Proposed
District Plan Change 34

NETWORK UTILITIES AND
RENEWABLE ENERGY GENERATION

Publicly Notified:	02 December 2014
Submissions Close:	30 January 2015

Part 1: Introduction

1 What is Proposed Plan Change 34

Proposed Plan Change 34 proposes to bring the provisions for network utilities into line with the National Policy Statement on Electricity Transmission (which relates to the National Electricity Grid) and the Wellington Regional Policy Statement.

The Plan Change also proposes to give effect to the National Policy Statement on Renewable Electricity Generation by introducing a new Chapter to the General Rules to provide for renewable energy generation. While renewable electricity generation is not a network utility, it is considered timely and appropriate to address both of these national policy statements through the same review process.

2 Reasons for the Proposed Plan Change

The Plan Change forms part of Hutt City Council's District Plan rolling review programme. This review covers all provisions, including the Issues, Objectives, Policies and Rules in the Utilities Chapter. In reviewing these provisions, the Council found a number of issues with the current chapter and its overall approach to network utilities:

- The current chapter is complex, complicated and difficult to navigate;
- Since the chapter was made operative, National Policy Statements and Environmental Standards which relate to network utilities have been introduced. These national documents must be given effect to;
- A new Regional Policy Statement has been introduced which must be given effect to;
- There are interpretation issues with the current provisions which have caused uncertainty and difficultly of use for District Plan users;
- Technology has changed since the chapter was made operative; and
- The wish to provide greater consistencies between Upper Hutt and Hutt City Councils as well as the region as a whole.

The purpose of Proposed Plan Change 34 is to address and resolve these key issues. A change to the District Plan is considered necessary to ensure that the Plan is effective and efficient in achieving its objectives for the city's network utilities.

3 Structure of this Document

This document contains five parts. These are as follows:

Part 1	Introduction.
Part 2	Public Notice of Proposed Plan Change 34 which was advertised in the Hutt News on Tuesday 02 December 2014.
Part 3	Proposed changes to the District Plan.
Part 4	Section 32 Evaluation prepared for Proposed Plan Change 34, as required by Section 74 of the Resource Management Act 1991.
Part 5	**S**ubmission form (Form 5).

All five parts of this document are publicly available from the Hutt City Council as detailed in Part 2 of this document.

4 The Process of Proposed Plan Change 34

The process for preparing Proposed Plan Change 34 can be summarised as follows:

June 2012	*Council agrees that officers commence a review of the existing utilities chapter in the District Plan in collaboration with Upper Hutt City Council.*
November 2012	*Hutt City and Upper Hutt City Councils hold a joint stakeholder and community open forum*
April 2014	*Council approves contents of the Draft Proposed Plan Change*
May 2014	*Second stakeholder and community open forum is held*
May - June 2014	*Draft Proposed Plan Change consulted on/open for submissions*
October 2014	*Council agrees to promulgate the Proposed Plan Change*
December 2014	*Proposed Plan Change notified*

Upon notification of the Proposed Plan Change, all interested persons and parties have an opportunity to have further input through the submission process. The process for public participation in the consideration of this proposal under the Resource Management Act 1991 is as follows:

- The period in which submissions may be made is 20 working days from the date of the Public Notice;
- After the closing date for submissions, Council must prepare a summary of the submissions and this summary must be publicly notified;
- 10 working days after the notification of the submissions there is then an opportunity to make a further submission in support of, or in opposition to, the submissions already made;
- If a person making a submission asks to be heard in support of their submission, a hearing must be held;
- Council must give its decision on the proposal in writing (including its reasons for accepting or rejecting submissions) following the hearing; and
- Any person who has made a submission has the right to appeal the Council decision on the proposal to the Environment Court.

Part 2: Public Notice

PUBLIC NOTICE

Public Notification of Proposed District Plan Change 34
to the City of Lower Hutt District Plan

Clause 5 of the First Schedule – Part 1 of the Resource Management Act 1991

Hutt City Council has prepared:

Proposed Plan Change 34: Network Utilities and Renewable Energy Generation

Proposed Plan Change 34 proposes to bring the provisions for network utilities into line with the National Policy Statement on Electricity Transmission (which relates to the National Electricity Grid) and the Wellington Regional Policy Statement. The Plan Change also proposes to give effect to the National Policy Statement on Renewable Electricity Generation by introducing a new Chapter to the General Rules to provide for renewable energy generation. While renewable energy generation is not a network utility, it is timely and appropriate to address both of these national policy statements through the same review process.

Documentation for Proposed Plan Change 34 can be inspected at:

- All Hutt City Council Libraries; and
- Customer Services Counter, Council Administration Building, 531 High Street, Lower Hutt.

Alternatively, copies of the documentation are available on the Council website:

- http://www.huttcity.govt.nz/district-plan-change-34

Copies can also be requested by contacting Hutt City Council:

- Phone: (04) 570 6666 or
- Email: district.plan@huttcity.govt.nz

Submissions close on FRIDAY 30 January 2015 at 5.00pm

Any person may make a submission on proposed Plan Change 34. You may do so by sending a written submission to Council:

- Post: Environmental Policy Division, Hutt City Council, Private Bag 31912,Lower Hutt 5040;
- Deliver: Council Administration Building, 531 High Street, Lower Hutt;
- Email: district.plan@huttcity.govt.nz

The submission must be written in accordance with RMA Form 5 and must state whether or not you wish to be heard in respect of your submission. Copies of Form 5 are available from all of the above locations and the Council website.

The process for public participation in the consideration of this proposal under the Act is as follows:

- after the closing date for submissions, Hutt City Council must prepare a summary of the submissions and this summary must be publicly notified; and

- there must be an opportunity to make a further submission in support of, or in opposition to, the submissions already made; and

- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and

- Hutt City Council must give its decision on the proposal (including its reasons for accepting or rejecting submissions); and

- any person who has made a submission has the right to appeal the decisions on the proposal to the Environment Court.

Tony Stallinger
Chief Executive
02 December 2014

Part 3: Plan Change 34
Proposed Amendments

Proposed amendment reference

District Plan provision affected by proposed amendment

AMENDMENT 1 [Chapter 3 Definitions]

Brief commentary on proposed amendment

Amend definition of Antenna:

Proposed amendment

Antenna: ~~any broadcasting and/or telecommunication or radiocommunication apparatus for transmission or reception including the antenna mounting but not any supporting mast or similar structure. This definition includes any satellite dish.~~

means antenna as defined in the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

An antenna does not include:

(a) devices used in amateur radio configurations;

(b) devices used only for television reception; and

(c) any other device not otherwise defined above that is less than 1.5m^2 in area.

Notes:

- The mountings of any antenna and any radiofrequency equipment or similar device shall not be included in the measurement of area of diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself.
- Any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna and the measurement is of each individual antenna and is not a cumulative measurement.

Any new text that is proposed to be added is underlined, while any text proposed to be deleted has been ~~struck through~~.

Amendments to Chapter 3 - Definitions

AMENDMENT 1 [Chapter 3 Definitions]

Amend definition of Antenna:

Antenna:

~~any broadcasting and/or telecommunication or radiocommunication apparatus for transmission or reception including the antenna mounting but not any supporting mast or similar structure. This definition includes any satellite dish.~~

means antenna as defined in the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

An antenna does not include:

(a) devices used in amateur radio configurations;

(b) devices used only for television reception; and

(c) any other device not otherwise defined above that is less than 1.5m^2 in area.

Notes:

- The mountings of any antenna and any radiofrequency equipment or similar device shall not be included in the measurement of area of diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself.
- Any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna and the measurement is of each individual antenna and is not a cumulative measurement.

AMENDMENT 2 [Chapter 3 Definitions]

Add new definition for Anemometer

Anemometer: means a mast and supporting sensors for the purpose of wind resource measurement. This includes guy wires and various meteorological instruments to be erected at varying heights, including:

(a) anemometers to measure the average wind speed, wind gust speeds, turbulence intensity and wind shear;

(b) wind vanes to measure wind direction; and

(c) other meteorological instruments to measure temperature, air pressure, humidity and rainfall.

AMENDMENT 3 [Chapter 3 Definitions]

Amend definition for Building to reflect proposed network utility amendments

Building: means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

(a) any fence not exceeding 2 metres in height;

(b) any retaining wall not exceeding 1.2 metres in height;

(c) satellite dishes with a diameter not exceeding 0.6m; ~~and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.~~

(d) decks less than 500mm in height;

(e) all structures less than 1.2 metres in height;

(f) all signs, as defined in this Plan.

AMENDMENT 4 [Chapter 3 Definitions]

Add new definition for Cabinet

Cabinet: means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities, which includes single transformers and associated switching gear distributing electricity at a voltage up to, and including, 100KV.

It also has the same meaning as in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 and means a casing around equipment that is necessary to operate a telecommunication network.

AMENDMENT 5 [Chapter 3 Definitions]

Add new definition for Commercial Scale Renewable Energy Generation Activities:

Commercial Scale Renewable Energy Generation Activities:

means the land, buildings, substations, turbines, structures, underground cabling earthworks, access tracks and roads associated with the generation of electricity from a renewable energy source and the operation of the renewable energy generation activity. It does not include:

(a) small scale wind turbines of less than 5kW

(b) community scale renewable energy generation activities

(c) any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

AMENDMENT 6 [Chapter 3 Definitions]

Add new definition for Community Scale Renewable Energy Generation

Community Scale Renewable Energy Generation:

means renewable energy generation for the purpose of supplying electricity to a whole community which is not connected to the distribution network ('off grid'); or to supplying an immediate neighbourhood in an urban area with some export back into the distribution network.

AMENDMENT 7 [Chapter 3 Definitions]

Add new definition for Construction and Commissioning Activities

Construction and Commissioning Activities:

in respect of renewable electricity generation activities includes those activities directly involved with the building and operation of a new renewable electricity generation activity. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.

Activities associated with "construction and commissioning" includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity conveyance transmission (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of 'renewable electricity generation activity.

AMENDMENT 8 [Chapter 3 Definitions]

Add new definition for Distribution Network:

Distribution Network: for the purpose of Chapter 14L, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a distributor's lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

AMENDMENT 9 [Chapter 3 Definitions]

Add new definition for Distributor

Distributor: for the purpose of Chapter 14L, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a business engaged in distribution of electricity.

AMENDMENT 10 [Chapter 3 Definitions]

Amend the definition of Height to reflect proposed network utility amendments

Height: **Maximum Height** shall be the perpendicular distance between the lowest ground level at any point and the highest part of the building immediately above that point.

(a) For the purposes of calculating maximum height, ground level shall be deemed to be:

(i) the natural level of the ground or the finished level of the ground as a result of an approved subdivision, and shall not include earthworks which have resulted or will result from work undertaken as part of the construction of any building or development of the site.

(ii) where the natural ground level has fluctuated over time, as a direct result of nature, the natural ground level will be the level that exists at the time the level has to be ascertained.

(b) When calculating maximum height the following shall be excluded:

(i) ~~antennas,~~ satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features where the maximum height is not more than 3.0m above the maximum height permitted for the activity area ~~and this shall also apply to utilities listed in Chapter 13 - Utilities~~.

(ii) chimneys, flues and ventilation shafts.

(iii) ~~conductors relating~~ lightning rods attached to network utilities.

Maximum Overall Height shall be the vertical distance between the lowest ground level and the highest part of the building immediately above that point.

(a) For the purposes of calculating maximum overall height, ground level shall be deemed to be the lowest of the following levels:

(i) the finished level of the ground as a result of an excavation for building construction works.

(ii) the finished level of the ground as a result of any other works.

(b) When calculating maximum overall height the following shall be excluded:

(i) ~~antennas,~~ satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features where the maximum height is not more than 3.0m above the maximum height permitted for the activity area ~~and this shall also apply to utilities listed in Chapter 13 - Utilities~~.

(ii) chimneys, flues and ventilation shafts.

(iii) ~~conductors relating~~ lightning rods attached to network utilities.

AMENDMENT 11 [Chapter 3 Definitions]

Add new definition for Line

Line: means 'line' as defined in section 5 of the Telecommunications Act 2001 and includes the definition of 'line' in section 2 of the Electricity Act 1992

AMENDMENT 12 [Chapter 3 Definitions]

New definition of Maintenance

Maintenance: as it applies to network utilities, means the replacement, repair or renewal of existing network utilities and where the effects of that utility remain the same or similar in character, intensity and scale, and excludes 'minor upgrading' and 'upgrading'.

AMENDMENT 13 [Chapter 3 Definitions]

Amend definition of Mast

Mast: any ~~mast,~~ pole, tower or similar structure which is fixed to the ground and specifically designed to carry an antenna to facilitate ~~broadcasting, telecommunications and radiocommunications~~ the transmission of telecommunication and radiocommunication signals. ~~This definition excludes any arm supports.~~

AMENDMENT 14 [Chapter 3 Definitions]

Add new definition for Minor Above Ground Line

Minor Above Ground Line:

means a line that provides an above ground connection to a site, including any connection to a building within that site, from an existing or permitted new above ground line provided that no more than one new support structure is required for that connection.

AMENDMENT 15 [Chapter 3 Definitions]

Add new definition for Minor Upgrading

Minor Upgrading: means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:

(a) the reconductoring of the line with higher capacity conductors; and

(b) the resagging of conductors; and

(c) the addition of longer and more efficient insulators; and

(d) a support structure replacement within 5m of the support structure that is to be replaced; and

(e) the addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods; and

(f) the addition of electrical or telecommunication fittings, excluding antenna; and

(g) support structure replacement in the same location or within the existing alignment of the transmission line corridor; and

(h) the replacement of existing cross arms, including with cross arms of an alternative design; and

(i) an increase in support structure height to achieve compliance with the clearance distances specified in NZECP34:2001;

(j) an increase in the height of replacement poles in the road reserve by a maximum of 1m, for the purpose of achieving road controlling authority clearance requirements, provided the permitted height in Rule 13.4.2.1 is not exceeded; and

(k) an increase in voltage of electricity lines from 11kV to no more than 33kV.

