

## 23 UTILITY RULES

These provisions apply to utility network infrastructure [and the activities of other operators]<sup>PC74</sup> dealt with in this chapter throughout all parts of the city. The area based objectives, policies and rules shall not apply to utility network infrastructure dealt with in this chapter except that (unless specified to the contrary) the conditions that apply to Permitted Activities in respect of noise, dust, lighting, electromagnetic radiation and hazardous substances apply to all activities in this chapter [and the following permitted activity conditions for Earthworks (Rule 30.1.1 and 30.1.2)]<sup>PC74</sup>

Erosion Dust and Sediment Control	30.1.1.1(a)(iv) 30.1.1.1(b)(iii) 30.1.1.4 30.1.2.1(a)(iv) 30.1.2.1(b)(iii) 30.1.2.4
Flooding Hazard	30.1.1.3 30.1.2.3
Effects on Streams, Wetlands and the Coastal Marine Area	30.1.1.2 30.1.2.2] <sup>PC70</sup>

[The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulation came into force on 9 October 2008. The NES regulates radiofrequency fields for antennas. It also specifies a range of permitted activities for cabinets, noise emissions and installation and replacement antennas on existing or replacement pole structures where these occur on formed legal road.

National environmental standards are binding on local authorities and prevail over any similar district plan rules, unless the NES states otherwise. The telecommunications NES does include four situations where plan rules prevail over the NES. In respect of the Wellington City District Plan, rules relating to listed heritage items, identified ridgelines and hilltops and the seaward side of identified coastal roads prevail over the provisions of the NES.

Applicants should refer to both the NES and the District Plan rules to determine which provisions apply.]<sup>PC74</sup>

For the avoidance of doubt, where utilities will be located on a site with a Hazard Area notation, the utility rules in this chapter applying to the underlying Area (e.g. Central Area, Residential Area etc.) will apply and the Hazard Area notation will only be relevant if the proposal is a utility structure and is to be dealt with under rules 23.2.1 or 23.4.1

### 23.1 Permitted Activities

The activities in 23.1 are Permitted Activities in the Areas specified provided that they comply with any specified conditions.

The activities in rules 23.1.1 to 23.1.9 are Permitted Activities in all Areas of the city except where:

- a rule in Chapter 23.1.1 to 23.1.9 provides that it does not apply (or has limited application) in Open Space B and C Areas and Conservation Sites; or
- a rule in Chapter 23.1.1 to 23.1.9 provides that it does not apply where the site is or contains a [listed]<sup>PC74</sup> heritage item; or
- rule 23.1.10 (heritage) applies and the conditions are not met.

The activities in rules 23.1.11 to 23.1.15 are Permitted Activities in the Areas specified, provided that:

- rule 23.1.16 (heritage) does not apply; or
- where rule 23.1.16 applies, the conditions are met.

**23.1.1** The construction, alteration of and addition to a utility structure or line located under existing or recontoured ground (except on land which is not on a formed legal road or accessway within Open Space B and C Areas or Conservation Sites) is a Permitted Activity provided that it complies with the following conditions:

- 23.1.1.1 Where a new network utility corridor has been constructed, the ground surface and, where practicable, any trees, bush or covering vegetation must be reinstated.
- 23.1.1.2 In respect of natural or manufactured gas, pipes are limited to the distribution (but not transmission) of gas at a gauge pressure not exceeding 2000 kilopascals.

Council's policy is to encourage network utilities to be sited underground in all Areas. The above rule provides for underground utilities as Permitted Activities provided that ground surfaces are restored. Where situated under road, the requirements of Council as landowner will need to be met subject to any statutory provisions relating to utilities. Council administers this through a Code of Practice for Working on Roads outside of the District Plan.

**[23.1.2** Any attached line is a Permitted Activity.]<sup>PC14</sup>

**23.1.3** The repair, maintenance, and replacement (including replacing multiple lines with fewer lines), and minor upgrading of overhead and underground lines is a Permitted Activity provided it complies with the following condition:

- 23.1.3.1 Where repair, maintenance, replacement and minor upgrading of an underground line in Open Space B and C Areas or Conservation Sites (outside formed legal roads or accessways) has been undertaken, the ground surface, and where practicable, any trees, bush or covering vegetation, must be reinstated.

Council recognises the importance of existing network utilities for the City and seeks to ensure that they remain operational. The above rule intends to provide for the repair, maintenance, replacement and upgrade of lines where the environmental effects of that will be the same or similar in character, intensity and scale to that existing.

Whilst this rule provides for the ongoing operation of lines the environmental outcomes anticipated by the Plan are furthered by the obligations on network utility operators under s17 of the Resource Management Act to avoid, remedy or mitigate adverse effects on the environment.

23.1.4 The construction, alteration of and addition to a utility structure situated above ground is a Permitted Activity [in all Areas (except Open Space B and C Areas or Conservation Sites)]<sup>PC74</sup>, provided that it complies with the following conditions:

[For all structures proposed within legal road that are associated with the operation of legal road and/or the management or control of traffic, refer to

*either Rule 23.1.7 or the rules permitting activities associated with the upgrade and maintenance of formed roads found in each zone chapter, as those rules prevail over this Rule 23.1.4.]PC74*

- [23.1.4.1a The footprint for one utility structure must not exceed 1.5m<sup>2</sup> in area. For two or more cabinets the total footprint of all cabinets must not exceed 1.8m<sup>2</sup>. These dimensions do not include any base or foundation.
- 23.1.4.1b The height of any utility structure must not exceed 1.8m above ground (not including any base or foundation less than 0.5m high), except that in the case of telephone booths the maximum height above ground shall be 2.5m.
- 23.1.4.1c Rules 23.1.4.1a and 23.1.4.1b do not apply where a utility structure is located on a building, the measurement of footprint and height shall be of the utility structure itself, rather than the building or the height above ground.]PC74
- 23.1.4.2 That they are located at least 5m from mean high water springs or 3m from all other waterbodies.
- [23.1.4.3 No utility structure is located on an identified ridgeline or hilltop, or on the seaward side of identified coastal roads next to the coastal marine area as shown in Appendix 1.
- 23.1.4.4 No utility structure shall be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no utility structure shall be located on a site within a heritage area or any area of legal road within that heritage area.]PC74

*[The above rule provides for above ground utility structures that are considered to have minor environmental effects, as Permitted Activities. Structures that exceed the size standards and/or are in more sensitive areas are considered to have potential adverse environmental effects and therefore require consent.*

*Where these utility structures are located on legal road, Council exercises its authority as owner to ensure that they are appropriately designed and sited. Road Opening Notices are administered under a separate process, distinct from the District Plan, which is guided by Council's Code of Practice for Working on Road.]PC14*

#### **Rule 23.1.5 has been deleted by Plan Change 74**

**23.1.6** Any utility network infrastructure enclosed within a building is a Permitted Activity.

**23.1.7** On legal roads in all Areas, the [construction, alteration, addition to and operation]PC74 of traffic management and control structures, and street lighting are Permitted Activities.

