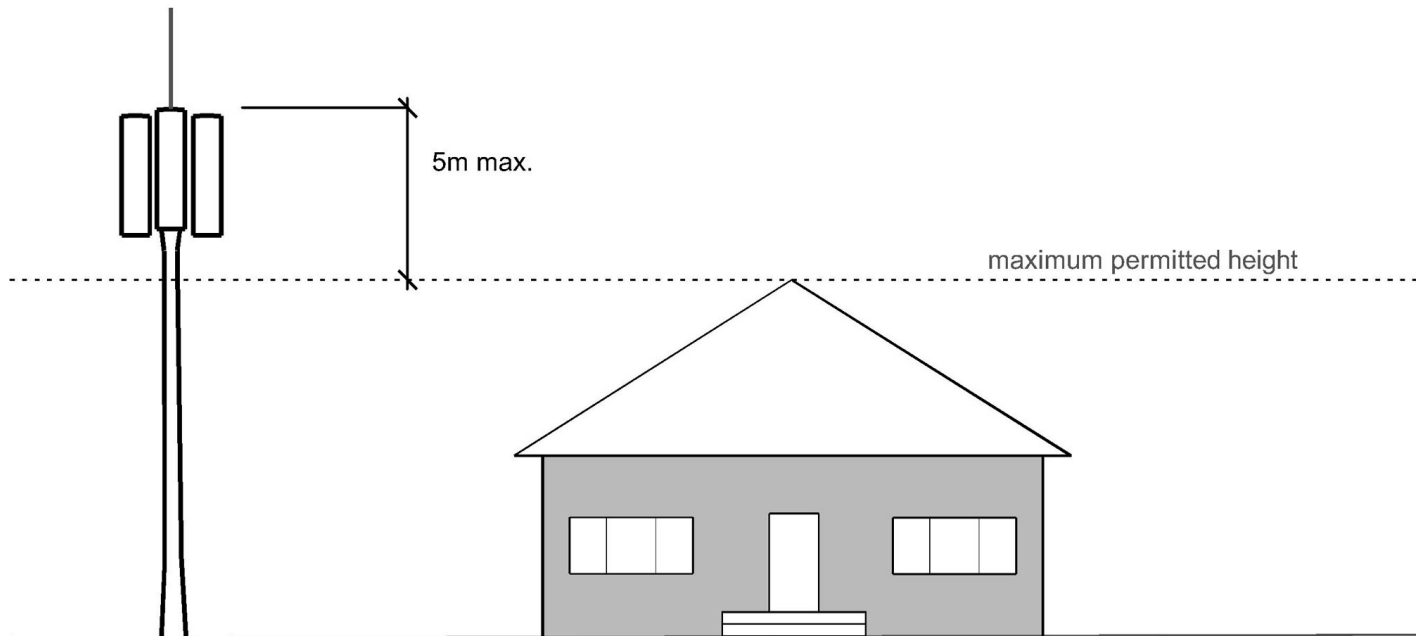
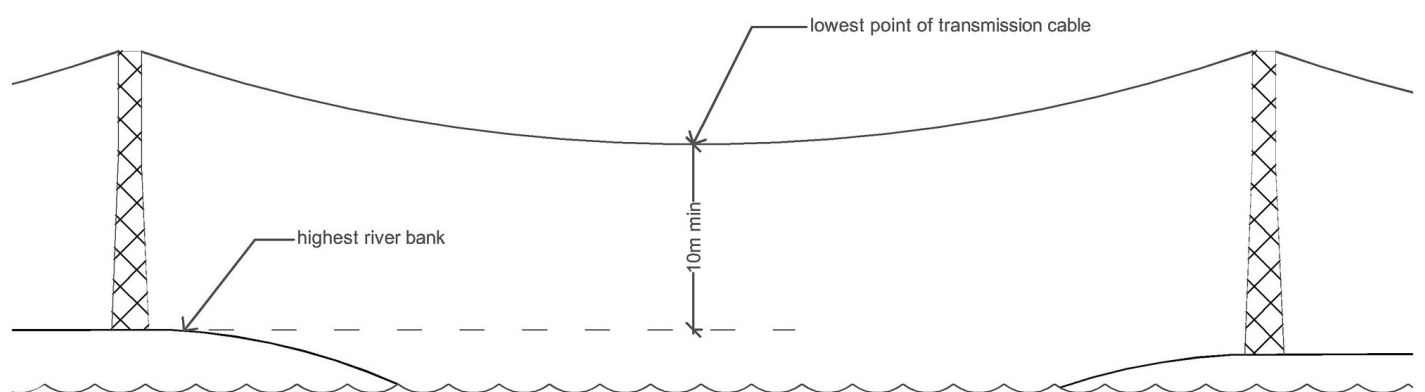


Figure 5.5E: Height above navigable water body



5.5.9 Noise

All network utilities activities must comply with Rule 9.3.6.