Except where provided for above, minor upgrading shall not include:

(a) any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage; or

(b) any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35mm; or

(c) the bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 43mm in diameter; or

(d) the addition of any new circuits, lines or utility structures.

Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to the existing national grid, and applies to all Transmission Lines that were operational, or able to be operated, on 14 January 2010.

AMENDMENT 16 [Chapter 3 Definitions]

Add new definition for National Grid

National Grid: means 'national grid' as defined in the National Policy Statement on Electricity Transmission.

AMENDMENT 17 [Chapter 3 Definitions]

Add new definition for National Grid Corridor

National Grid Corridor:

means the area located within:

(a) 32m of a 110kV National Grid transmission line;

(b) 37m of a 220kV National Grid transmission line;

(c) 39m of a 350kV National Grid transmission line

measured either side of the centreline of the transmission line, as depicted in Diagram 1, below. The measurement of setback distances from National Grid transmission lines shall be taken from the centre line of the National Grid transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.

AMENDMENT 18 [Chapter 3 Definitions]

Add new definition for National Grid Yard

National Grid Yard: means

(a) the area located 12m either side of the centreline of an above ground National Grid transmission line which is 110kV or greater;

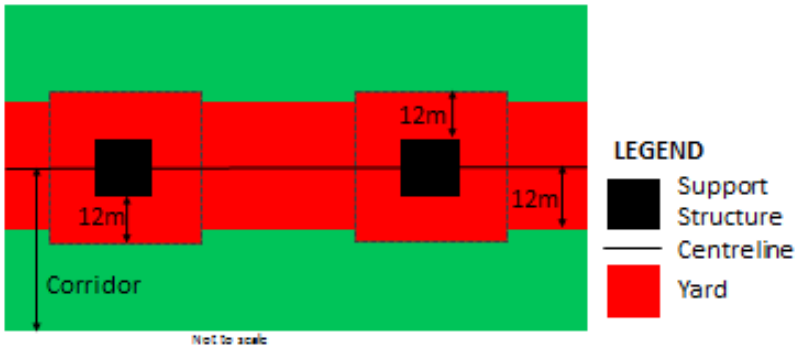
(b) the area located 12m in any direction from the edge of a National Grid support structure which supports a National Grid transmission line which is 110kV or greater

as depicted in Diagram 1 below.

The measurement of setback distances from National Grid transmission lines shall be taken from the centre line of the National Grid transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Note: The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Diagram 1: National Grid Yard and National Grid Corridor



AMENDMENT 19 [Chapter 3 Definitions]

Add new definition for Network Utility

Network Utility: means any activity undertaken by a network utility operator as defined in section 166 of the RMA, relating to:

(a) distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy; or

(b) telecommunication as defined in section 5 of the Telecommunications Act 2001; or radiocommunications as defined in section (2)(1) of the Radiocommunications Act 1989; or

(c) the provision, operation and maintenance of works for the conveyancing of electricity, as defined in section 2 of the Electricity Act 1992; or

(d) the distribution of water for supply including irrigation; or

(e) sewerage or drainage reticulation; or

(f) construction, and operation of roads and railway lines; or

(g) the operation of an airport as defined by the Airport Authorities Act 1966; or

(h) the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or

(i) undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991

and includes:

(a) lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices;

(b) meteorological services;

(c) all associated structures; and

(d) regionally significant network utilities.

AMENDMENT 20 [Chapter 3 Definitions]

Add new definition for Network Utility Structure

Network Utility Structure:

means any structure associated with a network utility and includes, but is not limited to, pipes, valves, meters, regulator stations, support poles and towers, transformers (other than pole mounted transformers), substations (other than overhead substations), compressor stations, pumping stations, navigational aids, meteorological installations, containers, cabinets and similar built structures. It does not include lines, antennas and masts.

AMENDMENT 21 [Chapter 3 Definitions]

Amend definition of Recession Plane

Recession Plane: a control relating to the receipt of natural light by adjoining sites; this control does not apply to chimneys, antennas, satellite dishes with a diameter not exceeding 0.6m~~,~~ and flagpoles~~, and any part of a mast that above a height of 2.5m from ground level has a diameter not exceeding 0.6m~~.

AMENDMENT 22 [Chapter 3 Definitions]

Add definition for Regionally Significant Network Utilities

Regionally Significant Network Utilities:

means:

(a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;

(b) the National Grid, as defined by the National Policy Statement on Electricity Transmission;

(c) facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Industry Act 2010;

(d) the local authority water supply network and water treatment plants;

(e) the local authority wastewater and stormwater network, systems and wastewater treatment plants; and

(f) the Strategic Transport Network, as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040

AMENDMENT 23 [Chapter 3 Definitions]

Add definition for Renewable Electricity Generation

Renewable Electricity Generation:

means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current sources.

AMENDMENT 24 [Chapter 3 Definitions]

Add definition for Renewable Electricity Generation Activities

Renewable Electricity Generation Activities:

has the same meaning as under the National Policy Statement for Renewable Electricity Generation and means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

AMENDMENT 25 [Chapter 3 Definitions]

Add definition for Renewable Energy

Renewable Energy:

as defined in section 2 of the Resource Management Act 1991

AMENDMENT 26 [Chapter 3 Definitions]

Add definition for Sensitive Activity

Sensitive Activity: means the following activities:

(a) residential

(b) the accommodation or care of people

(c) childcare facilities, kohanga reo, primary, intermediate and secondary schools.

AMENDMENT 27 [Chapter 3 Definitions]

Add definition for Small Scale Renewable Energy Generation

Small Scale Renewable Energy Generation:

means small scale renewable energy generation development for the purpose of using or generating electricity on a particular site (single household or business premise) with or without exporting back into the distribution network.

AMENDMENT 28 [Chapter 3 Definitions]

Add definition for Small Scale Wind Turbines

Small Scale Wind Turbines:

means wind turbines that are capable of generating up to 10kW of electricity.

AMENDMENT 29 [Chapter 3 Definitions]

Add definition for Solar Panel

Solar Panel: means a panel exposed to radiation from the sun, used to heat water or, when mounted with solar cells, to produce electricity directly.

AMENDMENT 30 [Chapter 3 Definitions]

Add definition for Temporary Renewable Energy Assessment and Research Structures:

Temporary Renewable Energy Assessment and Research Structures:

means structures for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators and includes the following activities:

(a) erecting an anemometer mast;

(b) digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions;

(c) installing instruments into drill holes for monitoring groundwater levels and land movement;

(d) erecting survey monuments and installing instruments to monitor land movement;

(e) erecting telemetry stations for the transmission of instrument data;

(f) installing microseismic stations to measure microseismic activity and ground noise; and

(g) erection of signs or notices giving warning of danger.

AMENDMENT 31 [Chapter 3 Definitions]

Add definition for Transmission Line

Transmission Line: means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity; and

(a) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but

(b) does not include an electricity substation.

AMENDMENT 32 [Chapter 3 Definitions]

Add definition for Upgrading

Upgrading: As it applies to network utilities, upgrading means the replacement, repair, renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:

(a) 'maintenance' (as it relates to network utilities);

(b) 'minor upgrading'; and

(c) any activity specifically provided for under Rules 13.3.1.9 to 13.3.1.41; and any increase in height or size or change in location, unless such increase or change is specifically provided for and would comply with the applicable permitted activity standard specified in 13.3.2.2, 13.3.2.3 or 13.3.2.4.

AMENDMENT 33 [Chapter 3 Definitions]

Delete definition of Utilities

~~**Utilities:** comprises the following:~~

~~(a) transformation, transmission or distribution of electricity provided by network utility operators or requiring authorities, and private connections to such utilities;~~

~~(b) drainage or wastewater reticulation provided by network utility operators or requiring authorities and private connections to such utilities;~~

~~(c) the distribution of water for supply, including irrigation;~~

~~(d) broadcasting, telecommunication and radio communication facilities including transmitting/receiving devices such as antennas, dishes, wires, insulators, casings, tunnels and associated equipment as well as support structures such as towers, masts and poles and ancillary buildings;~~

~~(e) pipes for the distribution or transmission of petroleum or natural or manufactured gas, and necessary incidental equipment provided by network utility operators or requiring authorities, and private connections to such utilities;~~

~~(f) pipes for the conveyance of irrigation water, or drainage of water or wastewater, and necessary incidental equipment including pumping stations provided by network utility operators or requiring authorities and private connections to such utilities;~~

~~(g) lighthouses, meteorological facilities, navigational aids and beacons including approach control services within the meaning of the Civil Aviation Act 1990;~~

~~(h) roads, footways, cycleways and service lanes;~~

~~(i) street lighting poles, traffic signals and equipment (including surveillance cameras);~~

~~(j) street furniture and traffic signs, parking meters, parking control equipment, including Pay and Display Booths;~~

~~(k) culverts;~~

~~(l) recycling depots; and~~

~~(m) wastewater treatment plants and booster pumping stations.~~

Amendments to Chapter 11 - Subdivision

AMENDMENT 34 [Chapter 11 Subdivision (11.2.2.2 Matters in which Council Seeks to Control)]
Add new matters (h) and (i) for controlled subdivisions in relation to network utilities

11.2.2.2 Matters in which Council Seeks to Control

The matters over which control is reserved are:

(a) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;

(b) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;

(c) Management of construction effects, including traffic movements, hours of operation and sediment control;

(d) Provision of esplanade reserves, esplanade strips and access strips;

(e) Site contamination remediation measures and works;

(f) Protection of significant sites, including natural, cultural and archaeological sites;

(g) Avoidance or mitigation of natural hazards;

(h) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;

(i) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site; and

(~~h~~j) Those matters described in Section 108 and 220 of the Resource Management Act 1991.

Note: Rule 11.2.3 (b) covers subdivision within the National Grid Corridor.

AMENDMENT 35 [Chapter 11 Subdivision (11.2.2.3 Assessment Criteria)]
Amend assessment criteria (a) to include reverse sensitivity consideration effects on regionally significant network utilities

11.2.2.3 Assessment Criteria

The following assessment criteria will be used:

(a) Allotment Design:

- Allotments to have the appropriate net site area and dimensions to enable activities, buildings or structures to be sited to comply with the specified activity area requirements.

- Subdivisions should be designed so as to give areas a strong and positive identity by taking into account characteristics of the area and ensuring that roading patterns, public open space/reserves and community facilities are well integrated.
- Account must be taken of the future development potential of adjoining or adjacent land and any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).
- The roading pattern must take into account the future development pattern of adjacent land.
- Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated.

AMENDMENT 36 [Chapter 11 Subdivision (11.2.3 Restricted Discretionary Activities)]
Add new restricted discretionary activities (b) and (c)

11.2.3 Restricted Discretionary Activities

(a) Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) Engineering Design, (c) Contamination and (e) Earthworks.

(b) Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.1.

(i) Non-notification

In respect of Rule 11.2.3 (b), public notification of applications for resource consent is precluded. Limited notification will be served on the National Grid Operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (b) (i) prevails over Rule 17.2.2.

(c) Any subdivision located within close proximity to consented and existing renewable energy generation activities.

(i) Non-notification

In respect of Rule 11.2.3 (c), public notification of applications for resource consent is precluded. Limited notification will be served on the renewable energy generation activities' operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (c) (i) prevails over Rule 17.2.2.

AMENDMENT 37 [Chapter 11 Subdivision (11.2.3.1 Matters in which Council has restricted its discretion)]
Renumber and clarify the matters in which Council has restricted its discretion relating to 11.2.3 (a)

11.2.3.1 Matters in which Council has restricted its discretion

(a) Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) Engineering Design, (c) Contamination and (e) Earthworks.

(i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.

(ii) Amenity Values:

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.

The effects on the amenity values of neighbouring properties including dust and noise.

The extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.

(iii) Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and are sympathetic to the natural topography.

(iv) Historical or Cultural Significance:

The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.

(v) Natural Hazards:

Consideration should be given to those areas prone to erosion, landslip and flooding. Earthworks should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.

(vi) Construction Effects:

The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.

(vii) Engineering Requirements:

The extent of compliance with NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development).

The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

(viii) Erosion and Sediment Management:

The extent of compliance with the “Erosion and Sediment Control Guidelines for the Wellington Regional 2003” and “Small Earthworks – Erosion and Sediment Control for small sites” by Greater Wellington Regional Council.

(ix) Contaminated Land:

The extent to which works are consistent with the Ministry for the Environment, Contaminated Land Management Guidelines 1 – 5.

(x) Vegetation protection and presence:

The extent to which protection is given and how the safe, continuous presence of vegetation is provided for in the area as shown in Appendix Subdivision 7 by using an appropriate legal mechanism.

(xi) Visual effects of built development on the wider area (Appendix Subdivision 8):

Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 8 on visual amenity of the wider area (i.e. the valley floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment's findings shall be taken into account.

For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

AMENDMENT 38 [Chapter 11 Subdivision (11.2.3.1 Matters in which Council has restricted its discretion)]

Add new matters in which Council has restricted its discretion for Rule 11.2.3(b)

(b) Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.1.

(i) the extent to which the design, construction and layout of the subdivision (including landscaping) demonstrates that a suitable building platform(s) for a dwelling can be located outside of the National Grid Yard for each new lot to ensure adverse effects on and from the National Grid and on public health and safety are appropriately avoided, remedied or mitigated;

(ii) The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines;

(iii) The risk to the structural integrity of the National Grid;

(iv) The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;

(v) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset.

Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within the National Grid Yard as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting **near** any electricity line especially works within the transmission corridor; contact the relevant network utility operator.