*[For activities involving the upgrade and maintenance of the formed road, including such activities as earthworks, replacing or upgrading existing structures and equipment that are part of the road, resealing, temporary road related construction buildings and equipment etc., refer to the rules permitting activities associated with the upgrade and maintenance of formed roads found in each zone chapter.]PC74*

23.1.7.1 Condition 17.1.1.4.3 does not apply to Rule 23.1.7

**23.1.8** Masts with or without antennas or utility network apparatus are Permitted Activities in all Areas except:

- Open Space [A.]PC74 B and C Areas
- Conservation Sites, or
- [Residential Areas]PC74

provided that they comply with the following conditions:

- 23.1.8.1 Any antennas and aerials attached to a mast must be a Permitted Activity.
- 23.1.8.2 No mast is located on [an identified]PC33 ridgeline or hilltop[, or on the seaward side of identified coastal roads next to the coastal marine area as shown in Appendix 1, or on a site that is, or contains a listed item. In respect of listed heritage areas, no mast shall be located on a site within a heritage area or any area of legal road within that heritage area]PC74.
- 23.1.8.3 No mast is located less than 5m from mean high water springs or less than 3m from all other waterbodies.
- 23.1.8.4 No guy wires are permitted, except in the Rural Area.
- 23.1.8.5 No mast shall be located closer than [5m]PC74 from a boundary in the Residential Area (measured from the outer edge of the mast, excluding any base or foundation).
- 23.1.8.6 In the Rural Area no mast:
  - 20m or more in height shall be located 50m or less from the closest external wall of a dwelling (excluding balconies or decks)

- less than 20m in height shall be located 20m or less from the closest external wall of a dwelling (excluding balconies and decks) provided that this condition will not apply if the mast is not visible from living spaces inside the dwelling or any balconies or decks or from up to 2m above ground outside at the closest external wall, or (if the mast is visible) the written approval of the owner of the dwelling is provided to the Council.

23.1.8.7

Except as provided for in 23.1.8.8 or in 23.1.15.2:

- the maximum height of any mast (including any antennas, but excluding any aerials and lightning rod) shall not exceed the height limits below
- where antennas or aerials are attached to the mast, they must be located within one horizontal diameter circle as provided below:

Area	Height	Horizontal diameter circle
Central Area	15m	3m
Institutional Precincts	15m	3m
Rural Area	15m	3m
Centres and Business Areas	Building height	3m
Airport and Golf Course Precincts	15m	3m

Note: building height = Maximum Permitted Building Height in the Area.

23.1.8.8

Except as provided for in 23.1.15.2, where antennas or aerials attached to a mast are within a 750mm horizontal diameter circle measured through the centre of the mast, and the diameter of the mast is less than 600mm (when measured at any point above 6m from the bottom of the mast, excluding any base or foundation) the maximum height of any mast (including any antennas, but excluding any aerials and lightning rod) shall not exceed:

- Centres and Business Areas [refer to heights in Appendix 2]<sup>PC74</sup>
- Central Area 20m
- Institutional Precincts 20m
- Airport and Golf Course Precinct 20m
- Rural Area 20m

23.1.8.9

Any utility network apparatus attached to the mast (not otherwise provided for) shall:

- not exceed the size limits for Permitted Activity antenna (attached to a mast)
- be located within [a 3m horizontal diameter circle where 23.1.8.7 applies or a 750mm horizontal diameter circle where 23.1.8.8 applies]<sup>PC74</sup>
- be located on the mast so that it is no higher than the maximum height of the mast allowed in 23.1.8.7 or 23.1.8.8
- if applicable, be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.

**[23.1.8A** In the Open Space A Area, replacement masts for existing pole structures are a Permitted Activity provided they comply with the following conditions:

23.1.8A.1 Any antennas attached to a mast must be a Permitted Activity.

23.1.8A.2 No mast is located on an identified ridgeline or hilltop, or on the seaward side of identified coastal roads next to the coastal marine area as shown in Appendix 1, or on a site that is, or contains a listed heritage item. In respect of listed heritage areas, no mast shall be located on a site within a heritage area or any area of legal road within that heritage area.

23.1.8A.3 No mast is located less than 5m from mean high water springs or less than 3m from all other waterbodies.

23.1.8A.4 No guy wires are permitted.

23.1.8A.5 No mast shall be located closer than 5m from a boundary in the Residential Area (measured from the outer edge of the mast, excluding any base or foundation).

23.1.8A.6 Any utility network apparatus attached to the mast (not otherwise provided for) shall:

- not exceed the size limits for Permitted Activity antenna (attached to a mast)
- be located within the horizontal diameter circle requirement in a 3m horizontal diameter circle.
- be located on the mast so that it is no higher than the maximum height of the mast allowed in 23.1.8A.7.
- if applicable, be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access

23.1.8A.7 The height of the replacement mast (including attached antennas) shall be no greater than 3m higher than the original pole height.<sup>PC74</sup>**23.1.9** Temporary activities are Permitted Activities.**Rule 23.1.10 has been deleted by Plan Change 74**

**23.1.11** Except as provided under Rule 23.1.3, in the Rural Area, the construction, alteration of and addition to lines for conveying electricity at a voltage up to and including 66 kV with a capacity up to and including 50 MVA or for the purpose of telecommunication are Permitted Activities provided that they comply with the following conditions:

23.1.11.1	Any new support structures are located on or within 20m from the edge of the carriageway of a formed legal road.
23.1.11.2	That support structures are located at least 5m from mean high water springs or 3m from any other waterbodies.
23.1.11.3	That 23.1.11.1 [and]PC33 ,23.1.11.2 do not apply if the line is to provide a customer connection that is intended principally for the supply of electricity, or for telecommunication services, to an end user, or end users, at or in the vicinity of the connected property.
<b>23.1.12</b>	The addition of overhead lines to provide customer connections is a Permitted Activity in the Residential Area, Central Area, Centres, Business Areas, Institutional Precincts, Airport and Golf Course Precinct and Open Space A provided that it complies with the following conditions:
23.1.12.1	The existing electricity or telecommunication connection to the site is or are overhead.
23.1.12.2	No new support structure is erected.
23.1.12.3	No underground service duct is available to the site.
<b>23.1.13</b>	Except as provided in Rule 23.1.16, antennas in Residential Areas or Open Space A Areas are a Permitted Activity provided that they comply with the following conditions:
23.1.13.1	They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.
23.1.13.2	The antenna shall not be located closer than [3m]PC74 from a boundary in the Residential Area.
23.1.13.3	The antenna shall not exceed 0.6m <sup>2</sup> in area or 800mm diameter. [Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted. If the antenna is attached to a building or structure (excluding a mast) so that the antenna does not protrude above that part of the buildings or structure to which it is attached, the antenna shall not exceed 1m <sup>2</sup> in area or 1m diameter.]PC44
23.1.13.4	Antennas attached to a mast shall not exceed 0.6m <sup>2</sup> in area or 800mm diameter and must be located on the mast [within a 3m horizontal diameter circle.]PC74
[23.1.13.5	No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]PC74
<b>23.1.14</b>	Except as provided in Rule 23.1.16, antennas in the Central Area, Institutional Precincts, Centres, Business Areas, or Airport and Golf Course Precinct are a Permitted Activity provided that they comply with condition 23.1.14.1 [and 23.1.14.6]PC74 and any one of conditions 23.1.14.2 to 23.1.14.5:
23.1.14.1	They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.
23.1.14.2	The antenna shall not exceed 0.6m <sup>2</sup> in area or 800mm diameter except if 23.1.14.3, 23.1.14.4 or 23.1.14.5 below applies. [Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted.]PC44
23.1.14.3	The antenna shall not exceed 1.5m <sup>2</sup> in area or 1.4m diameter where the antenna is: <ul style="list-style-type: none"> <li>• attached to a building or structure (excluding a mast) and the antenna is no more than 5m in height above the highest part of the building or structure to which it is attached; and</li> <li>• located no less than 10m from a Residential Area boundary.</li> </ul>
23.1.14.4	The antenna shall not exceed 2.5m <sup>2</sup> in area or 2.0m diameter, except that in Centres and Business Areas the antenna shall not exceed 2.0m <sup>2</sup> in area or 1.5m diameter, where the antenna is: <ul style="list-style-type: none"> <li>• attached to a building or structure (excluding a mast) and the antenna does not protrude above that part of the building or structure to which it is attached; and</li> <li>• located no less than 10m from a Residential Area boundary.</li> </ul>
23.1.14.5	Antennas attached to a mast shall not exceed 1.5m <sup>2</sup> in area or 1.4m diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
[23.1.14.6	No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]PC74
<b>23.1.15</b>	Except as provided in Rule 23.1.16, antennas in the Rural Area are a Permitted Activity provided that condition 23.1.15.1 [and 23.1.15.5]PC74, and any one of conditions 23.1.15.2 to 23.1.15.4 are met:
23.1.15.1	They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.
23.1.15.2	Where antennas are attached to a building or structure (including a mast that was erected on or before 1 October 1991, but excluding a mast erected after that date), the antenna shall not exceed 5m <sup>2</sup> in area or 2.6m diameter and rules 23.1.8.7 and 23.1.8.8. do not apply.
23.1.15.3	Except as provided for in 23.1.15.2 or 23.1.15.4 antennas attached to a mast shall not exceed 0.6m <sup>2</sup> in area or 800mm diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.