5.5.10 On-site Energy Generation Design Standards

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

Biomass energy generators - on-site energy generation must comply with the development standards of the zone in which they are located.

5.5.11 Reflectivity

Wind generators - on-site energy generation in any landscape or natural coastal character overlay zone must comply with Rule 10.3.6.

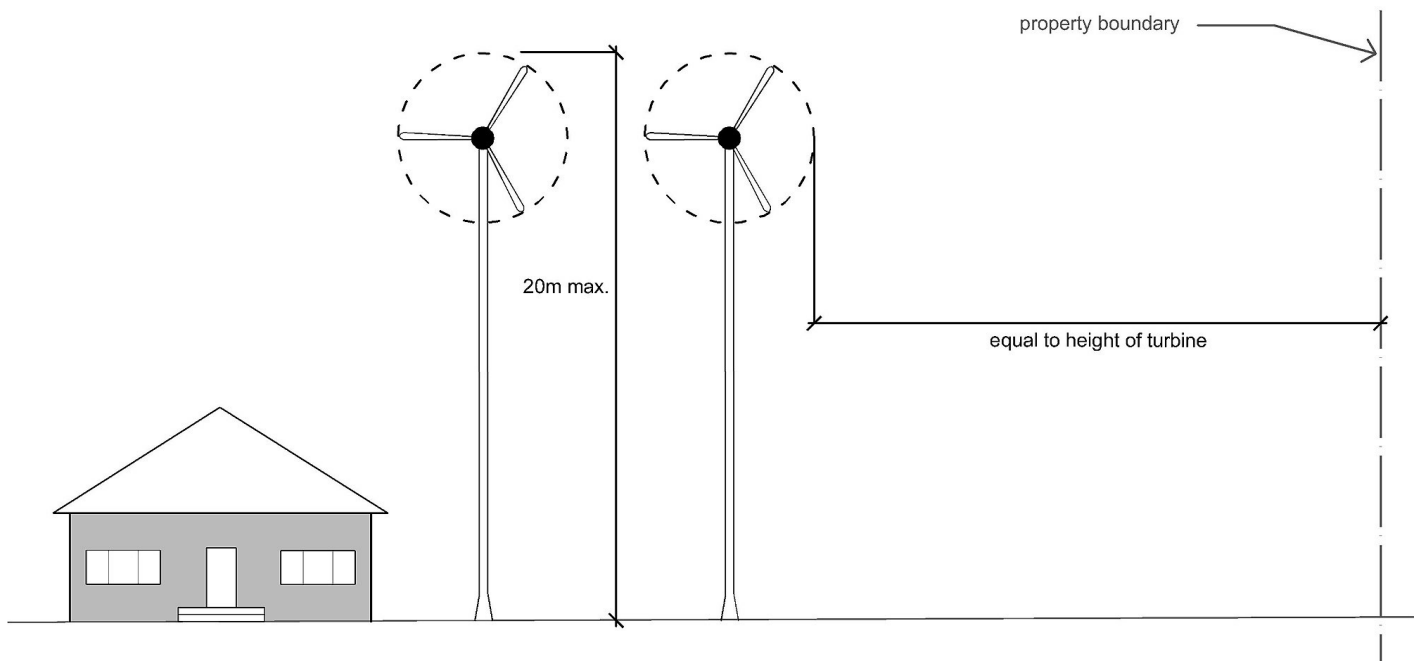
5.5.12 Setbacks

5.5.12.1 Boundary Setbacks

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



5.5.12.2 Setback from coast and water bodies

Network utilities activities must comply with Rule 10.3.3.

5.5.12.3 Setback from ridgeline

Network utilities structures (all scales) and network utilities poles and masts - small scale must comply with Rule 16.6.11.4.

5.5.12.4 Setback from scheduled tree

Network utilities 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.