AMENDMENT 39 [Chapter 11 Subdivision (new 11.2.3.2 Standards and Terms)]
Add new standards and terms section 11.2.3.2 which corresponds to new restricted discretionary activity 11.2.3 (b)

11.2.3.2 Standards and Terms

(a) Any Subdivision located within a National Grid Corridor shall:

(i) comply with the Standards and Terms for a Controlled Activity in Rule 11.2.2.1 and

(ii) demonstrate that each new allotment can provide a complying Shape Factor as required under Rule 11.2.2.1(a) which is fully located outside of the National Grid Yard.

AMENDMENT 40 [Chapter 11 Subdivision (11.2.4.1 Assessment Criteria for Discretionary Activities)]
Clarify 11.2.4.1 Assessment Criteria for Discretionary Activities

11.2.4.1 Assessment Criteria for Discretionary Activities

(a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.

(b) Compliance with the engineering design standards.

(c) The degree of compliance or non-compliance with any relevant Permitted and Controlled Activity Standards and Terms.

(d) Those matters listed in the Assessment Criteria for Controlled and Restricted Discretionary Activities.

AMENDMENT 41 [Chapter 11 Subdivision (new 11.2.5 Non-Complying Activity)]
Add new 11.2.5 Non-Complying Activity

11.2.5 Non-Complying Activities

(a) Any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule 11.2.3.1.

Amendments to Chapter 13 – Network Utilities, including the National Grid

AMENDMENT 42 [Chapter 13 Utilities]
Delete current Chapter 13 Utilities in its entirety.

AMENDMENT 43 [new Chapter 13 Network Utilities, including the National Grid (Title and Introduction)]
Add a new Title and Introduction

13 Network Utilities, including the National Grid

Introduction

This chapter outlines the provisions of the District Plan that relate to network utilities within Lower Hutt City, including the National Grid. Network utilities provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic wellbeing, and their health and safety. Network utilities which are managed through this Chapter include those defined by way of section 166 of the Resource Management Act 1991.

The City has a range of important network utilities that serve an important function locally, regionally and nationally, some of which are critical and life-supporting. The City is traversed by State Highway 2, linked to Porirua by State Highway 58, contains Transpower's Hayward's Substation which is the northern end of the DC link with the Benmore substation in the South Island, the National Grid, the Regional Wellington – Wairarapa railway line and the Hutt Valley and Melling railway lines.

The Regional Policy Statement for the Wellington Region recognises the importance of regionally significant infrastructure within the Region, as forming part of national or regional networks that enable communities to provide for their social, economic and cultural wellbeing and their health and safety. There are a number of network utilities within Lower Hutt City that are identified as being regionally significant infrastructure in the Regional Policy Statement. The Regional Policy Statement requires that the benefits of such regionally significant infrastructure be recognised and protected in the District Plan.

The Council is required to give effect to any National Policy Statement. The National Policy Statement on Electricity Transmission came into force in 2008 and applies to effects on and effects of the transmission network. The National Policy Statement on Electricity Transmission's objective is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the National Grid and the establishment of new transmission resources to meet the needs of present and future generations while: managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network.

There are many providers of network utilities within Lower Hutt City including the Council, Crown agencies, the Greater Wellington Regional Council, State Owned Enterprises, trading enterprises and private companies. The Council is in itself a major provider of network utilities and services, supplying water, sewage and stormwater reticulation, waste disposal and roads.

Other utilities that are managed through this Chapter because of their nature and function are lighthouses, navigation aids, beacons, signal stations and natural hazard emergency warning devices and meteorological services[1]. These other utilities are owned and / or operated by Maritime New Zealand, local authorities, or the Meteorological Service in order to provide for the health, safety and wellbeing of the local community, region and nation.

The successful functioning of the City depends on network utilities. It is therefore very important that construction, maintenance, upgrade and operation of these services be effectively provided for, technical and geographical constraints on the operation of network utilities are acknowledged, and that the benefits that derive from them are adequately recognised. Network utilities can be vulnerable to reverse sensitivity effects when new activities (that are sensitive to the effects of the existing network utility) are established nearby, leading to constraints on the operation of the network utility. However, network utilities can also have adverse effects resulting from their construction, operation or associated maintenance activities.

For example, network utilities may typically include buildings, poles, overhead wires, pylons, pipes or antennas, which may have an adverse visual impact depending on their location and proximity to other land use activities. The installation and upgrading of network utilities will also typically involve earthworks. However, network utilities may also involve few structures and have limited visual impact, such as underground power and telecommunication lines. Network utilities are also often seen as a necessary and normal part of the environment, such as a road.

The network utility rules apply where network utility operators do not hold a designation for their activities under the designation procedures of the Act. They may, however, also be used by Council to help assess any notices of new requirement for new designations.

The provisions in this Chapter apply to network utilities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply. Under Rule 14A (a), network utilities that are located in the road reserve are subject to the provisions of the activity area where the road reserve is located. Where the road reserve is between two different activity areas, the centre line of the road reserve will become the boundary between such activity areas.

AMENDMENT 44 [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]
Add new Issue, Objective, Policies and Explanation and Reasons relating to "Regionally Significant Network Utilities" as Section 13.1.1

13.1 Issues, Objectives and Policies

13.1.1 Regionally Significant Network Utilities

[1] The Meteorological Service is a requiring authority for its network operation of a system comprising telecommunication links to permit telecommunication and radiocommunication. Therefore, these aspects of meteorological service activities and facilities are network utilities.

Issue

The benefits of regionally significant network utilities to the City, region and nation need to be recognised and protected.

Objective

To recognise the benefits of regionally significant network utilities.

Policies

(a) To identify regionally significant network utilities within the City on Council planning maps, as practicable.

(b) To recognise the national, regional and local benefits of regionally significant network utilities

Explanation and Reasons

The importance of and benefits arising from regionally significant network utilities within the City needs to be identified and recognised and the Regional Policy Statement needs to be given effect to. The objective and supporting policies are focused on recognising the benefits that these regionally significant network utilities have locally, regionally and nationally.

Policy (a) requires the Council to identify regionally significant network utilities within the City on its planning maps. The majority of any new and extensions to existing regionally significant network utilities are expected to be identified on Council planning maps by network utility operators through a notice of requirement for designation process. In the case of the National Grid, which is not designated, this network will be specifically recognised and mapped, as required by the National Policy Statement on Electricity Transmission. Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network utilities on Council planning maps, particularly the local gas distribution lines.

Policy (b) recognises that regionally significant network utilities provide benefits within the City, as well as regionally and nationally. These benefits need to be protected and considered in respect of any matter relating to regionally significant network utilities. Some of these benefits are:

(i) That people and goods can travel to, and from and around the City and Region efficiently and safely;

(ii) That community well-being and public health and safety is maintained through the provision of essential services including supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;

(iii) People have access to electricity and gas to meet their needs.

AMENDMENT 45 [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]

Add new Issue, Objective, Policies and Explanation and Reasons relating to "Managing Adverse Effects, including Reverse Sensitivity Effects, on Regionally Significant Network Utilities" as Section 13.1.2

13.1.2 Managing Adverse Effects, including Reverse Sensitivity Effects, on Regionally Significant Network Utilities

Issue

Inappropriate subdivision, use and development in the vicinity of regionally significant network utilities may lead to adverse effects including reverse sensitivity effects that have the potential to impact upon the effective and efficient operation, maintenance, upgrading and development of such utilities.

Objective

To ensure the operation, maintenance, upgrading and development of regionally significant network utilities is not unreasonably compromised by other activities.

Policies

(a) To avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects, including reverse sensitivity effects on regionally significant network utilities from incompatible new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.

(b) To ensure the safe and efficient maintenance, operation, upgrade and development of the National Grid by avoiding the incompatible establishment of or changes to sensitive activities and incompatible buildings and structures within a defined National Grid Yard.

Explanation and Reasons

Inappropriate subdivision, use and development may result in adverse effects on regionally significant network utilities and / or restrict access to such network utilities including the ability to undertake maintenance or upgrade work. Reverse sensitivity can occur when sensitive activities locate near to or intensify by existing regionally significant network utilities and seek to or constrain the operation or expansion of these utilities. This may mean that the local, regional and national benefits of those regionally significant network utilities may be compromised. The City has a lot of well-established regionally significant network utilities located in close proximity to existing land use activities. The Council is concerned with new more intensive land use activities establishing in proximity to existing regionally significant network utilities may lead to adverse effects, including reverse sensitivity effects on those utilities.

Policy (a) requires that any potential adverse effects, including reverse sensitivity effects on regionally significant network utilities are appropriately managed, with priority given to avoiding adverse effects, where practicable, on those utilities. The location of inappropriate new subdivision, use or development in proximity to existing regionally significant network utilities has the potential to compromise the

efficient operation and use of the network utility including by restricting access and result in the benefits of that network utility being reduced. In addition, the safety and amenity values of the community may be adversely affected by locating in too close proximity to regionally significant network utilities. The potential for reverse sensitivity effects may arise when the pattern and density of land use activities changes through the subdivision or rezoning of land. At the time of rezoning, the Council will seek to introduce new provisions to manage those potential reverse sensitivity effects on existing or designated regionally significant network utilities. Any applications for subdivision that involve potential intensification located in proximity to regionally significant network utilities will require assessment in terms of the potential effects on those utilities as well as consultation with the relevant network utility operator.

Policy (b) recognises the importance of the National Grid and seeks to protect the continued operation and functioning of that network. The policy provides for the establishment of a National Grid Yard within which sensitive activities and incompatible buildings and structures will be avoided. The management of buildings and structures within a National Grid Yard is aimed at ensuring that these do not hinder required access to the network for its on-going operation and maintenance, which is a matter of national significance under the National Policy Statement for Electricity Transmission. This Chapter contains specific rules that apply to the use and development of land within the National Grid Yard throughout the District Plan. Chapter 11 Subdivision, contains specific rules that apply to subdivision within the National Grid Corridor.

The on-going operation, upgrade and maintenance of the existing National Grid is provided for by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. These regulations specify that existing electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects. The standards also specify resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

AMENDMENT 46 [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]

Add new Issue, Objective, Policies and Explanation and Reasons relating to "Recognising and Providing for Network Utilities" as Section 13.1.3

13.1.3 Recognising and Providing for Network Utilities

Issue

The key role that network utilities play and the benefits they have needs to be recognised and the technical and operational requirements of the network utility concerned should not be unreasonably restricted. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City.

Objective

To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City

Policies

(a) To recognise and provide for the:

(i) need for new and the maintenance and upgrading of existing network utilities;

(ii) technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and

(iii) benefits that network utilities provide to the economic, social and cultural functioning of the City.

(b) To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.

(c) To ensure that the provision and operation of utilities that cross jurisdictional boundaries is managed in an integrated manner.

(d) To encourage the appropriate use of designations for new network utilities and extensions to existing network utilities that are not designated.

Explanation and Reasons

It is important that the benefits of all network utilities, including those that are not identified as regionally significant, are recognised and provided for. Network utilities provide essential services to people's homes and businesses, such as water, transport means, electricity, gas, radiocommunications and telecommunications, and are critical for the effective functioning and liveability of the City. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City.

Policy (a) recognises that the provision of new and the upgrading of existing network utilities is necessary to meet the needs of City, both now and into the future. In considering any proposals for new or upgrades to existing network utilities, the technical and operational requirements that may constrain where and how they can locate and be designed need to be recognised. In some cases, some level of adverse effects may need to be accepted to recognise the necessity for some network utilities and meet their operational requirements. This policy also recognises the benefits that all network utilities have.

Policy (b) acknowledges the important role that network utilities have in providing for the wellbeing of the City's community. Network utilities form an essential part of the efficient functioning of the City and their maintenance and development allows their benefits to be realised. There are a range of network utilities that enable communities to undertake everyday activities and functions and provide essential services to people's homes and businesses. It is therefore important that the District Plan provides for network utilities to be constructed, installed, operated, upgraded and maintained.

Policy (c) reflects that by their nature, many network utilities cross jurisdictional boundaries between councils. Cross boundary issues can result for network utility providers and for the community, particularly where different councils have different rules or processes for how they recognise and provide for network utilities and manage their effects. It is important that councils work together in an integrated

manner both when developing plan provisions and when dealing with proposals for new or upgrades to existing network utilities.

Policy (d) is focussed on encouraging network utility operators, particularly those who operate regionally significant network utilities, to use the notice of requirement for designation process when they seek to develop new or extend existing network utilities. This is particularly encouraged for operators where such new or extended network utilities involve restrictions on the use of privately owned land and may require land acquisition. It is recognised that not all network utility operators use designations, particularly those that do not operate linear infrastructure.

AMENDMENT 47 [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]
Add new Issue, Objective, Policies and Explanation and Reasons relating to "Managing Environmental Effects" as Section 13.1.4

13.1.4 Managing Environmental Effects

Issue

The actual and potential adverse environmental effects arising from network utilities need to be managed.

Objective

To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.

Policies

(a) To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.

(b) To ensure network utilities, in particular those utilities emitting electric and magnetic fields, are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards.

(c) To enable the co-location or multiple use of network utilities where this is efficient and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment.

(d) To require the underground placement of new network utilities unless

(i) there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;

(ii) they are of a temporary nature and required for emergency purposes or critical events; and

(iii) they are of a nature that they can only operate aboveground.

(e) To encourage the use of roads as network utility corridors in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors.

(f) To encourage network utility providers to consult with local communities on the appropriate placement, location and design of new network utilities.

Explanation and Reasons

The issue and supporting objective recognise that the construction, operation, upgrading and/or maintenance of network utilities can have adverse effects and adversely affect the amenity of areas of the City, as a result of noise, emissions, and visual dominance, for example. Some network utilities are relatively large, visually prominent and capable of generating significant adverse effects on the surrounding environment. Such network utilities may also have adverse effects on public health and safety. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance and/or upgrade works. For new linear network utilities, adverse effects are often best able to be mitigated through the route selection process. However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning there will be some level of adverse effect on the surrounding environment that requires mitigation. In such circumstances, there is a need to carefully consider both the benefits the utility will provide and the significance of the adverse effects on the surrounding environment.