23.1.15.4 Except as provided for in 23.1.15.2, antennas attached to a mast 8m or less in height, shall not exceed 1.5m<sup>2</sup> in area or 1.4m diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.

[23.1.15.5 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]<sup>PC74</sup>

**23.1.16** Any antenna where no part of the antenna is greater than 70mm in diameter (not including any mountings) or where its total area is less than 150cm<sup>2</sup> is a Permitted Activity.

*The radiofrequency emission provisions of the NES for Telecommunication Facilities still apply in respect of antennas permitted under this Plan.*

**[23.1.17** The upgrade of a lawfully established mast and associated antennas that cannot comply with 23.1.8.7 or 23.1.8.8 is a Permitted Activity in the Central Area, Centres, Business Areas, Institutional Precincts, Airport and Golf Course Precinct and Rural Area provided that the upgrade complies with the following conditions:

23.1.17.1 All proposed antennas meet the relevant Area permitted activity antenna conditions in 23.1.14 or 23.1.15 .

23.1.17.2 The horizontal diameter circle of the proposed antennas does not result in an increase to the existing horizontal diameter circle.

23.1.17.3 The position of the replacement or new antennas on the mast or other supporting structure may be changed from the existing situation, but must not be any higher than the highest existing antenna/s.

23.1.17.4 The height of the proposed mast does not increase existing mast height (including the height of the antennas).

23.1.17.5 The mast and attached antennas are not:

- on an Identified Ridgeline and Hilltops, or
- on the seaward side of identified coastal roads in Appendix 1 or
- located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, the mast and attached antennas must also not be located on a site within a listed heritage area or any area of legal road within that heritage area.

For the purposes of this rule, **upgrade** means the replacement of existing antennas on a mast or other supporting structure with new antennas, or the addition of extra antennas to an existing mast or other antenna supporting structure.

**23.1.18** Amateur radio configurations are a Permitted Activity provided they comply with the following conditions:

23.1.18.1 No limit to the number of supporting structures less than 102mm in diameter. Where guy wires are used, these must not exceed 10mm in diameter.

23.1.18.2 A maximum of one supporting structure greater than 102mm. The maximum height of the supporting structure shall be the relevant Building Height. The maximum horizontal diameter of the pole or supporting structure is 800mm. The minimum setback from any boundary is 1.5m. Any guys used to support the pole must not exceed 10mm in diameter.

23.1.18.3 Dish antennas located less than 5m above ground have a maximum horizontal diameter of 4m and a minimum boundary setback of 1m. Dish antennas situated more than 5m above ground have a maximum diameter of 1.2m.

23.1.18.4 The maximum height of antennas mounted on buildings using a supporting structure less than 102mm diameter shall be 18m in the Residential Area, and 18m or the relevant permitted or actual Building Height plus 5m (which ever is greatest) in all other Areas.

23.1.18.5 All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.

23.1.18.6 No amateur radio configuration may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no amateur radio configuration shall be located on a site with a heritage area or any area of legal road within that heritage area.]<sup>PC74</sup>

*Council recognises that utilities are essential to the functioning of the City, but seeks to ensure that any adverse effects, particularly visual effects, which may result from these activities are avoided, remedied or mitigated. Underground reticulation of utilities is permitted throughout the City (except in Open Space B and C Areas or Conservation Sites) provided the ground can be adequately restored and will not result in any long-term visual impact. By requiring that works in the road must comply with Council specifications relating to the excavation and reinstatement of trenches, all work will be reinstated to a satisfactory engineering standard.*

*Where they comply with relevant performance standards, a range of small scale utility structures and masts are also permitted throughout the City. Such structures are relatively small and not particularly obtrusive. The size limit on antennas within and close to Residential Areas has been set to protect residential amenities.*

*[Licensed amateur radio operators have an important role in civil defence activities in the city. The rules recognise this by permitting certain amateur radio configurations for use by licensed amateur radio operators. Antennas and supporting structures that cannot meet the permitted standards are assessed as discretionary activities.]<sup>PC74</sup>*

*Council requires that all new lines other than in the Rural Area be placed underground in all new subdivisions and in locations where existing services have been placed or are being placed underground. Council recognises the need to maintain basic infrastructure so the small scale repair, maintenance, replacement and defined minor upgrading of existing overhead facilities are Permitted Activities. There is no definition of replacement. These rules must be applied in the context of the effects on the environment and will be subject to section 17 of the Resource Management Act 1991. Where overhead connection of services exists at present, additional overhead servicing to provide customer connections is a Permitted Activity.*

In the Rural Area, new overhead lines are permitted except for high voltage electricity lines and are subject to controls on siting. Overhead customer connection lines are however exempt from these controls on the basis that the visual effects of such lines is less than other types of lines and greater flexibility for siting is required.

The provisions of section 10 of the Resource Management Act 1991 apply to existing utilities erected prior to the notification of this Plan. These provisions will allow existing uses to continue provided their effects are the same or similar in character, intensity and scale to those which existed prior to the notification date.

## 23.2 Controlled Activities

Section 23.2 describes which activities are Controlled Activities in respect of Utilities. Resource consents will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in rules 23.2.1 and 23.2.2. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**23.2.1A** Utility structures situated above ground not being Permitted Activities are Controlled Activities in all Areas of the City (except Open Space B and C Areas or Conservation Sites) in respect of:

*[For all structures proposed within legal road that are associated with the operation of legal road and/or the management or control of traffic, refer to either Rule 23.1.7 or the rules permitting activities associated with the upgrade and maintenance of formed roads found in each zone chapter, as those rules prevail over this Rule 23.2.1A]PC74*

**23.2.1A.1** Siting [and visual effects]PC74

**23.2.1A.2** design and external appearance

**23.2.1A.3** safety

**23.2.1A.4** measures to mitigate the effects of any hazard event when located in a Hazard Area.

### Non-notification

The written approval of affected persons will not be necessary in respect of Items 23.2.1A.1, 23.2.1A.2, 23.2.1A.3 and 23.2.1A.4. [Notice of applications need not be served on affected persons]PC28 and applications need not be notified.

### Standards and Terms

[No utility structure shall be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no utility structure shall be located on a site within a heritage area or any area of legal road within that heritage area.]PC74

Under this rule the footprint of a utility structure must not exceed 20m<sup>2</sup> in area and the height must not exceed 3.5m above ground except:

- where a utility structure is located on a building it must not exceed 12m<sup>2</sup> in area and the height of the structure must not exceed 3m (which is the measurement of the utility structure itself rather than the building or the height above ground) except that the height above ground (measured at the top of the utility structure) must not exceed the permitted building height for the Area, or the highest part of the building (whichever is the greater).

### Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

**23.2.1A.5** The extent to which utility structures can be co-sited with similar utility structures or other buildings to avoid, remedy or mitigate their visual impact.

**23.2.1A.6** The extent to which utility structures can be sited so that they are screened from view.

**23.2.1A.7** The extent to which utility structures can be sited to avoid, remedy or mitigate the overshadowing of residential properties or public spaces.

**23.2.1A.8** [The extent to which utility structures located on the seaward side of a road identified in Appendix 1 will affect the character of the coastal environment and visual amenity. In particular the Council seeks to protect the area on the seaward side of:

Oriental Parade  
Evans Bay Parade  
Cobham Drive  
Shelly Bay Road  
Massey Road  
Karaka Bay Road  
Marine Parade  
Breaker Bay Road  
Moa Point Road  
Lyall Bay Parade  
Queens Drive  
The Esplanade  
Owhiro Bay Parade

23.2.1A.9 The extent to which utility structures located on the listed roads below will affect harbour views. The Council seeks to protect harbour views on the seaward side of:

Palliser Road  
 Grafton Road  
 Hornsey Road  
 Dunedin Road  
 Sutherland Road  
 Thane Road  
 The Crescent  
 [Moeller Street]<sup>PC20</sup>  
 Northland Road from the tunnel to Governor Road  
 Alexandra Road from Thane Road to Upoko Road  
 Maida Vale Road from the corner of Grafton Road to Evans Bay Parade  
 McFarlane Street (Upper Level)  
 Carlton Gore Road]<sup>PC74</sup>

23.2.1A.10 The extent to which the siting of utility structures will affect streetscape amenities. Council discourages utility structures on open berms or on streets where the removal of existing trees or other significant vegetation would be necessary.

23.2.1A.11 Whether structures are designed in a way that will maintain the character of the area or street in which it is located. Designs should reflect elements such as roof pitch and materials of buildings in the immediate locality. Special consideration should be given to design near heritage sites or character areas.

23.2.1A.12 Whether utility structures comply with New Zealand Standard NZS2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

23.2.1A.13 Whether the safety and convenience of road users, including pedestrians, will be maintained.

23.2.1A.14 Where a utility structure is located within a Hazard Area whether measures have been taken into account to mitigate the effects of any hazard event.

*[Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports]<sup>PC74</sup>*

23.2.1A.15 The extent to which any of the above criteria are constrained by operational or technical issues.

*In most Areas of the city, medium-sized utility structures to the size specified are Controlled Activities. Although such structures will not be dominant in size or scale, Council is concerned that the effects of their utilitarian appearance are avoided, remedied or mitigated.*

*Council is particularly concerned about the appearance and location of such structures when viewed from roads, other public areas and Residential Areas. Control will be maintained where existing harbour views might be spoiled. In all cases Council seeks to ensure that structures fit appropriately into their surroundings.*

**23.2.1B** Except as provided under Rules 23.1.3 and 23.1.6, the construction, alteration of and addition to any utility structure or line on a site which contains, or is, a listed heritage item (including legal road adjacent to a site in a heritage area), is a Controlled Activity in respect of:

*The provisions of the Historic Places Act 1993 relating to "archaeological sites" may apply to any excavation or trenching required to construct underground utility structures or lines.*

**23.2.1B.1** Historic heritage values

**Standards and Terms**

The utility structure or line is otherwise a Permitted Activity under this chapter.  
 Any utility structure or line located within the dripline of a listed tree shall meet the conditions of Rule 21.1.5.  
 Where any utility structure is situated above ground, it must be situated on a formed legal road, accessway or other area of hardstanding.  
 Any utility structure or line shall not be located adjacent to, or directly in front of, any listed heritage building (or the façade if that is the only part of the building listed), object or tree.

**Assessment Criteria**

In determining the conditions to be imposed, if any, Council will have regard to the criteria outlined in Rule 23.2.1A as well as the following criteria:

23.2.1B.2 The extent to which the utility structure or line is situated to maintain the historic heritage values associated with the listed item.  
<sup>PC74</sup>

**23.2.2** The construction, alteration of and addition to water reservoirs is a Controlled Activity in the Central Area, Centres, Business Areas, Institutional Precincts, Residential, Open Space A and B, and Rural Areas in respect of:

**23.2.2.1** siting and screening.

**Standards and Terms**

Under this rule water reservoirs must not exceed 100m<sup>2</sup> in plan area or 8m in height.

**Assessment Criteria**

*In determining the conditions to be imposed, if any, Council will have regard to the following criteria:*

- 23.2.2.2 Whether the water reservoir will be sited to harmonise with the natural or built features of the area in which it is situated by one or more of the following means:
- burying the reservoir
  - partial or complete backfilling of reservoir walls
  - screening using earth mounding
  - locating the reservoir so that it is not visible from a Residential Area.
- 23.2.2.3 Where the above treatments are not possible for hydraulic, topographical or other reasons, visual impacts will be avoided, remedied or mitigated through:
- appropriate screening and/or planting
  - colour treatment to reduce visual dominance; or
  - design modifications such as domed roofs where reservoirs are situated on hills.

*Council accepts that reservoirs provide a necessary and vital role in servicing all areas of the City and for this reason they are included as Controlled Activities. A size limit has been imposed, and larger reservoirs will be assessed as Discretionary Activities. Council's primary concern is to ensure that reservoirs are designed to respect the landscape in which they are situated and do not dominate the view.*

- 23.2.3 Subdivision to create an allotment for utility network purposes is a Controlled Activity in respect of:
- 23.2.3.1 site design, frontage and area
- 23.2.3.2 vehicular access
- 23.2.3.3 Deleted by Plan Change 70
- 23.2.3.4 landscaping
- 23.2.3.5 protection of any special amenity feature.

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of these matters. [Notice of applications need not be served on affected persons]<sup>PC28</sup> and applications need not be notified.

#### **Standards and Terms**

All utility networks must meet the conditions for Permitted Activities, the terms of any relevant resource consent, or must have existing use rights.

#### **Assessment Criteria**

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 23.2.3.6 The requirements of Section 106 of the Act.
- 23.2.3.7 The extent of compliance with the relevant parts of the City Bylaws and if applicable the Council's Code of Practice for Land Development.
- 23.2.3.8 The need to ensure permanent site access.

- 23.2.4 Antennas that do not meet the conditions for antenna size provided for in rules 23.1.13, 23.1.14 or 23.1.15, are a Controlled Activity in respect of:
- 23.2.4.1 siting
- 23.2.4.2 visual effects.

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of items 23.2.4.1 and 23.2.4.2 [Notice of applications need not be served on affected persons]<sup>PC28</sup> and applications need not be notified.

#### **Standards and terms**

All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.

In the Central Area, Institutional Precincts, Centres, Business Areas, or Airport and Golf Course Precinct:

- Where antennas are located on buildings or structures (excluding masts):

(a) where the building or structure is less than 43m in height the antenna shall not exceed 2.5m<sup>2</sup> in area or 2.0m diameter, the antenna must be sited so that the top of the antenna does not exceed the height of the highest part of the building or structure and the antenna shall be located no less than 10m from a Residential Area boundary

(b) where the building or structure is greater than 43m in height the antenna shall not exceed 5m<sup>2</sup> in area or 2.6m diameter provided that the antenna is located no less than 10m from a Residential Area boundary.