Rule 5.6 Setbacks from National Grid and Network Utilities

5.6.1 Setback from National Grid

5.6.1.1 Setback from national grid (sensitive activities, buildings and structures)

- 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:
 - i. additions or alterations that do not increase either the building height or footprint.
- 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:
 - i. network utilities activities within the road reserve or associated with the operation of the national grid.
- 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.
- d. All buildings and structures must maintain a minimum vertical clearance of 10m below the lowest point of the national grid transmission line.
- e. Activities that contravene the setback from national grid (sensitive activities, buildings and structures) are non-complying activities.

5.6.1.2 Setback from national grid (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

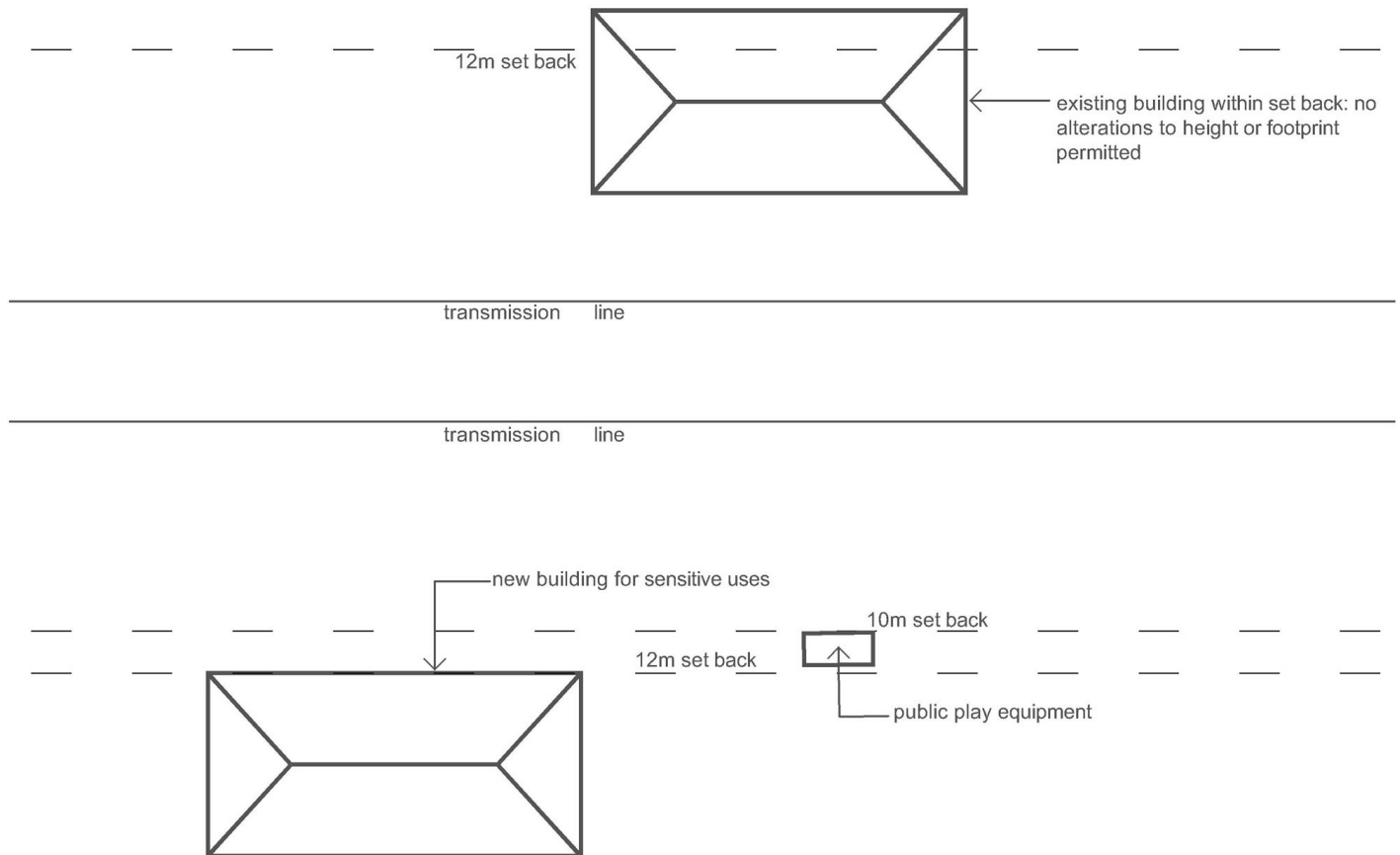
Circuit voltage		Vertical distance to ground			Radial distance
		a. Across or along roads or driveways	b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (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



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)	
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
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:
- earthworks for the repair, sealing or resealing of a road, footpath, driveway or farm track;
 - 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;
 - earthworks ancillary to network utilities activities; and
 - earthworks ancillary to the operation, repair, and maintenance of the roading network.