Policy (a) recognises the importance of managing the design, location, operation, upgrading, construction, operation and maintenance of network utilities and requires that any potential adverse effects arising from network utilities are avoided, remedied or mitigated. This policy is sufficiently broad to recognise that there are a range of different network utilities with different potential adverse effects on the environment. For instance, above ground network utilities can have adverse effects including visual, noise, traffic, odour and amenity, depending on their size, location, frequency and their scale in comparison with the character of a particular environment. For instance, a different activity status and different performance standards apply to some network utilities in the Historic Residential, Landscape Protection Residential, Recreation and Rural Residential Zones and the Coastal Environment identified as Significant Natural Resource 9, to reflect that these zones have special environments that are more vulnerable to adverse effects and associated loss of amenity.

Policy (b) recognises that some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects arising from radiofrequency emissions are addressed by Regulation 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. Electricity transmission/distribution can generate electromagnetic fields (EMF) which may be a risk to health and also generates the risk of electrocution. Other possible health and safety risks are accidental spillage or leakage of hazardous substances from gas or petroleum pipelines, explosions from gas or petroleum pipelines; accidental overflow from sewage pump stations, and flooding from damaged/inoperative stormwater systems. Chemicals used in conjunction with some network utilities, such as water treatment plants for example,

also pose a risk if an accidental spill occurs. There are a number of national and international standards that are external to the District Plan but that must be complied with, including the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, the New Zealand Electrical Code of Practice and the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines.

Policy (c) recognises that the co-location and co-siting of network utilities may provide environmental benefits in terms of reduced visual impacts and consolidation of network utilities in existing areas thereby reducing adverse effects on amenity by reducing the need for more network utility structures. While co-location is encouraged it needs to be understood that technical requirements will generally mean that associated structures may need to be taller or bulkier to avoid interference between the two or more providers, such as radio-frequency bands. It is also recognised that co-location is not always possible due to operational issues such as radiofrequency interference, electrical interference, lease arrangements and structural capacity.

Policy (d) requires the underground placement of new network utilities unless particular circumstances apply. The adverse visual effects of certain network utilities can often be managed by putting the services underground. This is the required approach for those network utilities, such as those with cables that can be located underground. For those network utility structures that need to be located aboveground, particular attention should be given to their design, location and minimising of any adverse visual effects as outlined in Policy (a). This can be achieved in a number of ways including, where practical, through screening, careful placement, size and appearance and applying different activity status. In particular, the underground placement of electricity and telecommunications lines is required by only providing for aboveground lines in particular defined situations, such as for customer connections, and through different activity status. New above ground lines and their associated supporting structures in areas that do not have existing above ground lines are generally considered to be unacceptable within the City, except in those areas that can visually absorb new aboveground lines, such as the Rural Zone where they are permitted. However it is recognised that particular consideration needs to be given to the efficient use of resources and that there are situations where placing lines underground is, or may be, impracticable or unreasonable.

Policy (e) promotes the use of the road corridor for the location of network utilities, in line with the National Code of Practice for Utility Operators' Access to Transport Corridors. Locating network utilities in the road can assist to minimise the adverse effects of network utilities on amenity and other values as these locations generally have a range of existing network utilities and are less sensitive to new network utilities. However, the effects of these activities require some management to ensure conflicts with the primary function of the road corridor and with each other are avoided.

Policy (f) encourages network utility operators to engage with the local community when they are considering the location, placement and design of new network utilities. In some cases, engaging early with the community about a proposed new network utility may result in an alternative more appropriate location to be identified that both meets the needs of the network utility operator and addresses any concerns that the community may have. In encouraging consultation, the Council

recognises that it cannot require network utility operators to consult on permitted activities.

AMENDMENT 48 [new Chapter 13 Network Utilities, including the National Grid (13.2 How to Use the Network Utilities Rules)]
Add a new Section 13.2 How to Use the Network Utilities Rules

13.2 How to Use the Network Utility Rules

The following is an advice note on how to navigate and use the suite of Rules, Standards and Terms and Conditions for this Chapter in the District Plan. This Chapter applies to all network utilities as defined in Chapter 3 (Definitions) and with the exception of rules in General Chapters 14A – 14L, these rules override all zone rules.

(1) Before using the Rules, check which Activity Area (zone) the site(s) which is intended to be used for network utility activities is located in. The District Plan Activity Areas are available to view on the Council's website (via the District Plan Chapters and Maps or through the interactive GIS viewer) as well as hard copies at all libraries and the administration building.

(2) Once the Activity Area has been identified, check the rules in table 13.3.1 to find a description of which activity you want to carry out. Make sure the Activity Area of your site(s) is listed next to the rule otherwise it will not apply.

(3) Each rule can have associated standards and matters of control or discretion associated with it.

(4) Section 13.3.2 contains the standards. Where a rule has a standard(s) associated with it, that standard(s) must be complied with for the activity status to apply. If the activity cannot comply with the associated standard(s), it will have a different status and may need a land use consent.

(5) Sections 13.3.3, 13.3.4 and 13.3.5 contain matters of control and discretion. If the rule has a status of Controlled, Restricted Discretionary or Discretionary (i.e.: a land use consent is required), Matters of Control or Discretion may apply. Where a rule has matters associated with it, the Council will use them to assess the consent application. Chapter 17 of the District Plan outlines what information needs to be submitted with any land use consent application.

(6) Section 13.4 contains provisions for activities within the National Grid and has its own set of rules, standards and terms and conditions. Use this section if your activity is going to be within the National Grid Corridor or Yard (defined in Chapter 3 of the District Plan).

AMENDMENT 49 [new Chapter 13 Network Utilities, including the National Grid (13.3 Rules – Network Utilities and 13.3.1 Activity Status)]
Add new Sections 13.3 Rules – Network Utilities and 13.3.1 Activity Status

13.3 Rules – Network Utilities

13.3.1 Activity Status

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
Removal, Maintenance and Upgrading					
13.3.1.1	The **removal** of existing network utilities, including any existing associated structures.	All	Permitted	Earthworks: 13.3.2.5.1 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.2	The **operation** and **maintenance** of existing network utilities.	All	Permitted	Earthworks: 13.3.2.5.1 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.3	The **minor upgrading** of existing electricity and telecommunication lines.	All	Permitted	Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.4	The **upgrading** of existing network utilities, excluding: • Electricity and telecommunication lines; • Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals.	All	Permitted	Health and Safety: 13.3.2.1 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.5	The **removal, operation and maintenance** of network utilities and the **minor upgrading** of electricity and telecommunication lines **that does not meet permitted activity standards**.	All	Controlled		13.3.3 (e), 13.3.3 (h)

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
13.3.1.6	The **upgrading** of network utilities, excluding: • Electricity transmission lines above 110KV; and • Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals **that does not meet permitted activity standards**.	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (r), 13.3.4 (s)
13.3.1.7	The **upgrading** of: • Electricity transmission lines above 110 kV; and • Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals.	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (b), 13.3.4 (p), 13.3.4 (r), 13.3.4 (s)
Subdivision					
13.3.1.8	**Subdivision** for the purpose of accommodating any network utility.	All	Controlled		13.3.3 (a), 13.3.3 (b), 13.3.3 (c), 13.3.3 (e), 13.3.3 (f), 13.3.3 (g), 13.3.3 (j)
General					
13.3.1.9	**Cabinets** and **other network utility structures** not otherwise listed in this table.	All, excluding Historic Residential and Landscape Protection Residential	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.4, 13.3.2.2.5 Size and Diameter: 13.3.2.3.6, 13.3.2.3.7 Separation/Setback: 13.3.2.4.1, 13.3.2.4.3 Earthworks: 13.3.2.5	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
				Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.10	**Cabinets** and **other network utility structures** not otherwise listed in this table.	Historic Residential, Landscape Protection Residential	Restricted Discretionary	Health and Safety: 13.3.2.1 Height: 13.3.2.2.4, 13.3.2.2.5 Size and Diameter: 13.3.2.3.6, 13.3.2.3.7 Separation/Setback: 13.3.2.4.1, 13.3.2.4.3 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	13.3.4 (a), 13.3.4 (b) 13.3.4 (e), 13.3.4 (f) 13.3.4 (g), 13.3.4 (h) 13.3.4 (j), 13.3.4 (k) 13.3.4 (l), 13.3.4 (m) 13.3.4 (r)
13.3.1.11	**Cabinets** and **other network utility structures** not otherwise listed in this table that do not meet the permitted activity standards in Rule 13.3.1.9.	All, excluding Historic Residential and Landscape Protection Residential	Restricted Discretionary	Health and Safety: 13.3.2.1 Height: 13.3.2.2.4, 13.3.2.2.5 Size and Diameter: 13.3.2.3.6, 13.3.2.3.7 Separation/Setback: 13.3.2.4.1, 13.3.2.4.3 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	13.3.4 (a), 13.3.4 (b) 13.3.4 (e), 13.3.4 (f) 13.3.4 (g), 13.3.4 (h) 13.3.4 (j), 13.3.4 (k) 13.3.4 (l), 13.3.4 (m) 13.3.4 (r)
13.3.1.12	**Cabinets** and **other network utility structures** not otherwise listed in this table that do not meet the restricted discretionary activity standards.	Historic Residential and Landscape Protection Residential	Discretionary	Health and Safety: 13.3.2.1	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
13.3.1.13	Network **utilities** located **within existing buildings.**	All	Permitted	Health and Safety: 13.3.2.1 Noise: 13.3.2.7	
13.3.1.14	**Aerial crossings** necessary for network utilities**,** located on or within existing bridges and structures or across streams, and including regulator stations but not compressor stations.	All	Permitted	Health and Safety: 13.3.2.1 Earthworks: 13.3.2.5	
13.3.1.15	All network **utilities** that are **not otherwise listed** as a permitted, controlled, restricted discretionary or non-complying activity.	All	Discretionary	Health and Safety: 13.3.2.1	
13.3.1.16	All network **utilities which do not comply with** the permitted activity standards for radiofrequency and electro-magnetic fields in **standard 13.3.2.1 Health and Safety**	All	Non-Complying		
Underground Utilities					
13.3.1.17	The construction, installation and development, of **new underground network utilities**, except for: • Electricity transmission lines above 110kV; and • Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals.	All	Permitted	Health and Safety: 13.3.2.1 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	
Radiocommunication, Telecommunications and Electricity Distribution and Transmission					
13.3.1.18	**Masts** with or without associated antennas.	Commercial (All), Business	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1,	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
		(All), General Rural, Community Health, Community Iwi		13.3.2.2.2 Size and Diameter: 13.3.2.3.1, 13.3.2.3.2, 13.3.2.3.3, 13.3.2.3.4 Separation/Setback: 13.3.2.4.1, 13.3.2.4.2 Earthworks: 13.3.2.5	
13.3.1.19	**Masts** with or without associated antennas.	Residential (excluding Historic and Landscape Protection Residential), Recreation, Rural Residential	Restricted Discretionary	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1, 13.3.2.2.2 Size and Diameter: 13.3.2.3.1, 13.3.2.3.2, 13.3.2.3.3, 13.3.2.3.4 Separation/Setback: 13.3.2.4.1, 13.3.2.4.2 Earthworks: 13.3.2.5	13.3.4 (b), 13.3.4 (e) 13.3.4 (f), 13.3.4 (g) 13.3.4 (h), 13.3.4 (i) 13.3.4 (j), 13.3.4 (l) 13.3.4 (m), 13.3.4 (n) 13.3.4 (o), 13.3.4 (r)
13.3.1.20	**Masts** with or without associated antennas.	The Coastal Environment identified as SNR 9, shown in Map Appendices 2A, 2B and 2C, Historic Residential, Landscape Protection	Discretionary	Health and Safety: 13.3.2.1	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
		Residential			
13.3.1.21	**Antenna** and support structure **attached to buildings**.	All, except for Historic Residential	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.3 Size and Diameter: 13.3.2.3.5	
13.3.1.22	**Antenna** and support structure **attached to buildings**.	Historic Residential	Restricted Discretionary	Health and Safety: 13.3.2.1 Height: 13.3.2.2.3 Size and Diameter: 13.3.2.3.5	13.3.4 (d), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g)
13.3.1.23	**Masts**, with or without associated antennas **that do not meet permitted activity standards**.	Commercial (All), Business (All), General Rural, Community Health, Community Iwi	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (b), 13.3.4 (c), 13.3.4 (d), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k), 13.3.4 (l), 13.3.4 (m), 13.3.4 (n), 13.3.4 (o), 13.3.4 (r)
13.3.1.24	**Antenna** attached to buildings **that do not meet permitted activity standards**.	All, except for Historic Residential	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (b), 13.3.4 (d), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k), 13.3.4 (l), 13.3.4 (m), 13.3.4 (p), 13.3.4 (r)
13.3.1.25	**Antenna** attached to buildings **that do not meet restricted discretionary activity standards**.	Historic Residential	Discretionary	Health and Safety: 13.3.2.1	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
13.3.1.26	**New and additional above ground lines**	Rural (All)	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback:13.3.2.4 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	
13.3.1.27	**New and additional above ground lines**	All, except Rural	Discretionary	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback:13.3.2.4 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	
13.3.1.28	**Minor above ground lines**	All	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback:13.3.2.4 Earthworks: 13.3.2.5	
13.3.1.29	**Temporary above ground lines**	All	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback:13.3.2.4 Earthworks: 13.3.2.5 Temporary above ground lines: 13.3.2.8	
13.3.1.30	**New and upgraded transformers**, **substations** and **switching stations** distributing electricity and ancillary buildings.	All	Discretionary	Health and Safety: 13.3.2.1	
Gas Distribution and Transmission					
13.3.1.31	**Underground gas distribution and**	All	Permitted	Health and Safety: 13.3.2.1	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
	transmission pipelines at a **pressure not exceeding 2000 kilopascals**, including aerial crossings of bridges, structures or streams, and ancillary equipment, including regulator stations but not compressor stations.			Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.32	**Underground gas distribution and transmission pipelines** at a **pressure exceeding 2000 kilopascals**, including aerial crossings of bridges, structures or streams, and ancillary equipment, including compressor compounds with compressor houses.	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (b), 13.3.4 (f), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (n), 13.3.4 (s), 13.3.4 (t)
Water, Wastewater and Stormwater					
13.3.1.33	**Water reservoirs**.	All	Restricted Discretionary		13.3.4 (a), 13.3.4 (b), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k), 13.3.4 (n), 13.3.4 (q), 13.3.4 (r), 13.3.4 (s), 13.3.4 (t)
13.3.1.34	**Water and wastewater treatment plants.**	All	Discretionary		
Meteorological Activities					
13.3.1.35	**Meteorological enclosures and buildings**; **automatic weather stations** and **anemometer masts**, voluntary observer sites and associated microwave links.	All	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2, 13.3.2.2.6 Size & Diameter: 13.3.2.3.8	