- Where antennas are attached to a mast, the antenna shall not exceed 2.0m<sup>2</sup> or 1.8m diameter.

In the Residential Area or Open Space A Area where antennas are attached to a mast the antenna shall not exceed 1.0m<sup>2</sup> in area or 1m diameter. In the Rural Area where antennas are attached to a mast, the antenna shall not exceed 3.2m<sup>2</sup> in area or 2.0m diameter.

#### **Assessment Criteria**



**In determining the conditions to be imposed, if any, Council will have regard to the following criteria:**

- 23.2.4.3 The extent to which any visual effects of the antenna can be mitigated by screening, alternative siting on the site, or colour or finish selection.
- 23.2.4.4 The extent to which the above criteria are constrained by operational or technical issues.
- [23.2.4A** Antennas located on non-heritage buildings in a listed heritage area within the Central Area, Centres, or Business Areas are a Controlled Activity in respect of:
- 23.2.4A.1** siting in relation to effects on any adjacent listed heritage building
- 23.2.4A.2** visual effects
- 23.2.4A.3** historic heritage effects

**Non-notification**

The written approval of affected persons will not be necessary in respect of items 23.2.4A.1 to 23.2.4A.3. Notice of applications need not be served on affected persons and applications need not be notified.

**Standards and terms**

- 23.2.4A.4 All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access.
- 23.2.4A.5 The antenna shall not exceed 0.6m<sup>2</sup> in area or 800mm diameter except if 23.2.4A.6, and 23.2.4A.7 below applies. Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted.
- 23.2.4A.6 The antenna shall not exceed 1.5m<sup>2</sup> in area or 1.4m diameter where the antenna is:
- attached to a building or structure (excluding a mast) and the antenna is no more than 5m in height above the highest part of the building or structure to which it is attached; and
  - located no less than 10m from a Residential Area boundary.
- 23.2.4A.7 The antenna shall not exceed 2.5m<sup>2</sup> in area or 2.0m diameter, except that in Centres the antenna shall not exceed 2.0m<sup>2</sup> in area or 1.5m diameter, where the antenna is:
- attached to a building or structure (excluding a mast) and the antenna does not protrude above that part of the building or structure to which it is attached; and
  - located no less than 10m from a Residential Area boundary.

**Assessment Criteria****In determining the conditions to be imposed, if any, Council will have regard to the following criteria:**

- 23.2.4A.8 The extent to which the antenna is positioned or sited to maintain the historic heritage values associated with the listed heritage area and does not detract from any adjacent listed heritage building.
- 23.2.4A.9 The extent to which any visual effects of the antenna can be mitigated by screening, alternative siting on the site, or colour or finish selection.
- 23.2.4A.10 Whether a shroud covering the antennas will mitigate the visual effects of the antennas, or whether the design and technical requirements of the shroud is such that it would create additional adverse effects.
- 23.2.4A.11 The extent to which the above criteria are constrained by operational or technical issues.]<sup>PC74</sup>
- 23.2.5** Masts that do not meet the conditions in 23.1.8.1 or the height limit in 23.1.8.8 are a Controlled Activity in respect of:
- 23.2.5.1** Siting[, including effects on streetscape and amenity]<sup>PC74</sup>
- 23.2.5.2** design and visual appearance
- 23.2.5.3** landscaping

**Non-notification**

The written approval of affected persons will not be necessary in respect of items 23.2.5.1 to 23.2.5.3. [Notice of applications need not be served on affected persons]<sup>PC28</sup> and applications need not be notified.

**Standards and terms**

All masts must meet the following conditions (if relevant) for Permitted Activities:

- 23.1.8.1, unless consent has been obtained or is concurrently sought and granted as a Controlled Activity under rule 23.2.4
- 23.1.8.2
- 23.1.8.3
- 23.1.8.4
- 23.1.8.6

- 23.1.8.7, except that the maximum horizontal diameter circle for the Central Area, Institutional Precincts, and Airport and Golf Course Precinct is 4m, and for masts up to 8m in the Rural Area, 6m; or 23.1.8.8, except that the height limits shall not exceed:

Central Area 25m  
 Institutional Precincts 25m  
 Airport and Golf Course Precinct 25m  
 Rural Area 30m

- 23.1.8.9.

#### Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

23.2.5.4 The extent to which any visual effects of the mast [or shading onto residential properties]<sup>PC74</sup> can be mitigated by:

- screening or landscaping
- alternative siting on the site[, including consideration of proximity to site boundaries]<sup>PC74</sup>
- alternative colour or finish selection
- re-configuration or design of antennas or other attachments to the mast
- re-design of the mast shape or profile.

23.2.5.5 The extent to which the above criteria are constrained by operational or technical requirements of the mast, antennas or other attachments to the mast.

**23.2.6** Masts in the following Open Space A Areas:

- Alex Moore Park, Johnsonville
- Kilbirnie Park and Evans Bay Park
- Grenada North Park
- Helston Park, Paparangi
- Kaiwharawhara Park
- Linden Park and Linden Park West, Tawa
- Lyndhurst Park, Tawa
- Miramar Park
- Nairville Park, Khandallah
- Newlands Park
- Polo Ground, Miramar
- Sinclair Park (Sportsfield 1), Houghton Bay
- Vogelmorn Park
- Wilton Park
- Redwood Park, Tawa

not being Permitted Activities are a Controlled Activity in respect of:

- 23.2.6.1 siting and height
- 23.2.6.2 design and visual effects
- 23.2.6.3 effects on listed historic heritage

#### Standards and terms

There shall be a maximum of one mast on each identified park under this rule.

No mast shall exceed 15m in height.

All masts must comply with relevant conditions for Permitted Activities under Rule 23.1.8A.

No mast shall be located closer than 50m to areas of public space that contain children's play equipment including skate parks.

The applicant shall provide the results of consultation with the Council's Parks and Gardens Business Unit.

#### Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 23.2.6.4 The extent to which the siting, height and design of masts and any associated antennas should be modified to mitigate adverse effects on the Open Space Area, particularly sports fields, children's play areas and ecological areas.
- 23.2.6.5 The extent to which the siting, height and design of masts and any associated antennas should be modified to mitigate adverse effects on adjacent Residential Areas, particularly views from main living areas.
- 23.2.6.6 The extent to which masts should be repositioned to protect historic heritage.

Note: All of the land subject to Rule 23.2.6 is in WCC ownership and the Council therefore reserves the right as land owner to determine the appropriateness or otherwise of siting any masts on the identified parks. The Council's decision will be determined by input from all relevant Directorates.]PC74

### 23.3 Discretionary Activities (Restricted)

Section 23.3 describes which activities are Discretionary Activities (Restricted) in respect of Utilities. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 23.3.1, 23.3.2, 23.3.3 and 23.3.4. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

23.3.1	Except as provided for in 23.3.2:  • antennas and masts with or without associated antennas [and amateur radio configurations that are not Permitted or Controlled Activities]PC74 [are Discretionary Activities (Restricted) in respect of:]PC74
23.3.1.1	maximum height of the mast and area or diameter of any antenna
23.3.1.2	visual effects and siting
23.3.1.3	[historic heritage effects
23.3.1.3a	visual amenity and landscape effects on identified ridgelines and hilltops
23.3.1.3b	visual and character effects on the seaward side of identified coastal roads next to the coastal marine area
23.3.1.3c	cumulative effects associated with co-siting and co-location
23.3.1.3d	in respect of amateur radio configurations the visual amenity effects and siting of supporting structures, antennas and other attachments.PC74

#### [Non-notification

Where an application is sought in respect of 23.3.1.1 for no more than 3.5m additional mast height on an existing or replacement mast and provided that the mast will be used to support antennas of more than one network utility operator, then the written approval of affected persons will not be necessary in respect of items 23.3.1.1 and 23.3.1.3c. Notice of applications need not be served on affected persons and applications need not be notified.]PC74

#### Standards and Terms

All antennas and aerials shall be designed and operated in compliance with New Zealand Standard NZS2772: Part 1: 1999 Radio Frequency Fields Part 1 - Maximum Exposure Levels - 3kHz to 300GHz at all times and in all places to which the public has access.