Figure 5.6A: National grid setbacks



5.6.2 Setback from Network Utilities

Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network utilities structures, except:

- earthworks within 12m of a national grid transmission line or support structure, which are managed through rule 5.6.1;
- earthworks ancillary to network utilities activities; and
- earthworks ancillary to the operation, repair, and maintenance of the roading network.

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:
 - 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 activities performance standards; Rule 5.7.4 applies to performance standards for setback from national grid and network utilities.

5.7.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standards contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or <u>site</u> 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. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> e. Whether breaching the performance standard is essential to establish or maintain an essential network utility service. f. The potential benefits of the proposed utility, particularly contributions to national energy objectives or renewable energy generation targets.

5.7.3 Assessment of performance standard contraventions (network utilities activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Amateur radio standards	a. Effects on character and amenity of zone	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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 minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5.a). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Breach of the performance standard is essential to establish or maintain effective functioning of amateur radio configurations.
2.	Boundary setbacks (wind generators)	a. Effects on character and amenity of zone	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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.	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.	Energy resource investigation standards	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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 activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Location	a. Effects on character and amenity of surrounding zones	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 5.2.1 ii. Network utility structures are of a location that enables the provision of network utilities while: <ul style="list-style-type: none"> 1. minimising, as far as practicable, adverse effects on the amenity and character of the zone; and 2. maintaining a high level of pedestrian amenity in pedestrian street frontages (Policy 5.2.1.5). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Alternative siting has been considered which would provide the same service without detracting from the streetscape profile or pedestrian accessibility. iv. Ground conditions, topography, or other site constraints make placing pipes underground impracticable.
6.	Location in a heritage precinct	a. Effects on heritage streetscape character	
7.	Location in a pedestrian street frontage	a. Effects on pedestrian amenity	
8.	On-site energy generation design standards	a. Effects on character and amenity of zone	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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.	In the ONL or SNL overlay zones : • Reflectivity	a. Effects on landscape	See Rule 10.4
10.	In the NCC Overlay Zone : • Reflectivity	a. Effects on natural character of the coast	See Rule 10.4

5.7.3 Assessment of performance standard contraventions (network utilities activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Setback from coast and water bodies	a. Effects on biodiversity 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
12.	Setback from national grid (earthworks)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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) <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Earthworks do not compromise the structural integrity of the national grid, or the ability to gain access to national grid infrastructure for maintenance.

5.7.3 Assessment of performance standard contraventions (network utilities activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Setback from network utilities (earthworks)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 5.2.1 ii. Earthworks are set back from network utilities an adequate distance to avoid adverse effects on: <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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.
14.	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	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> i. Objective 5.2.1 ii. Network utilities structures are located, designed and operated to ensure any risk to health and safety is no more than minor (Policy 5.2.1.7) <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Breach of the performance standard does not result in a safety risk.

5.7.4 Assessment of performance standard contraventions (setbacks from national grid and network utilities)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Setback from national grid (earthworks)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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) <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Earthworks do not compromise the structural integrity of the national grid, or the ability to gain access to national grid infrastructure for maintenance.
2. Setback from network utilities (earthworks)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 5.2.1 ii. Earthworks are set back from network utilities an adequate distance to avoid adverse effects on: <ul style="list-style-type: none"> 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). <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> 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.

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:
 - 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 utilities activities generally; Rule 5.8.3 contains additional provisions that apply to network utilities activities in overlay zones, mapped areas, heritage precincts, and on scheduled items.
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) 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 activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Network utilities structures - large scale	<p>a. Effects on character and amenity</p> <p>b. Effects on surrounding sites residential amenity</p> <p>c. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> 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. iv. For utilities attaching to existing masts or buildings, there are other utilities which are of a similar scale. v. The height of the network utility is consistent with surrounding buildings. vi. Natural landforms of 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. vii. No alternative sites exist which could provide the same coverage with reduced effects on visual amenity. viii. Sunlight admission to the footpath and street is maintained, and there are no significant shadowing effects on residential buildings.