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
				Separation/Setback: 13.3.2.4 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.36	**Meteorological enclosures and buildings**; **automatic weather stations** and **anemometer masts**, voluntary observer sites and associated microwave links that are not permitted activities.	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (b), 13.3.4 (c), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k), 13.3.4 (l), 13.3.4 (r)
Roading and Traffic and Transport Structures					
13.3.1.37	**Traffic control signals and devices**, light and decorative **poles** and associated structures and fittings, **post boxes**, landscaped **gardens**, **artworks** and **sculptures**, **bus stops** and shelters, phone **boxes**, public **toilets** and road **furniture** located within the road reserve.	All	Permitted	Earthworks: 13.3.2.5	
13.3.1.38	The construction, alteration or diversions of **roads**, excluding any such construction works which is part of a subdivision.	All	Discretionary		
13.3.1.39	Any: • grade separated facility where a structure is used to separate roadways, railways, footways, cycleways or bodies of water • viaduct or tunnel • bridges for roads, tramways, railways and	All, except for the Coastal Environment identified as SNR 9, shown in Map	Controlled		13.3.3 (c), 13.3.3 (d), 13.3.3(g), 13.3.3 (i)

Rule Number	Rule	Activity Area	Status	Standards	Matters of Control or Discretion
	underpasses	Appendices 2A, 2B and 2C			
13.3.1.40	Any: • grade separated facility where a structure is used to separate roadways, railways, footways, cycleways or bodies of water • viaduct or tunnel • bridges for roads, tramways, railways and underpasses	The Coastal Environment identified as SNR 9, shown in Map Appendices 2A, 2B and 2C	Non-complying		
Extreme Adverse Weather and Tsunami Warning Devices					
13.3.1.41	Extreme adverse weather and tsunami **warning devices**.	All	Permitted	Height: 13.3.2.2.7 Size and Diameter: 13.3.2.3.9 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	

Notes:

Resource Management Regulations – National Environmental Standards

The operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 is largely controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, separate to this District Plan.

The installation and operation of telecommunications facilities (antennas attached to existing structures and cabinets in the road reserve) is largely controlled by the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, separate to this District Plan. It also controls all radio-frequency emissions from telecommunication facilities through specific exposure standards.

Hutt City Council is responsible for enforcing these standards. For clarification, where there is conflict or perceived conflict between the provisions of this Plan and the requirements of the NES's identified above, the provisions of the NES shall apply.

The National Environmental Standards are available for viewing at www.mfe.govt.nz and at Hutt City Council offices.

Other Relevant Regulations

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electricity lines.

Compliance with the Electricity (Hazards from Trees) Regulations 2003 is mandatory for tree trimming and planting in proximity to electricity transmission and distribution lines.

To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.

Hutt City Council is not responsible for enforcing these standards.

AMENDMENT 50 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Title 13.3.2 Standards and Terms and Section 13.3.2.1 Health and Safety

13.3.2 Standards and Terms

13.3.2.1 Health and Safety

Where specified as relevant, network utilities shall comply with the following standards:

(a) The maximum exposure levels shall not exceed the levels specified in NZS 2772:1999 'Radiofrequency Fields– Maximum exposure levels – 3kHz to 300GHz'.

(b) Network utilities that emit electric and magnetic fields shall comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz – 100Hz), Health Physics 99(6):818-836; 2010, and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, 2007).

Note: The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, separate to this District Plan controls all radio-frequency emissions from telecommunication facilities through specific exposure standards.

AMENDMENT 51 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.2 Height

13.3.2.2 Height

The maximum height of any utility structure listed in the table below shall include any antenna and support structures and exclude any lightning rod.

Standard	Utility	Commercial		Business		Community	Residential		Rural		Recreation
		Central, Petone	Suburban, Special	General, Special, Extraction	Avalon	Health, Iwi	General, Special, Hill	Historic, Landscape Protection	General	Residential	General, Special, River, Passive
13.3.2.2.1	Masts, antennas, lines and single-pole support structures.	20m	15m	25m	Area 1 = 20m Area 2 = 15m	20m	12m	10m	15m	12m	12m
13.3.2.2.2	Masts and antennas (involving two or more providers).	25m	18m	30m	Area 1 = 20m Area 2 = 15m	20m	12m	10m	20m	12m	12m
13.3.2.2.3	Maximum height of an antenna and support structure, measured from the highest point of the building to which it is attached.	5m					3.5m	2m	3.5m		
13.3.2.2.4	Cabinets and other network utility structures within the road reserve (not otherwise provided for)	2.0m					1.8m		2.0m		

Standard	Utility	Commercial		Business		Community	Residential		Rural		Recreation
		Central, Petone	Suburban, Special	General, Special, Extraction	Avalon	Health, Iwi	General, Special, Hill	Historic, Landscape Protection	General	Residential	General, Special, River, Passive
13.3.2.2.5	Cabinets and network utility structures that are not otherwise provided for and that are not located within the road reserve.	3.5m									
13.3.2.2.6	Anemometer masts.	15m		30m		15m	12m		15m		12m
13.3.2.2.7	Maximum height of an extreme adverse weather and tsunami warning device, measured from the point of attachment.	4m									

AMENDMENT 52 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.3 Size and Diameter

13.3.2.3 Size and Diameter

Standard	Utility	Residential					Commercial				Business				Recreation				Rural		Community	
		General	Special	Historic	Hill	Landsc. Prot.	Central	Petone	Suburban	Special	General	Special	Avalon	Extraction	General	Special	River	Passive	Residential	General	Health	Iwi
13.3.2.3.1	Masts	Diameter of mast <600mm from 6m in height									Diameter of mast 1.5m				Diameter of mast <600mm from 6m in height							
13.3.2.3.2	Masts (involving two or more providers)	Diameter of mast <600mm from 6m in height																				
13.3.2.3.3	Antenna attached to masts	Antenna located within a horizontal circle of 750mm									Antenna located with a horizontal circle of 5m				Antenna located within a horizontal circle of 750mm					Antenna located within a horizontal circle of 1.2m	Antenna located within a horizontal circle of 750mm	
13.3.2.3.4	Antenna attached to masts (involving two or more providers)	Antenna located within a horizontal circle of 750mm									Antenna located with a horizontal circle of 5m				Antenna located within a horizontal circle of 750mm				Antenna located within a horizontal circle of 1.2m		Antenna located within a horizontal circle of 750mm	

Standard	Utility	Residential					Commercial				Business				Recreation				Rural		Community	
		General	Special	Historic	Hill	Landsc. Prot.	Central	Petone	Suburban	Special	General	Special	Avalon	Extraction	General	Special	River	Passive	Residential	General	Health	Iwi
13.3.2.3.5	Antenna attached to other buildings	Antenna diameter of 1m or area of 0.8m^2					Antenna diameter of 2m or area of 1.8m^2		Antenna diameter of 1.3m or area of 0.8m^2	Antenna diameter of 2m or area of 1.8m^2					Antenna diameter of 1.3m or area of 1.2m^2						Antenna diameter of 2m or area of 1.8m^2	
13.3.2.3.6	Cabinets and other network utility structures located within the road reserve (not otherwise provided for)	1.4m^2					2m^2															
13.3.2.3.7	Cabinets and other network utility structures not otherwise provided for that are not located within the road reserve	15m^2																				

Standard	Utility	Residential					Commercial				Business				Recreation				Rural		Community	
		General	Special	Historic	Hill	Landsc. Prot.	Central	Petone	Suburban	Special	General	Special	Avalon	Extraction	General	Special	River	Passive	Residential	General	Health	Iwi
13.3.2.3.8	Meteorological enclosures and buildings	30m²																				
13.3.2.3.9	Extreme adverse weather and tsunami warning devices	No greater in dimension than 2.5m x 1.5m																				

AMENDMENT 53 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.4 Separation Distance and Setbacks

13.3.2.4 Separation Distance and Setbacks

With the exception of standard 13.4.4.1, which applies to all network utility structures, including lines, the following table applies to masts and antenna attached to masts and any cabinet or other network utility structure that is defined as a building that are **not located in the road reserve**:

Standard	**Residential**					**Commercial**				**Business**				**Recreation**				**Rural**		**Community**	
	General	**Special**	**Historic**	**Hill**	**Landsc. Prot.**	**Central**	**Petone**	**Suburban**	**Special**	**General**	**Special**	**Avalon**	**Extraction**	**General**	**Special**	**River**	**Passive**	**Residential**	**General**	**Health**	**Iwi**
13.3.2.4.1 Riparian setback	A minimum 20m riparian setback shall be maintained																				
13.3.2.4.2 Separation distance or setback for masts and antenna attached to masts	No less than 10m from a boundary in the Residential and Rural Activity Areas.					No less than 10m from a boundary in the Residential Activity Areas.								No less than 10m from any boundary in the Residential or Rural Activity Areas.				No less than 10m from any property boundary. Under 15m in height - no less than 20m from the closest wall of a dwelling (excluding balconies and decks). Over 15m in height – no less		No less than 10m from a boundary in the Residential Activity Areas.	

Standard	Residential					Commercial				Business				Recreation				Rural		Community	
	General	Special	Historic	Hill	Landsc. Prot.	Central	Petone	Suburban	Special	General	Special	Avalon	Extraction	General	Special	River	Passive	Residential	General	Health	Iwi
																		than 50m from the closest wall of a dwelling (excluding balconies and decks).			
13.3.2.4.3 Separation distance or setback for cabinets and other network utility structures	No less than 2m to all boundaries.					No less than 2m to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.								No less than 2m to all boundaries.						No less than 2m to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.	

AMENDMENT 54 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.5 Earthworks

13.3.2.5 Earthworks

13.3.2.5.1 Sediment and Erosion Control

Erosion and sediment control measures shall be installed and maintained for all network utility activities, in accordance with the "Erosion and Sediment Control Guidelines for the Wellington Region – September 2002" – reprinted 2006.

13.3.2.5.2 Slope, Height, Depth and Area of Earthworks

The following shall apply to all network utility activities, except to earthworks within 2.0m of the exterior walls of any network utility building or structure that is defined as a building measured in plain view and to piling undertaken for the installation of a network utility mast, where that piling is contained within 2.0m of the edge of the mast:

(i) Slope – No earthworks shall be carried out on a slope greater than 45degrees.

(ii) Height, Depth – Earthworks shall not exceed 1.5m in height or depth.

(iii) Recession Plane – Any earthworks that involve the raising of the height of land above existing ground level shall not exceed a height recession plane measured at an angle of 45degrees from any neighbouring boundary.

(iv) Area: Riparian Areas – 25m²

All Recreation and Residential Activity Areas – 100m²

All Rural Activity Areas – 1000m²

All Other Activity Areas – 500m²

AMENDMENT 55 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.6 Native Vegetation Clearance – Rural Residential and General Rural Activity Areas

13.3.2.6 Native Vegetation Clearance – Rural Residential and General Rural Activity Areas

Within the **Rural Residential and General Rural Activity Areas** there shall be no destruction of any native vegetation where:

(a) the area of native vegetation in one site exceeds 1 hectare with an average height of 3m or more, or

(b) the area of native vegetation is part of an area in one or more sites, which exceeds 1 hectare with an average height of 3m or more.

The word "area" in (a) and (b) above refers to the existing area covered by native vegetation, (i.e. it is the sum of the area of native vegetation which is proposed to be disturbed or removed, plus the balance area of native vegetation).

AMENDMENT 56 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.7 Noise

13.3.2.7 Noise

Noise associated with the activity shall not exceed the permitted activity noise standard(s) within the zone in which the activity is located.

AMENDMENT 57 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]
Add a new Section 13.3.2.8 Temporary Above Ground Lines

13.3.2.8 Temporary Above Ground Lines

The line(s) shall be in place for no longer than six calendar months from the date of erection until its removal.

AMENDMENT 58 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.3 Matters in which Council Seeks to Control)]
Add a new Section 13.3.3 Matters in which Council Seeks to Control

13.3.3 Matters in which Council Seeks to Control

Matters over which control is reserved are:

(a) Site design, frontage and area.

(b) Legal and physical access to the lots.

(c) Risks to public health and safety.

(d) Design and external appearance.

(e) Earthworks and sediment and erosion control.

(f) Landscaping and screening.

(g) Traffic and parking management.

(h) Noise.

(i) The route of the road.

(j) The imposition of financial contributions in accordance with Chapter 12 of this Plan.

(k) The design and construction of the road, including safety, traffic engineering, landscaping and noise mitigation measures.