Masts in the Rural Area shall not exceed 40m in height.

Masts in the Central Area, Institutional Precincts, Centres, Business Areas, and Airport and Golf Course Precinct, shall not exceed 30m in height.

Masts in the Residential Area [and Open Space A area]PC74 shall not exceed [15m]PC74 in height.

No masts or antennas shall be located in the Open Space B and C Areas or Conservation Sites.

The antenna must not exceed the following:

[Area	Maximum size when located on a building or structure	Maximum size when located on a mast m <sup>2</sup> = area m = diameter
Central Area	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m
Institutional Precincts	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m
Airport and Golf Course Precinct	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m
Centres and Business Areas	6m <sup>2</sup> /4.5m	3.5m <sup>2</sup> /3m
Residential Area/Open	3.5m <sup>2</sup> /3m	3.2m <sup>2</sup> /2m

Space A		
Rural Area	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3mm]PC74

**Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 23.3.1.4 The extent to which the mast, antennas[, or amateur radio configurations]PC74 will be obtrusively visible, will adversely affect landscape values, or will detract from the amenities of the area in which it is situated or those in any nearby area, [particularly where the proposed site is within an identified ridgeline or hilltop.]PC33
- 23.3.1.5 The extent to which the height, area, diameter or siting of the mast or antennas will have more than minor adverse effects on significant views or sunlight to Residential Areas or public places.
- 23.3.1.6 The extent of variance from the conditions for Permitted Activities or Controlled Activities.
- 23.3.1.7 The extent to which the mast or antennas can be co-sited [or co-located]PC74 with similar structures or other buildings to avoid, remedy or mitigate their visual impact.
- 23.3.1.8 If the mast or antennas are likely to result in a significant adverse effect on the environment, whether the location and scale are appropriate having regard to alternative locations or other options.
- [23.3.1.9a The extent to which the mast or antennas located on a road identified in Appendix 1 will affect the character of the coastal environment and visual amenity. In particular the Council seeks to protect the area on the seaward side of:
- Oriental Parade  
Evans Bay Parade  
Cobham Drive  
Shelly Bay Road  
Massey Road  
Karaka Bay Road  
Marine Parade  
Breaker Bay Road  
Moa Point Road  
Lyllall Bay Parade  
Queens Drive  
The Esplanade  
Owhiro Bay Parade
- 23.3.1.9b The extent to which the visual effects from masts and antennas on coastal character and visual amenity are avoided, remedied or mitigated by:
- the co-location of utilities on existing masts or using micro antenna on existing structures to avoid, remedy or mitigate their visual impact
  - mitigating against potential adverse visual effects of development by sensitive siting and design and appropriate planting and/or screening
  - the use of external colour and materials to minimise the visual contrast with the surrounding environment
- 23.3.1.9c The extent to which the mast or antennas located on the listed roads below will affect harbour views:
- Palliser Road  
Grafton Road  
Hornsey Road  
Dunedin Terrace  
Sutherland Road  
Thane Road  
The Crescent  
[Moeller Street]PC20  
Northland Road from the tunnel to Governor Road  
Alexandra Road from Thane Road to Upoko Road  
Maida Vale Road from the corner of Grafton Road to Evans Bay Parade  
McFarlane Street (Upper Level)  
Carlton Gore Road]PC74
- 23.3.1.10 Where antennas are proposed to be sited on the top of a building, the extent to which they can be designed or screened so that they form an integral part of the total building design.
- 23.3.1.11 [Where]PC33 the mast or antennas are located on an [identified]PC33 ridgeline or hilltop, [whether they can be located elsewhere without a disproportionate loss in functionality and if not, whether they can be sited and designed in ways that avoid, remedy or mitigate adverse effects having regard to:
- the visibility of the subject site and the mast and antennas in relation to district wide, local and neighbouring views
  - the potential to co-locate the mast and antennas with any similar existing structures or other buildings to avoid, remedy or mitigate their visual impact

- the potential to site and design associated buildings and earthworks to be unobtrusive by screening or back drop earthworks or planting where appropriate
  - the use of external materials on masts, antennas and associated buildings to minimise the visual contrast with the surrounding environment] PC33
- [23.3.1.12 In respect of listed heritage items, the extent to which the mast or antenna is positioned or sited to maintain historic heritage values.
- 23.3.1.13 Whether a shroud covering the antennas will mitigate the visual effects of the antennas, or whether the design and technical requirements of the shroud is such that it would create additional adverse effects.]PC74
- 23.3.1.14 The extent to which any of the above criteria are constrained by operational or technical issues.

*Masts and antennas above those that are permitted or controlled are Discretionary Activities to enable their more significant effects to be assessed. The Council is particularly concerned about the visual effects of masts and antennas on building tops the amenities of the area and landscape values.*

- 23.3.2 The addition of antennas to any mast (existing at the time of the application [and not on formed legal road]PC74) where:
- the additional antennas or aerials are not Permitted or Controlled Activities; or
  - the additional antennas or aerials, when attached to the mast will not meet the conditions or standards and terms for Permitted or Controlled Activities is a Discretionary (Restricted) Activity in respect of:

- 23.3.2.1** visual effects including siting of the additional antennas or aerials or any reconfiguration of antennas or aerials on the existing mast
- 23.3.2.2** antenna area or diameter
- 23.3.2.3** the extent to which the addition of the antennas or aerials has an adverse effect on the environment.

#### Standards and Terms

The additional antennas and aerials shall be designed and operated in compliance with New Zealand Standard NZS2772: Part 1 : 1999 Radio Frequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz at all times and in all places to which the public has access. The additional antennas shall not exceed the maximum size limits for the antenna when located on a mast provided for in the table in the standards and terms in rule 23.3.1, except that for masts in the Rural Area that existed as at 1 October 1991 the maximum size of antenna is 9m<sup>2</sup> in area or 6.0m diameter.

#### Assessment Criteria

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 23.3.2.4 The effects, including the cumulative effects, of siting the additional antennas or aerials on the mast, and in particular the location of the additional antennas or aerials on the mast.
- 23.3.2.5 The extent to which the existing mast with additional antennas or aerials, exceeds the conditions for Permitted Activities or the standards and terms for Controlled Activities or Discretionary (Restricted) Activities.
- 23.3.2.6 If the additional antennas or aerials are likely to result in a significant adverse effect on the environment, whether there are alternatives and the extent of the effects of those alternatives.
- 23.3.2.7 Whether the matters relevant to granting any previous resource consent for the existing mast are affected by the additional antennas or aerials, including whether the consent of any party who gave their written approval or appeared at any hearing has been obtained.
- [23.3.2.8 Assessment criteria 23.3.1.4 – 23.3.1.14.]PC74

- 23.3.3** The construction, alteration of and addition to underground utility structures or underground lines:
- 23.3.3** • on or in Open Space B and C Areas and Conservation Sites that are not on formed legal roads or accessways; or
- 23.3.3** • that do not meet Permitted Activity condition 23.1.3.1; or
- are provided for as a Permitted Activity in Rule 23.1.1 but do not meet the conditions in 23.1.1; or
- 23.3.3** • on a site which contains, or is, a listed heritage item but do not meet the conditions in Rule 23.1.10
- 23.3.3** are Discretionary Activities (Restricted) in respect of:
- 23.3.3.1** location
- 23.3.3.2** damage to habitats or ecosystems
- 23.3.3.3** ground disturbance
- 23.3.3.4** heritage significance

#### Non-notification

The written approval of affected persons will not be necessary in respect of items 23.3.3.1 to 23.3.3.4. [Notice of applications need not be served on affected persons] PC28 and applications need not be notified.

**Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 23.3.3.6 Whether alternative routes or locations are available to safeguard the natural environment.
- 23.3.3.7 Whether the utility structure damages habitats or ecosystems or causes the loss of significant vegetation that contributes to the amenity of the open space area.
- 23.3.3.8 Whether the building of the utility structure causes significant alteration to or re-contouring of existing landforms or topography. Where any earthworks are undertaken, Council requires ground surfaces to be restored to the original condition and, where practicable, vegetation replaced.
- 23.3.3.9 Whether the heritage significance of the area or site is affected by the utility structure's construction and placement or is affected by the existence of the utility structure.
- 23.3.3.10 The extent to which any of the above criteria are constrained by operational or technical issues.

*Underground utilities are Discretionary Activities within Open Space B and C Areas, Conservation Sites (except when under formed legal roads or accessways if the conditions on the Permitted Activity rule are met) and Heritage items (where the conditions of the permitted rule are not met) to protect the special qualities that these areas hold.*

*There may be occasions when utilities need to traverse or locate within these areas. Council seeks to ensure that the special qualities of these sensitive areas are protected.*

*Some utility structures may be inappropriate for certain Maori sites. Likewise, ground disturbance may cause the loss of a site or area's historical context.*

**23.3.4** New or additional overhead lines that are not provided for as a Permitted Activity or do not meet the Permitted Activity conditions are Discretionary Activities (Restricted) in respect of:

- 23.3.4.1** visual effects
- 23.3.4.2** siting.

**Standards and Terms**

[No new support structure is erected, except in any of the following cases where one new support structure is used to:

- provide a connection to a new customer
- re-route existing overhead lines that cross private property onto legal road
- meet safety standards.]PC14

No individual overhead cable, wire, or other similar conductor shall measure more than 30mm in diameter (provided that where more than 1 cable and/or wire and/or other similar conductor is bundled or lashed together, no such bundle of cables and/or wires, and/or other similar conductors shall exceed 30mm in diameter).

If the overhead line is for conveying electricity, the voltage shall not exceed 66 kV with the capacity up to and including 50 MVA.

No overhead line is located on [an identified] PC33 ridgeline or hilltop.

No overhead line is located in Open Space B and C Areas or Conservation Sites.

**Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 23.3.4.3 The extent to which the size and scale of the proposed new or additional lines is in keeping with the size and scale of any overhead reticulation which exists.
- 23.3.4.4 The extent to which there are any technological, operational or topographical reasons why the new or additional overhead lines cannot be placed underground.
- 23.3.4.5 The extent to which the effects of the overhead lines are mitigated by matters such as:
- any visual backdrop viewing angle from adjacent properties
  - viewing distances
  - the diameter of the conductors, wires and cables, and if they are bundled or lashed together, the technique used
  - the location of the wires, conductors, cables and any other equipment included in the definition of line on the support structures
  - the location of support structures.
- 23.3.4.6 The extent to which the location of new or additional overhead lines will have an impact on:
- amenity values of the area, including rural and residential amenity
  - significant public views

- areas of landscape or open space values
- streetscape.

23.3.4.7 Where it is likely that the activity will result in any significant adverse effect on the environment, whether the location and scale are appropriate having regard to alternative locations or other options.

[23.3.4.7A The cumulative effects of any additional overhead lines on the surrounding environment.]<sup>PC14</sup>

23.3.4.8 The extent to which any of the above criteria are constrained by operational or technical issues.

## 23.4 Discretionary Activities (Unrestricted)

Section 23.4 describes which activities are Discretionary Activities (Unrestricted) in all Areas. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**23.4.1** Antennas, masts (with or without associated antennas, aerials and utility network apparatus) and utility structures including water reservoirs, not specifically provided for as Permitted, Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted) in all Areas.

### Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

23.4.1.1 Whether the size and scale of the proposal is generally compatible with other development in the area. More substantial structures may be acceptable in circumstances where:

- the size or location of sites permits a greater separation from existing development
- the local topography, existing vegetation or surrounding building forms and development will diminish the impact of the new structure
- development on adjacent sites is similar in size and scale

[• after first considering a wide range of alternative sites, the extent to which mitigation against potential adverse effects of development can be achieved by sensitive siting and design, and appropriate planting and/or screening and the use of external colour and materials to minimise contrast with the surrounding environment.]<sup>PC74</sup>

Council seeks to ensure that structures located in or visible from Residential Areas are not obtrusively visible.

23.4.1.2 The degree to which the utility structure, mast or antenna is appropriately located. Wellington's hilly terrain imposes constraints on the siting of some utilities but structures are generally discouraged on prominent ridgelines and hilltops. Where [located on identified ridgelines or hilltops.]<sup>PC33</sup>, Council encourages [the avoidance, remediation or mitigation of visual effects by:

- the co-siting of utilities to avoid, remedy or mitigate their visual impact
- the siting of utilities away from Residential or Open Space Areas will also be generally supported to protect the amenities of these areas.
- minimising the visibility of the site and/or structures in relation to district wide, local and neighbouring views
- ensuring visual continuity of relatively undeveloped land is maintained on the upper slopes and summit of the ridgeline or hilltop
- ensuring the antenna, mast or utility structure is seen against a landform backdrop and not the sky
- mitigating against potential adverse visual effects of development by sensitive siting and design and appropriate planting and/or screening
- the use of external colour and materials to minimise the visual contrast with the surrounding environment] <sup>PC33</sup>

23.4.1.3 The extent to which the visual effects from masts and antennas on coastal character and visual amenity are avoided, remedied or mitigated by:

- the co-location of utilities on existing masts or using micro antenna on existing structures to avoid, remedy or mitigate their visual impact
- mitigating against potential adverse visual effects of development by sensitive siting and design and appropriate planting and/or screening
- the use of external colour and materials to minimise the visual contrast with the surrounding environment

23.4.1.4 Whether a shroud covering the antennas will mitigate the visual effects of the antennas, or whether the design and technical requirements of the shroud is such that it would create additional adverse effects.]<sup>PC74</sup>

23.4.1.5 With regard to water reservoirs, the extent to which they can be sited to harmonise with the natural or built features of the area in which they are situated, by one or more of the following means:

- burying the reservoir
  - partial or complete backfilling of reservoir walls
  - screening using mounding
  - locating the reservoir so that it is not visible from a Residential Area.
- 23.4.1.6 Where the above treatments are not possible for hydraulic, topographical or other reasons, the extent to which impacts will be avoided, remedied or mitigated through:
- appropriate screening and/or planting
  - colour treatment to reduce visual dominance; and/or
  - design modifications such as domed roofs where reservoirs are situated on hills.
- 23.4.1.7 The extent to which the utility can be designed to reflect the form of development in the immediate locality. Where practicable, Council expects the design of structures to reflect elements such as roof pitch and materials of buildings in the vicinity. Special consideration should be given to design near heritage sites or character areas. Where structures are proposed to be sited on the top of a building, they should be designed or screened so that they form an integral part of the total building design.
- 23.4.1.8 The extent to which any utility will be hazardous or otherwise affect people's health or safety. Appropriate separation distances will be considered for the siting of such utilities. Where relevant, Council seeks compliance with Codes of Practice or New Zealand Standards.
- 23.4.1.9 In respect of noise, dust, lighting and electromagnetic radiation, the extent to which noise emissions, dust nuisance, lighting glare and electromagnetic effects will be intrusive. Council will seek to ensure the best practicable option is used to mitigate such effects and that any adverse effects are minor.
- 23.4.1.10 Where a utility structure is located within a Hazard Area the extent that measures are taken to mitigate the effects of any hazard event. *[Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports]PC22*
- 23.4.1.11 In respect of heritage items whether the heritage significance of the area or site is affected by the construction or placement of the utility structure, mast or antennas.
- 23.4.1.12 The extent to which any of the above criteria are constrained by operational or technical issues.
- 23.4.2 New or additional overhead lines and cables that are not Permitted or Discretionary (Restricted) Activities are Discretionary Activities (Unrestricted).**

#### **Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 23.4.2.1 Whether the size and scale of the proposed new or additional lines in is keeping with the size and scale of any overhead reticulation which currently exists.
- 23.4.2.2 Whether there are any technological, operational or topographical reasons why the new or additional lines cannot be placed underground.
- 23.4.2.3 Whether the location of new or additional overhead lines will have an impact upon:
- amenity values of the area, including rural and residential amenity
  - significant public views
  - areas of landscape or open space values
  - streetscape.
- 23.4.2.4 In respect of heritage items whether the heritage significance of the area or site is affected by the lines construction or placement.
- [23.4.2.5 The cumulative effects of any additional overhead lines on the surrounding environment.]PC14
- [23.4.2.6 Where proposed within identified ridgelines and hilltops, except in relation to new or existing National Grid transmission lines, whether the extent of new or additional overhead lines and cables are sited and designed in ways that avoid as far as practicable being visually obtrusive by:
- ensuring visual continuity of relatively undeveloped land is maintained on the upper slopes and summit of the ridgeline or hilltop
  - minimising as far as practicable the visibility of the overhead lines and cables in relation to district wide, local and neighbouring views
  - the co-siting of new and additional overhead lines and cables with existing overhead lines and cables where this will not result



in cumulative adverse effects

- ensuring where possible the overhead lines and cables are seen against a landform backdrop and not the sky in relation to district wide, local and neighbouring views
- mitigating against potential adverse visual effects of overhead lines and cables by sensitive siting and design and planting and/or screening if and where appropriate
- the use of external colour and materials to minimise the visual contrast with the surrounding environment for example, the use of neutral, recessive colours

23.4.2.7

In relation to National Grid transmission lines that traverse an identified ridgeline or hilltop, whether the new or additional overhead line are sited and designed in ways that avoid, as far as practicable, being visually obtrusive by:

- Ensuring the visual continuity of relatively undeveloped land is maintained on the upper slopes and summit of the ridgeline or hilltop
- Minimising, as far as practicable, the degree of change from the existing line
- The use of external colour and material to minimise the visual contrast with the surrounding environment (for example, the use of neutral, recessive colours)
- Ensuring where possible, that the overhead lines and cables are seen against a landform backdrop and not the sky in relation to district wide, local and neighbouring views.] PC33

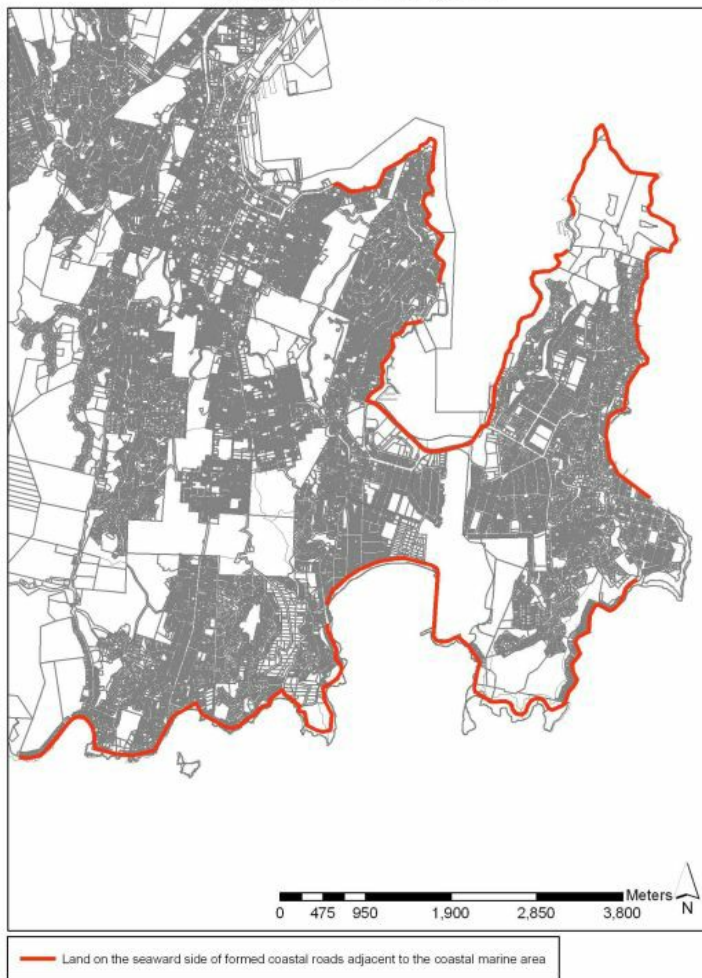
*So that a full assessment of any environmental effects can be made, utility structures which are not Permitted or Controlled Activities or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted). These tend to be larger, more prominent structures and may visually dominate their surroundings or seem out of place in them. [Council will take into particular consideration the effects of proposals on identified ridgelines and hilltops.]<sup>PC33</sup> Some may also affect health or safety. For these reasons, Council wishes to exercise some control over such utilities.*

*Council is aware of the technical requirements that can influence the siting of utility structures. However, it has a responsibility to ensure that any environmental effects are given due consideration. Where there are existing utility structures or buildings, Council encourages the co-siting or the location of new works close to these.*

*New or additional overhead lines that are not Permitted Activities or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted) so that an assessment of the environmental impacts of the proposal can be made. Council will consider the location of the proposed lines, the extent of existing overhead reticulation, any technical or topographical reasons for overhead lines and whether it will impact on residential, visual amenity, or on landscape values.*

## **[Appendix 1: Coastal Roads Subject to Rules 23.3.1 and 23.4.1 ]<sup>PC74</sup>**

Appendix 1. Coastal Roads Subject to Rules 23.3.1 and 23.4.1



**[Appendix 2: Centres and Business Areas Permitted Mast Heights]<sup>PC74</sup>**

Business Areas	Mast Height - rule 23.1.8.8	Planning Map No.
Glenside	20m	26
Greta Point	17m	12/7
Kaiwharawhara	20m	15
Kilbirnie North	20m	6/7
Miramar South	20m	7
Oxford Street, Tawa	20m	30
Park Road, Miramar	20m	7
Ropa Lane	20m	7
Southern Newtown	17m	6
Tawa East	20m	30
Tawa South	17m	30
Shelly Bay	17m	7
Collins Ave	20m	31
Grenada North	23m	30
Kiwi Point Quarry	17m	22/23

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Landfill	17m	4/2
Newlands/Ngauranga	20m	23
Ngauranga	23m	22/23
Rongotai East	17m	7
Rongotai South	17m	5.7.0
Takapu Island	17m	30
Tawa Street, Tawa	17m	30