5.8.2 Assessment of restricted discretionary network utilities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>2. Outside the rural and industrial zones:</p> <ul style="list-style-type: none"> • Energy resource investigation devices • Biomass generators - on-site energy generation <p>Outside the rural, rural residential and industrial zones:</p> <ul style="list-style-type: none"> • Network utilities poles and masts - small scale 	<p>a. Effects on the amenity of surrounding properties</p> <p>b. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 5.2.1 Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: <ol style="list-style-type: none"> effects on visual amenity and the character of the zone in which the activity is located; and effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> The utility structure is designed, located or screen to be as unobtrusive as possible. The visual cohesion of the street is not reduced by the utility structure. Sunlight admission to the footpath and street is maintained. The scale, size or design is consistent or compatible with surrounding properties. No alternative siting exists which could provide the same network coverage with reduced effects on amenity. The activity is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.
<p>3. In the rural and industrial zones:</p> <ul style="list-style-type: none"> • Solar panels - community scale • Wind generators - community scale 	<p>a. Effects on the amenity of surrounding properties</p> <p>b. Effects on rural character and amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 5.2.1 Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: <ol style="list-style-type: none"> effects on visual amenity and the character of the zone in which the activity is located; and effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> The structure is not situated on visually prominent rural zoned land. Landscaping is used to screen the structure from public viewpoints. The nature of the activity is such that reverse sensitive effects to industrial or port activities will not occur.

5.8.3 Assessment of restricted discretionary network utilities 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: <ul style="list-style-type: none"> Amateur radio configurations Network utilities structures - small scale Network utilities poles and masts - small scale 	a. Effects on landscape values	See Rule 10.5
2. In the HNCC or ONCC overlay zones: <ul style="list-style-type: none"> Amateur radio configurations Network utilities structures - small scale Network utilities poles and masts - small scale 	a. Effects on natural character of the coast	See Rule 10.5
3. In a Scheduled ASCV: <ul style="list-style-type: none"> Network utilities poles and masts - small scale Wind generators - on-site energy generation Hydro generators - on-site energy generation Solar panels - on-site energy generation Energy resource investigation devices Biomass generators - on-site energy generation 	a. Effects on biodiversity	See Rule 10.5
4. In a wāhi tūpuna mapped area where network utilities activities are identified as a threat in Appendix A4	a. Effects on cultural values of manawhenua	See Rule 14.4
5. In the SNL or ONL overlay zones: <ul style="list-style-type: none"> Network utilities poles and masts - small scale Wind generators - on-site energy generation Hydro generators - on-site energy generation Solar panels - on-site energy generation Energy resource investigation devices Biomass generators - on-site energy generation 	a. Effects on landscape values	See Rule 10.5
6. In the NCC Overlay Zone: <ul style="list-style-type: none"> Network utilities poles and masts - small scale Wind generators - on-site energy generation Hydro generators - on-site energy generation Solar panels - on-site energy generation Energy resource investigation devices Biomass generators - on-site energy generation 	a. Effects on natural character of the coast	See Rule 10.5

5.8.3 Assessment of restricted discretionary network utilities activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>7. All RD activities due to affecting scheduled heritage sites</p> <ul style="list-style-type: none"> • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • Biomass generators - on-site energy generation 	<p>a. Effect on heritage values</p>	<p>See Rule 13.6</p>
<p>8. All RD activities due to being in a heritage precinct</p> <ul style="list-style-type: none"> • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • Biomass generators - on-site energy generation 	<p>a. Effects on heritage streetscape character</p>	<p>See Rule 13.6</p>

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 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 consent applications;
 - 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 activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 5.2.1 <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> b. The location of proposed network utilities is essential for the effective operation of a network service. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. The potential benefits of proposed network utilities, particularly contributions to national energy objectives and renewable energy generation targets will be considered. d. Whether network utilities are being conducted in accordance with relevant industry standards will be considered. e. In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> i. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with <ol style="list-style-type: none"> 1. wāhi tūpuna; and 2. mahika kai (Objective 14.2.1). 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. f. 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.