AMENDMENT 59 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.4 Matters in which Council has Restricted its Discretion)]
Add a new Section 13.3.4 Matters in which Council has Restricted its Discretion

13.3.4 Matters in which Council has Restricted its Discretion

Matters that the Council has restricted the exercise of discretion over are as follows:

(a) The degree, extent and effects of the non-compliance with the Permitted Activity Conditions.

(b) Risks to public health and safety.

(c) The maximum height of the mast and area or diameter of any antenna.

(d) The maximum height, area or diameter of any antenna.

(e) Design and external appearance.

(f) Any effect on heritage and cultural values.

(g) Visual effects including impacts on:

(i) The residential and recreational use of land in the vicinity of the proposed utility;

(ii) The existing character, landscape, streetscape and amenity values of the locality;

(iii) Key public places, public viewing points, the coast, and significant recreational areas.

(h) Amenity effects, including noise, vibration, odour, dust, earthworks and lighting.

(i) Cumulative effects.

(j) Any potential interference with public use and enjoyment of the land and the operation of land uses in the vicinity.

(k) Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and/or planting, viewing distances, the location of support structures.

(l) Whether the size and scale of the proposal is generally compatible with other development in the area.

(m) Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signage.

(n) The extent to which alternative locations, routes or other options have been appropriately considered.

(o) The extent to which it is technically, economically and practically reasonable for the masts or antennas can be co-sited with similar structures or other buildings.

(p) 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.

(q) Rehabilitation of the site following any construction or future maintenance period.

(r) The extent to which the affected persons / community has been consulted with.

(s) Earthworks and erosion and sediment control.

(t) Any adverse effects on an area of native vegetation.

AMENDMENT 60 [new Chapter 13 Network Utilities, including the National Grid (new 13.3.5 Assessment Criteria for Discretionary Activities)]
Add a new Section 13.3.5 Assessment Criteria for Discretionary Activities

13.3.5 Assessment Criteria for Discretionary Activities

In considering an application for a discretionary activity, the Council's discretion is unrestricted. The Council shall consider any relevant matter with particular regard to the objectives and policies of the Plan. In addition, the Council shall have particular regard to the relevant matters outlined in 13.3.4 – Matters of Discretion for Restricted Discretionary Activities.

AMENDMENT 61 [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]
Add a new Section 13.4.1 Permitted Activities

13.4 Rules – National Grid

13.4.1 Permitted Activities

In all activity areas, buildings and structures less than 2.5m in height and less than $10m^2$ in area located within the National Grid Yard, that meet all the permitted activity conditions of that activity area, provided that they are not being used for a Sensitive Activity.

Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

AMENDMENT 62 [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]
Add a new Section 13.4.2 Restricted Discretionary Activities

13.4.2 Restricted Discretionary Activities

(a) In all activity areas, new buildings and structures and additions and alterations to existing buildings and structures that are over 2.5m in height and / or more than $10m^2$ in area located within the National Grid Yard.

(i) Non-notification

In respect of Rule 13.4.2 (a), public notification of applications for resource consent is precluded. Limited notification will be served on the National Grid Operator as the only affected party under section 95B of the Act.

Note: Rule 13.4.2 (a) (i) prevails over Rule 17.2.2.

AMENDMENT 63 [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]
Add a new Section 13.4.2.1 Matters in which Council has restricted its discretion

13.4.2.1 Matters in which Council has restricted its discretion

(a) Any risk to the structural integrity of the transmission line;

(b) Any effects on the ability of the transmission line owner to operate, maintain and/or upgrade the National Grid;

(c) The proximity of buildings and structures to electrical hazards;

(d) Operational risks relating to health or public safety, and the risk of property damage;

(e) Amenity effects; and

(f) Any actual or potential reverse sensitivity effects.

Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within the National Grid Yard as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting **near** any electricity line especially works within the transmission corridor; contact the relevant network utility operator.

AMENDMENT 64 [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]
Add a new Section 13.4.3 Non-Complying Activities

13.4.3 Non-Complying Activities

In all activity areas, the construction and use, establishment, or change of use, of any building and structure located within the National Grid Yard for a Sensitive Activity.

AMENDMENT 65 [new Chapter 13 Network Utilities, including the National Grid (new 13.5 Anticipated Environmental Results)]
Add a new Section 13.5 Anticipated Environmental Results

13.5 Anticipated Environmental Results

The following environmental outcomes are anticipated in respect of network utilities:

(a) Network utilities are able to operate, upgrade and expand as required to provide safe, effective and efficient services to the City.

(b) The Lower Hutt City community is able to provide for its social, economic, cultural and environmental wellbeing and for its health and safety.

(c) Potential conflicts between regionally significant network utilities and incompatible development, use and subdivision are avoided.

(d) Adverse effects from network utilities on amenity and the environment are appropriately avoided, remedied or mitigated.

Amendment to Chapter 14C - Noise

AMENDMENT 66 [Chapter 14C Noise (14C 2.1 Permitted Activity Conditions)]
Delete Permitted Activity Condition 14C 2.1 (h)

14C 2.1 Permitted Activity - Conditions

In all Activity Areas

~~**(h)** Noise from electricity distribution transformers not exceeding 1.5 MVA capacity, which are designed, constructed, installed and maintained to good New Zealand industry practice, providing the maximum noise level, measured at a distance of two metres in front of any window of any living area or bedroom of any residential building, shall be less than 50dBA.~~

Amendments to Chapter 14I - Earthworks

AMENDMENT 67 [Chapter 14I Earthworks (14I 1.3 Essential Works)]

Amend the Issue, Policies and Explanation and Reasons for 14I 1.3 Essential Works

14I 1.3 Essential Works

Issue

Some earthworks are necessary for the provision of services essential to the health and safety of the community; in particular~~. These may include earthworks necessary for the establishment and maintenance of utilities, or~~ those associated with the management of a river or stream to avoid, remedy or mitigate a flood event. It is necessary to ensure that opportunity for such works is provided for in the Plan.

Objective

To ensure that provision is made for earthworks to be carried out for services which are essential to the health and safety of the community.

Policy~~ies~~

~~(a)~~ To provide for essential earthworks to be carried out which are necessary for the management of any stream or river.

~~(b)~~ ~~To provide for earthworks associated with the establishment and maintenance of a utility in accordance with the Plan.~~

Explanation and Reasons

Some earthworks are essential to ensure property and lives are not at risk, or to mitigate adverse effects of a naturally occurring event such as a flood. Opportunity is made in the Plan for earthworks associated with flooding events to be carried out without restriction. This is to recognise their importance to the community.

~~Earthworks are often necessary in the establishment and maintenance of network utilities services which are essential to the well being of the community.~~

~~Opportunity is made in the Plan for such earthworks to be carried out without restriction. This is to recognise their importance to the community.~~

AMENDMENT 68 [Chapter 14I Earthworks (14I 2 Rules)]

Amend Rule 14I 2(i) to reflect proposed new Chapter 13 Network Utilities

14I 2 Rules

These provisions shall not apply to the following:

(i) Earthworks associated with the establishment of network utilities in accordance with Chapter 13 – Network Utilities, including the National Grid.

(ii) Earthworks carried out as part of a subdivision consent under Chapter 11.

(iii) Earthworks in the River Recreation Activity Area for the purposes of the management of any river or stream in accordance with Chapter 7C - River Recreation Activity Area

(iv) Earthworks associated with extraction activities in Chapter 6D - Extraction Activity Area.

New Chapter 14L - Renewable Energy Generation

AMENDMENT 69 [New Chapter 14L Renewable Energy Generation (Introduction)]
Add a new Introduction to Chapter 14L Renewable Energy Generation

14L Renewable Energy Generation

Introduction

Energy is vital to the efficient functioning of our country. As both a natural and physical resource, the generation and use of energy is a relevant resource management matter. In particular, section 7(j) of the Resource Management Act requires decision-makers to give particular regard to the benefits derived from the use and development of renewable energy.

This chapter is focused on renewable energy generation; and in particular, the conversion of natural resources into electricity. Energy generation from non-renewable sources, energy efficiency and energy conservation are addressed in other Plan Chapters.

The National Policy Statement for Renewable Electricity Generation came into force in May 2011 and forms part of central government's strategic target to achieve 90% of electricity generated is from renewable energy sources by 2025. The Council is required to give effect to any national policy statement. The objective of the National Policy Statement is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation. Policy D of the National Policy Statement requires that decision makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

The Regional Policy Statement for the Wellington Region recognises the importance of energy within the Region, and in particular that the benefits from renewable energy, from small to large scale generation, be recognised. Hutt City Council is required to give effect to the Regional Policy Statement and include policies and/or methods to ensure these benefits are recognised. These benefits include security of supply and diversification of energy sources, reducing dependency on imported energy sources and reducing greenhouse gas emissions.

Although energy is essential to our communities, its generation has the potential to have both adverse and positive environmental effects. The positive effects of renewable energy generation are often felt nationally (and/or globally) as well as locally, however adverse effects are generally more localised. Given the nature of renewable energy generation activities, many developments are unlikely to be able to internalise all potential adverse effects that they may generate within the site, and may include effects on amenity, landscape, ecology, cultural and heritage values. The benefits of any development therefore need to be weighed up against potential adverse effects.

The application of renewable energy can be in a number of different forms. At the domestic or small scale, there are various passive approaches including orientating buildings to assist passive heating and cooling, and natural lighting and more active approaches such as solar water heating and panels, and wind turbines. The passive approaches are addressed through other chapters in the District Plan. This chapter addresses the active approaches to renewable energy generation, primarily in the form of electricity generation. At present, renewable energy generation facilities in Lower Hutt City are limited to small scale wind turbines and solar panels. There are no existing larger scale renewable energy generation activities within the City.

A study of the Wellington Region's renewable energy sources undertaken by the Energy Efficiency and Conservation Authority in August 2006 identifies wind and solar as the primary renewable energy sources within Lower Hutt City that fall within the functions of the Hutt City Council. Other options such as large scale solar generation or biomass energy may become more viable in the future, and this chapter should be amended to address the various resource management issues that may arise as more information about these options becomes available. This chapter therefore focusses on wind and small-scale solar resources.

The provisions in this Chapter apply to renewable energy generation activities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to renewable energy generation activities unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply.

AMENDMENT 70 [New Chapter 14L Renewable Energy Generation (14L 1 Issues Objectives and Policies)]

Add new Issues, Objectives and Policies relating to Balancing the Effects of Renewable Energy Generation as Section 14L 1.1

14L 1 Issue, Objectives and Policies

14L 1.1 Balancing the Effects of Renewable Energy Generation

Issue

Balancing conflicts created by the effects of renewable energy generation with its local, regional and national benefits.

Explanation:

Lower Hutt City contains some renewable energy resources, the use of which would provide benefits locally, regionally and nationally. However, the use of such resources can also have adverse environmental effects, which are generally felt at a local level. These effects can create conflicts between renewable energy generation and a wide range of biophysical and community held values, and raise issues of scale and location.

Objectives

(a) Provide for the development of renewable energy generation that is designed, located, constructed, operated, maintained and upgraded so as to:

(i) Avoid, remedy or mitigate adverse effects on the environment; and

(ii) Promote the local, regional, and national benefits of the use and development of renewable energy resources.

(b) Enable small-scale renewable energy generation and the identification and assessment of potential renewable energy sources and sites in appropriate locations within the City.

Policies

(a) Recognise the local, regional and national benefits of renewable energy generation, including:

(i) Maintaining and increasing security of electricity supply;

(ii) Using renewable rather than finite energy sources;

(iii) Reducing dependency on imported energy sources;

(iv) Reducing greenhouse gas emissions; and

(v) The reversibility of the adverse effects of some renewable energy generation technologies.

(b) Enable small-scale renewable energy generation to be developed and operated in a manner that avoids, remedies or mitigates adverse environmental effects.

(c) Enable the identification and assessment of potential renewable energy sources and sites in a manner that avoids, remedies or mitigates adverse environmental effects.

(d) Provide for the operation, maintenance and development of community scale and commercial scale renewable energy generation activities.

(e) Manage the adverse environmental effects of community scale and commercial scale renewable energy generation activities by recognising that these activities have the potential to cause significant adverse effects on the environment. In particular, activities that use wind as a source of energy have the potential for significant adverse effects on landscape, ecology and amenity values, and noise (including low frequency noise) and may be inappropriate in some locations.

(f) Recognise the technical and operational constraints of renewable energy generation, including the location of the resource, development and maintenance of facilities and the location of the electricity distribution network.

(g) Encourage community and commercial scale renewable energy generation providers to consult early with the local community, including Māori, on the appropriate placement, location and design of renewable energy generation activities.

(h) Protect consented and existing renewable energy generation activities from incompatible subdivision, land use and development.

(i) Ensure that the provision and operation of renewable energy generation activities that cross jurisdictional boundaries is managed in an integrated manner.

Explanation and Reasons

There are significant benefits available at the local, regional and national level from renewable energy generation activities. The benefits from any renewable energy generation proposal can range from large significant contributions, to small incremental gains, but they are all cumulative. New renewable generation capacity can contribute to the New Zealand Energy Strategy target, and to increasing the diversity of supply. The City offers opportunities in particular for wind and solar generation.

Some parts of the City, particularly those that are elevated, are potentially suited to the development of renewable energy sources, particularly commercial scale renewable energy generation activities where wind is the energy source. There are other parts of the City where smaller community scale renewable energy generation activities may be viable to serve the electricity needs of local areas. There is little potential in the City for the community or commercial scale use of solar energy for electricity generation.

However, small-scale renewable energy generation particularly from wind and the sun provides an opportunity for Lower Hutt City to become partially self-reliant for energy supply. Technologies that currently exist and enable individuals to harness energy sources are likely to improve and become more cost-effective into the future. As demand for energy increases, self-reliance will have economic benefits for both individuals and the City.

The nature and scale of effects from renewable energy generation will vary depending on the scale and location of the activity and the characteristics of the surrounding area. Potential effects include adverse visual impacts, impacts on indigenous flora and fauna, culturally and historically significant areas and noise effects. While the Plan permits some renewable energy generation activities, those that are of a significant scale or do not meet the standards to be a permitted activity, will require a full assessment of their environmental effects through the resource consent process. This will allow the Council to weigh the benefits of any new generation activity with its environmental effects. A non-complying activity status applies to activities on sites containing an item listed in the Appendix Heritage 1 and 2 and where turbines do not comply with NZS6808:2010, as these are likely to have significant adverse effects on the environment.

The locational, functional and technical constraints on the siting of renewable energy generation facilities also need to be considered when development proposals are assessed and conditions of consent are imposed. This recognition includes the need for renewable energy generation facilities to be located where such resources are available and the location of existing structures and infrastructure.

The Plan also recognises that new subdivision, land use and development activities can result in reverse sensitivity effects on existing and consented renewable energy generation facilities and may result in the benefits of facilities being reduced. In addition, community amenity values may be adversely affected by locating in too close proximity to renewable energy generation facilities. At present, the City only contains small scale renewable energy generation facilities with no established community scale or commercial facilities. It is likely any such larger scale facilities would be established in the rural areas and that any reverse sensitivity effects would arise from subsequent new subdivision, land use and development which would provide an opportunity for assessment of any such potential effects.

Some renewable energy generation activities and the effects arising from them may cross jurisdictional boundaries between councils. Cross boundary issues can result for renewable energy generation providers and for the community, particularly where different councils have different rules or processes for how they recognise and provide for renewable energy generation activities and manage their effects. It is important that councils work together in an integrated manner both when developing plan provisions and when dealing with proposals for new or upgrades to existing renewable energy generation activities.

AMENDMENT 71 [New Chapter 14L Renewable Energy Generation (new Section 14L 2 Rules)]
Add new Section 14L 2.1 Activity Status and Standards

14L 2 Rules

14L 2.1 Activity Status and Standards

Rule number	Activity	Activity Area	Activity Status	Standards	Matters of discretion
14L2.1.1	The operation and maintenance of existing renewable energy generation facilities.	All	Permitted	Must comply with the permitted activity standards for the Activity Area.	
14L 2.1.2	Any solar panel mounted to any building, including buildings listed in Appendix Heritage 1 and 2	All	Permitted	(a) May exceed the permitted height for the Activity Area by no more than 1m. (b) May exceed the recession plane standard for the Activity Area by no more than 1m (measured vertically). (c) Where located on a heritage building listed in Appendix Heritage 1 and 2, any solar panel shall: (i) be located on a roof plane which is not visible from any adjacent public areas; (ii) be aligned with the plane of the roof.	
14L 2.1.3	Roof-mounted small scale wind turbines	All	Permitted	(a) Shall comply with recession plane, yard and noise standards for the Activity Area in which the site is located. (b) May exceed the permitted height for the Activity Area by no more than 2m. (c) May not exceed more than one turbine per site.	

Rule number	Activity	Activity Area	Activity Status	Standards	Matters of discretion
14L 2.1.4	Freestanding small scale wind turbines	All	Permitted	(a) Must comply with recession plane, yard and noise standards for the Activity Area that the site is located in. (b) May exceed the permitted height for the zone by up to, but no more than, 2m. (c) May not exceed more than one turbine per site.	
14L 2.1.5	Temporary renewable energy assessment and research structures	Rural (All) Recreation (All) Business(All)	Permitted	(a) Shall comply with the New Zealand Standards in relation to noise, radio frequency emissions and any other emissions. (b) Must comply with the noise standards for the Activity Area that the site is located in. (c) Any anemometer must not exceed 80m in height. (d) All structures shall comply with the height in relation to boundary and yard requirements for the Activity Area in which they are located. (e) Any public road damaged in such investigation or assessment activity shall be reinstated to a condition of a similar or improved standard to that which existed prior to commencement of the work. (f) No such investigation or assessment period shall exceed five years. (g) All equipment and structures shall be removed at the end of the investigation and the site shall be restored and rehabilitated to a condition no less than that which existed prior to the works commencing.	

Rule number	Activity	Activity Area	Activity Status	Standards	Matters of discretion
14L 2.1.6	Solar panels that do not comply with one or more of the permitted activity standards	All	Restricted Discretionary		14L 2.2 (a), (b), (c), (e), (h), (i), (m)
14L 2.1.7	Small scale roof-mounted and freestanding wind turbines that do not comply with one or more of the permitted activity standards	All	Restricted Discretionary		14L 2.2 (a), (b), (c), (d), (e), (g), (i), (j), (k), (m)
14L 2.1.8	Temporary renewable energy assessment and research structures that do not comply with one or more of the permitted activity standards and are not located on a site	All	Restricted Discretionary		14L 2.2 (a) to (m) inclusive
14L 2.1.9	Land based structures that support in-stream hydro or marine energy generation	Rural (All) Recreation (All) Business (All)	Restricted Discretionary	(a) Shall not be located: (i) within an esplanade reserve or strip; (ii) within any riparian setback; (iii) on any legal road (formed or unformed).	14L 2.2 (a) to (m) inclusive
14L 2.1.10	Community scale renewable energy generation activities, including associated construction and commissioning activities	Rural (All)	Restricted Discretionary	(b) Shall not be located: (i) within an esplanade reserve or strip; (ii) within any riparian setback (iii) on any legal road (formed or unformed). (c) Any structures shall be set back at distance of not less than three times the height of	14L 2.2 (a) to (m) inclusive

Rule number	Activity	Activity Area	Activity Status	Standards	Matters of discretion
				generating device or support structure from any site boundary.	
14L 2.1.11	The installation or upgrading of any commercial scale renewable energy generation activities, including associated construction and commissioning activities	Rural (All)	Discretionary	(a) NZS6808:2010 Acoustics - Wind Farm Noise	
14L.2.1.12	Any renewable energy generation activity that is not otherwise provided for as a permitted, restricted discretionary or non-complying activity.	All	Discretionary		
14L 2.1.13	Except where otherwise specifically provided for, any renewable energy generation activity located on a site containing an item listed in the Appendix Heritage 1 and 2	All	Non-complying		
14L.2.1.14	The installation of or upgrading of any community or commercial scale renewable energy	All	Non-complying		

Rule number	Activity	Activity Area	Activity Status	Standards	Matters of discretion
	generation activities, including associated construction and commissioning activities that does not comply with NZS6808:2010, where wind is the energy source for the activity.				

AMENDMENT 72 [New Chapter 14L Renewable Energy Generation (new Section 14L 2 Rules)]
Add new Section 14L 2.2 Matters of Discretion for Restricted Discretionary Activities

14L 2.2 Matters of Discretion for Restricted Discretionary Activities

(a) Any positive effects to be derived from the activity.

(b) The contribution to achieving national, regional and local energy policy objectives and renewable energy targets.

(c) Health and safety.

(d) Suitability of the site for the proposed activity, including consideration of geotechnical and natural hazard constraints.

(e) Layout, design and location of proposed structure.

(f) Traffic effects.

(g) Extent of any earthworks.

(h) Effects on historic heritage.

(i) Visual, character and amenity effects.

(j) Noise and lighting effects.

(k) Effects on public access.

(l) Effects on natural character.

(m) Adequacy of the methods of mitigation/remediation or ongoing management.

AMENDMENT 73 [New Chapter 14L Renewable Energy Generation (new Section 14L 2 Rules)]
Add new Section 14L 2.3 Assessment Criteria for Discretionary Activities

14L 2.3 Assessment Criteria for Discretionary Activities

The following assessment criteria shall guide the assessment of discretionary activity applications and shall be read in conjunction with the District Plan's objectives and policies.

(a) Any positive effects to be derived from the activity.

(b) The contribution to achieving national, regional and local energy policy objectives and renewable energy targets.

(c) Health and safety.

(d) Noise effects, including compliance with NZS 6808:2010 (Acoustics – wind farm noise).

(e) The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services.

(f) The impact on public access to, and along, the margins of the coast, lakes and rivers or to natural and physical features.

(g) The impact on landscape values and natural features.

(h) The potential impact of natural hazard events and the effect the activity itself may have on exacerbating or relieving natural hazards.

(i) Any geotechnical constraints of the affected area.

(j) Impacts of earthworks and the modification of natural landforms, including proposed remedial and mitigation measures.

(k) Impacts on the amenity values of the surrounding environment, including a consideration of electromagnetic interference, vibration, aviation navigation lighting and turbine blade shadow or glare flicker.

(l) Ecological impacts, particularly impacts on the coastal environment, water bodies, impacts associated with native vegetation removal and impacts on indigenous avifauna, indigenous fauna and their habitats.

(m) Impacts on archaeological and historic features and items, and sites of significance to tangata whenua.

(n) Traffic impacts (including construction and post-construction traffic) and impacts on the roading network, including the nature and extent of vehicle movements, access, management and mitigation measures; road safety and levels of service; and impacts associated with traffic distraction.

(o) Impacts on aviation and navigation.

(p) Construction effects, including construction noise (and the ability to meet NZS 6803:1999 Acoustics – Construction Noise).

(q) Any cumulative effects.

AMENDMENT 74 [New Chapter 14L Renewable Energy Generation (new Section 14L 3 Anticipated Environmental Results)]
Add new Section 14L 3 Anticipated Environmental Results

14L 3 Anticipated Environmental Results

The following environmental outcomes are anticipated in respect of renewable energy generation:

(a) The benefits to be derived to Lower Hutt City from renewable energy generation activities are realised.

(b) The Lower Hutt City community is able to provide for its social, economic, cultural and environmental wellbeing.

(c) The health and safety of Lower Hutt City's community is not adversely affected by the construction, operation, upgrading and maintenance of renewable energy generation activities.

(d) Adverse effects from renewable energy generation activities on amenity and the environment are appropriately avoided, remedied or mitigated.

Amendments to "Other Provisions" in all Activity Areas

AMENDMENT 75 [All Activity Areas (Chapters 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C, 5D, 6A, 6B, 6C, 7A, 7B, 7C, 7D, 8A, 8B, 9A, 10A)]
Amend wording of "Other Provisions" as follows:

4A 2.6 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

4B 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

4C 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

4D 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

4E 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

5A 2.4 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

5B 2.1.5 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

5B 2.2.5 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

5C 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

5D(i) 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

5D(ii) 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

6A 2.6 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

6B 2.5 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

6C 2.5 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

6D 2.4 Other Provisions

(a) Subdivision - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

7A 2.4 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

7B(i) 2.5 Other Provisions

(a) Subdivision - See Chapter 11
(b) Financial Contributions See Chapter 12
(c) Network Utilities, including the National Grid - See Chapter 13
(d) General Rules - See Chapter 14.

7B(ii) 2.5 Other Provisions

(a) Subdivision - See Chapter 11
(b) Financial Contributions See Chapter 12
(c) Network Utilities, including the National Grid - See Chapter 13
(d) General Rules - See Chapter 14.

7B(iii) 2.5 Other Provisions

(a) Subdivision - See Chapter 11
(b) Financial Contributions See Chapter 12
(c) Network Utilities, including the National Grid - See Chapter 13
(d) General Rules - See Chapter 14.

7C 2.4 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14

7D 2.4 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

8A 2.5 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

8B 2.5 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

9A 2.4 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

10A 2.4 Other Provisions

(a) Subdivisions - See Chapter 11.
(b) Financial Contributions - See Chapter 12.
(c) Network Utilities, including the National Grid - See Chapter 13.
(d) General Rules - See Chapter 14.

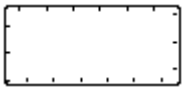
Amendments to Planning Maps

AMENDMENT 76 [Planning Maps C3, D2, D3, D5, D6, E1, E2, E5, F1, F4, F5, G1, H1, H2, H3, R1, R2, R3, R4]