5.9.2 Assessment of discretionary network utilities activities

Activity	Guidance on the assessment of resource consents
<p>2. In the rural or industrial zones:</p> <ul style="list-style-type: none"> • Solar panels - regional scale • Wind generators - regional scale • Hydro generators - regional scale • Biomass generators - stand-alone 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 5.2.1 Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: <ol style="list-style-type: none"> effects on visual amenity and the character of the zone in which the activity is located; and effects on the amenity of any surrounding residential activities (Policy 5.2.1.11).
<p>3. In all zones except the rural or industrial zones:</p> <ul style="list-style-type: none"> • Solar panels - community scale • Wind generators - community scale • Hydro-generators - community scale 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 5.2.1 Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: <ol style="list-style-type: none"> effects on visual amenity and the character of the zone in which the activity is located; and effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> Landscaping or screening are used to screen the device from surrounding properties. The height of network utilities are compatible with the height of surrounding properties.
<p>4. In the SNL or ONL overlay zones:</p> <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	<p>See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on landscape values.</p>
<p>5. In a scheduled ASCV:</p> <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	<p>See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</p>

5.9.2 Assessment of discretionary network utilities activities

Activity		Guidance on the assessment of resource consents
6.	In the NCC Overlay Zone: <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	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: <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	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: <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.
9.	All discretionary activities identified as a threat in a wāhi tūpuna mapped area in Appendix A4	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.	In a hazard overlay zone: <ul style="list-style-type: none"> • 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.

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 5dB LAeq (15min)	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	

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 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 activities

Activity	Guidance on the assessment of resource consents
<ol style="list-style-type: none"> 1. All non-complying activities 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 2.2.2, 2.7.1, 5.2.1 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> b. In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 1. wāhi tūpuna; and 2. mahika kai (Objective 14.2.1). 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 c. Council will consider: <ol style="list-style-type: none"> i. the potential benefits of proposed network utilities activities, particularly contributions to national energy objectives or renewable energy generation targets; ii. whether relevant industry standards are being complied with. d. 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.

5.10.3 Assessment of non-complying network utilities activities

Activity	Guidance on the assessment of resource consents
<p>1. In all zones except the rural or industrial zones:</p> <ul style="list-style-type: none"> • Biomass generators - stand-alone • Hydro generators - regional scale • Solar panels - regional scale • Wind generators - regional scale 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 5.2.1</p> <p>b. There will be no material adverse effects on the amenity of surrounding area (Policy 5.2.1.10).</p>
<p>2. In the HNCC or ONCC overlay zones:</p> <ul style="list-style-type: none"> • Biomass generators - all scales • Energy resource investigation devices • Hydro generators - all scales • Solar panels - all scales • Network utilities structures - large scale • Wind generators - all scales 	<p>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.</p>
<p>4. In the ONF, SNL or ONL overlay zones:</p> <ul style="list-style-type: none"> • Biomass generators - stand-alone • Hydro generators - regional scale • Solar panels - regional scale • Wind generators - community scale • Wind generators - regional scale 	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on landscape values.</p>
<p>In a scheduled ASCV</p> <ul style="list-style-type: none"> • Biomass generators - stand-alone • Hydro generators - regional scale • Solar panels - regional scale • Wind generators - community scale • Wind generators - regional scale 	<p>See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</p>
<p>5. All non-complying activities identified as a threat in a wāhi tūpuna mapped area in Appendix A4</p>	<p>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.</p>
<p>6. On a scheduled heritage site or in a heritage precinct:</p> <ul style="list-style-type: none"> • Biomass generators - stand-alone • Hydro generators - regional scale • Solar panels - regional scale • Wind generators - community scale • Wind generators - regional scale 	<p>See Rule 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.</p>

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	<ul style="list-style-type: none"> Maximum height - Clearance from navigable water body (Rule 5.5.8.6) Technical standards - Maximum gauge pressure (Rule 5.5.10.2) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 5.2.1 b. Policy 5.2.1.7 <p><i>Potential circumstances which may support a consent application include:</i></p> <ul style="list-style-type: none"> c. Non-compliance with the performance standard does not result in a safety risk.
2.	Light spill - where the limit is exceeded by greater than 25%	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health.
3.	Location - co-location on an ONF (Rule 5.5.6.5)	See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on 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	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.	<ul style="list-style-type: none"> Setback from national grid (sensitive activities, buildings, and structures) (Rule 5.6.1.1) Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 5.2.1 b. Sensitive activities and hazardous substances are set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people are avoided or are insignificant (Policy 5.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. Written approval is obtained from the owner and/or operator of the national grid line. d. The ability to operate, maintain, upgrade and develop the national transmission network, including access to the national grid infrastructure, is not impeded. e. The proposal complies with New Zealand Electrical Code of Practices for Electrical Safe Distances (NZECP34:2001). f. The design and layout of the subdivision enables appropriate separation distances between national grid infrastructure and land use and development.