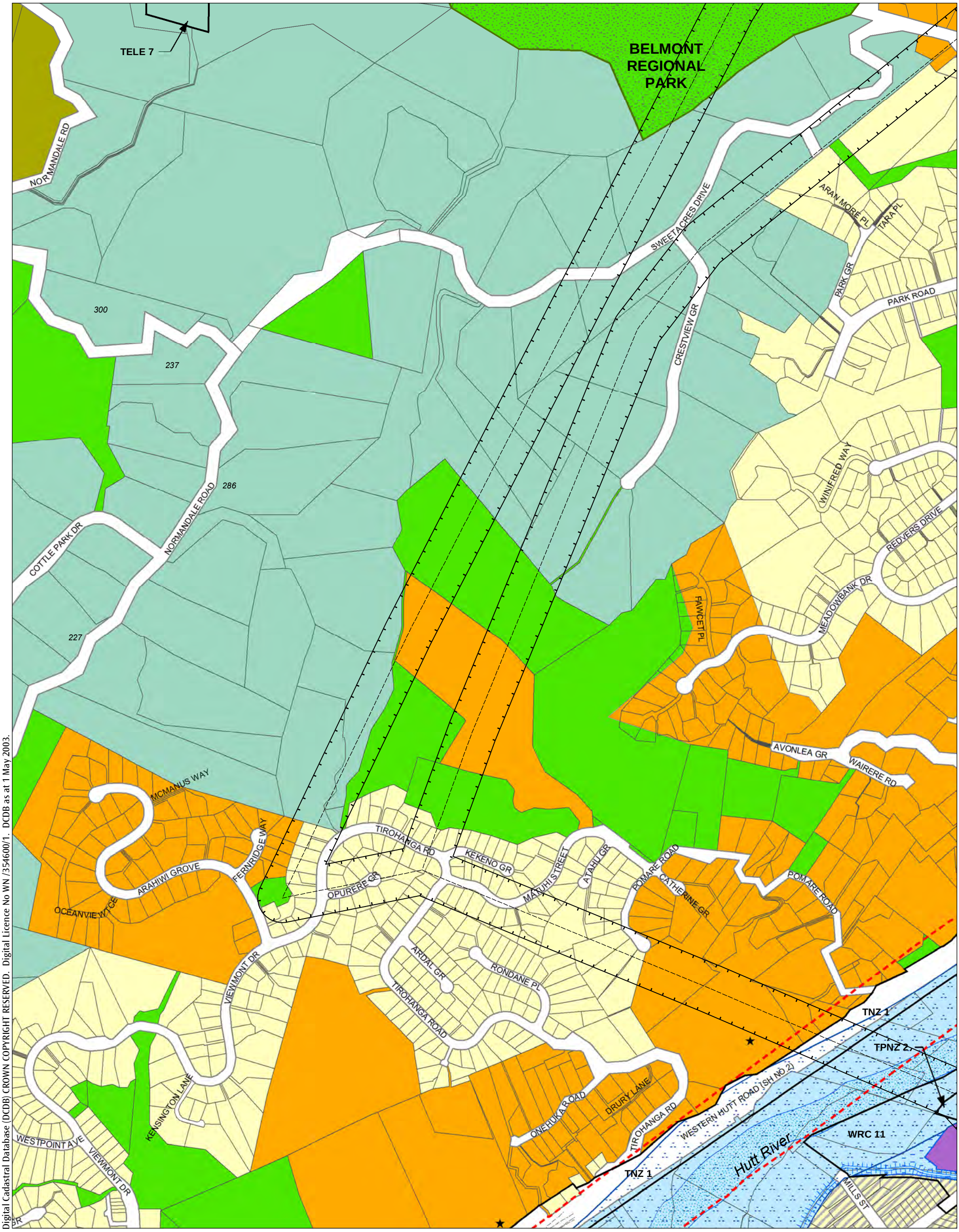
Amend the above planning maps to display the location of the National Grid and the maximum extent of the National Grid Corridor (39m from centre line):

KEY

National Grid Centre Line



National Grid Corridor maximum extent (39m from centre line)



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Updated 14 November 2014

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- 1 in 100 Year Flood Extent
- Building Setback Line
- Notable Tree
- Historic Place

N

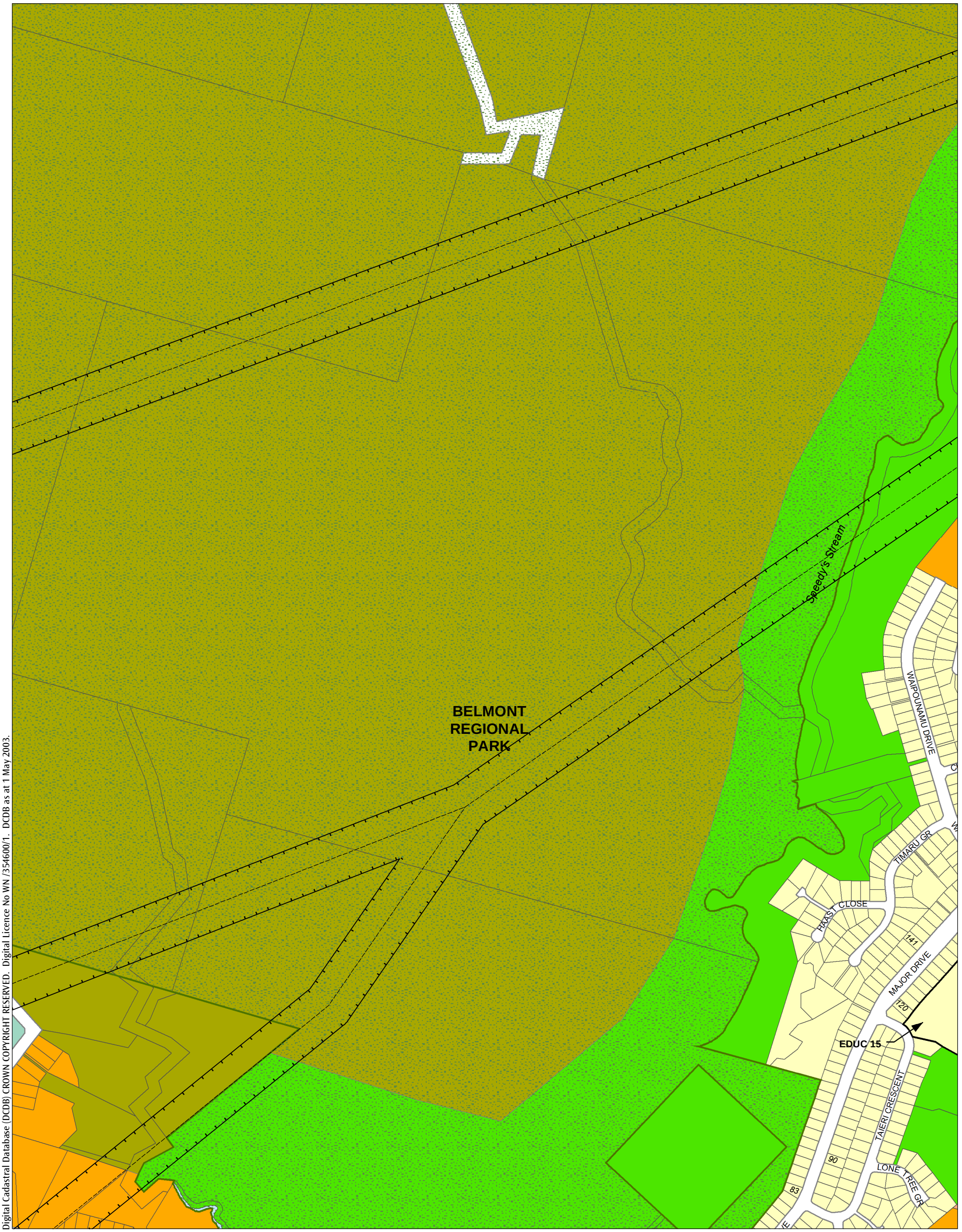
D2 | B3 D3 | B4 C4 D4

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

C3



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N

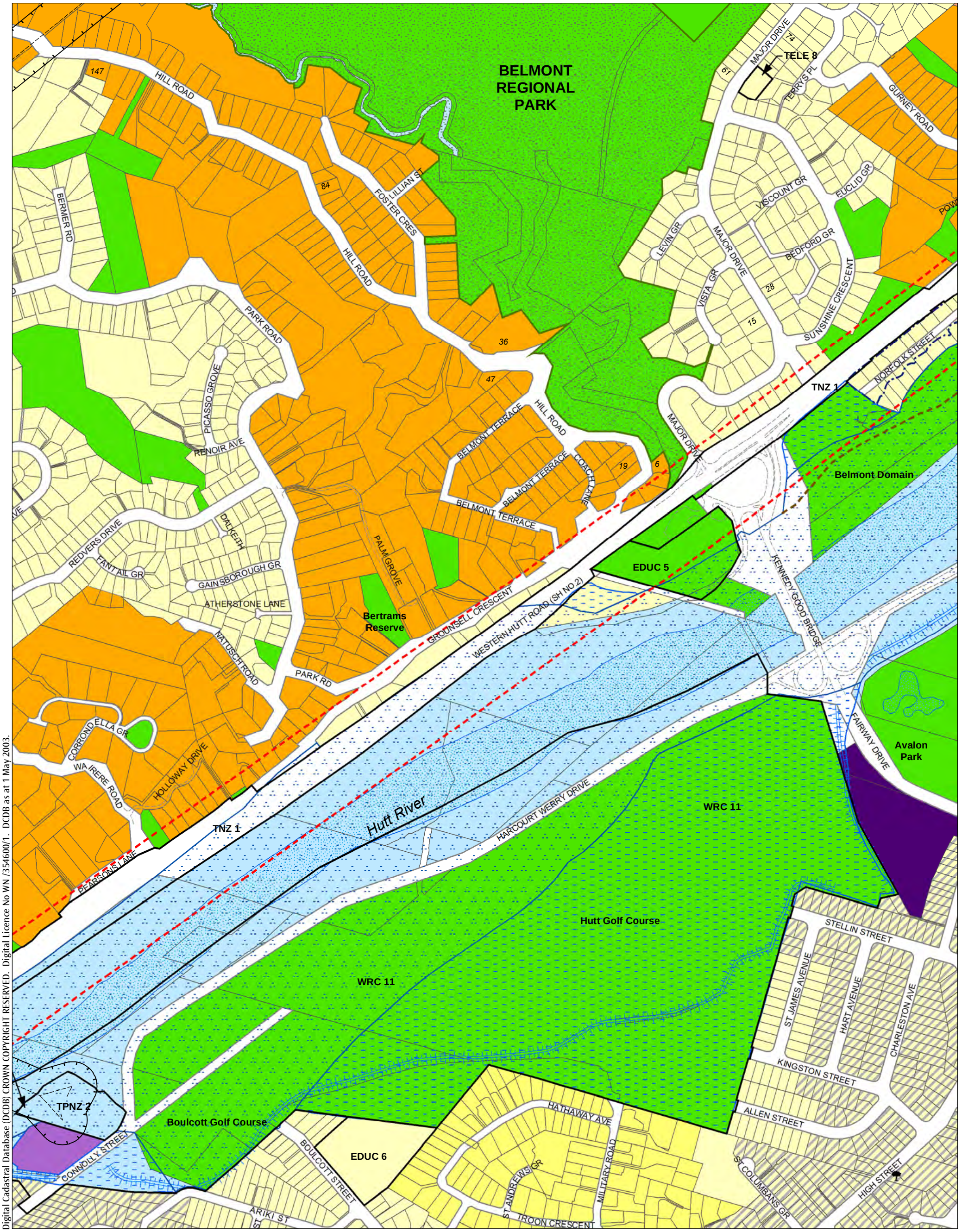
E1 / E2 / C3 / D3 / E3

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

D2



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N

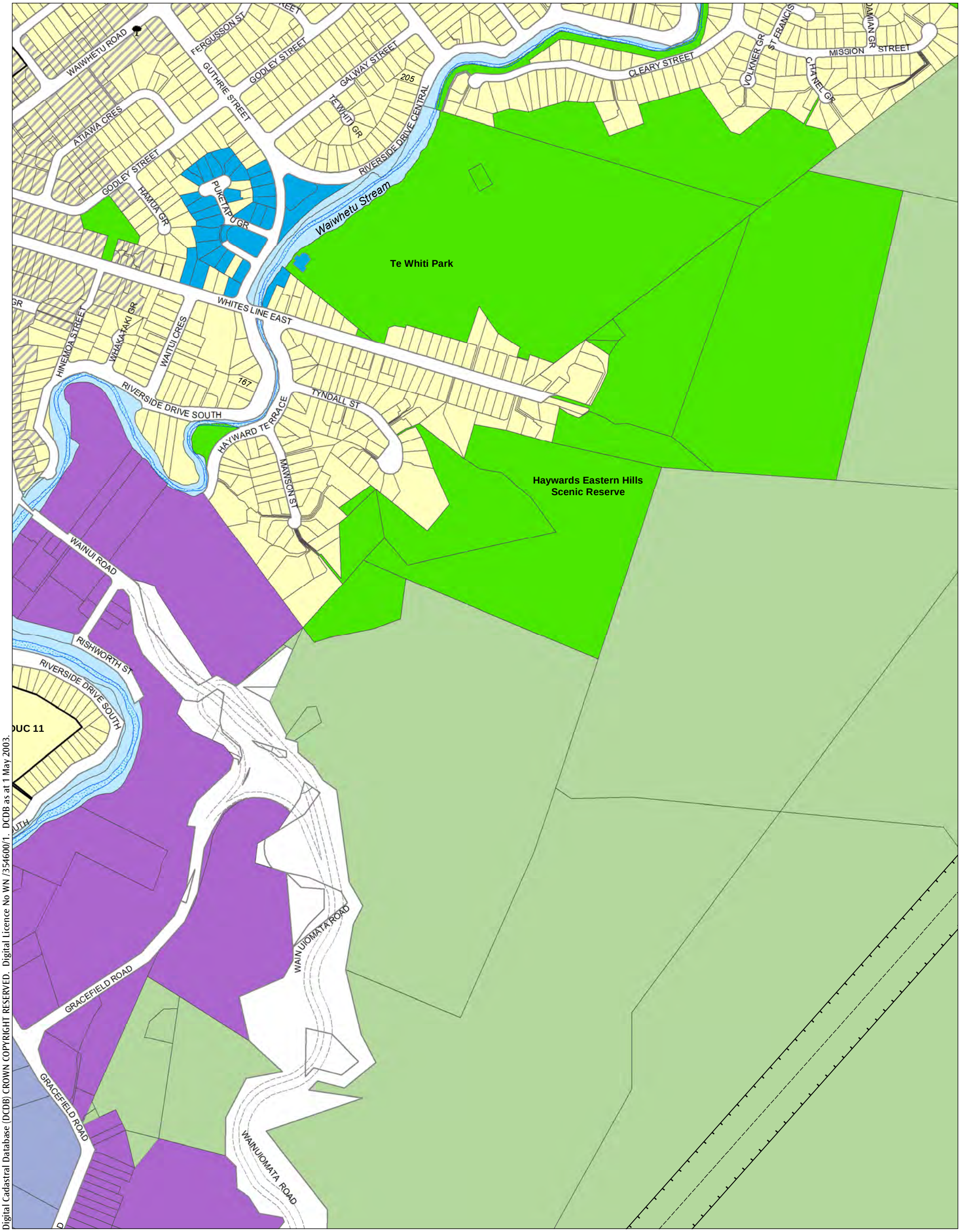
	D2	E2
C3		E3
C4	D4	E4

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

D3



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N

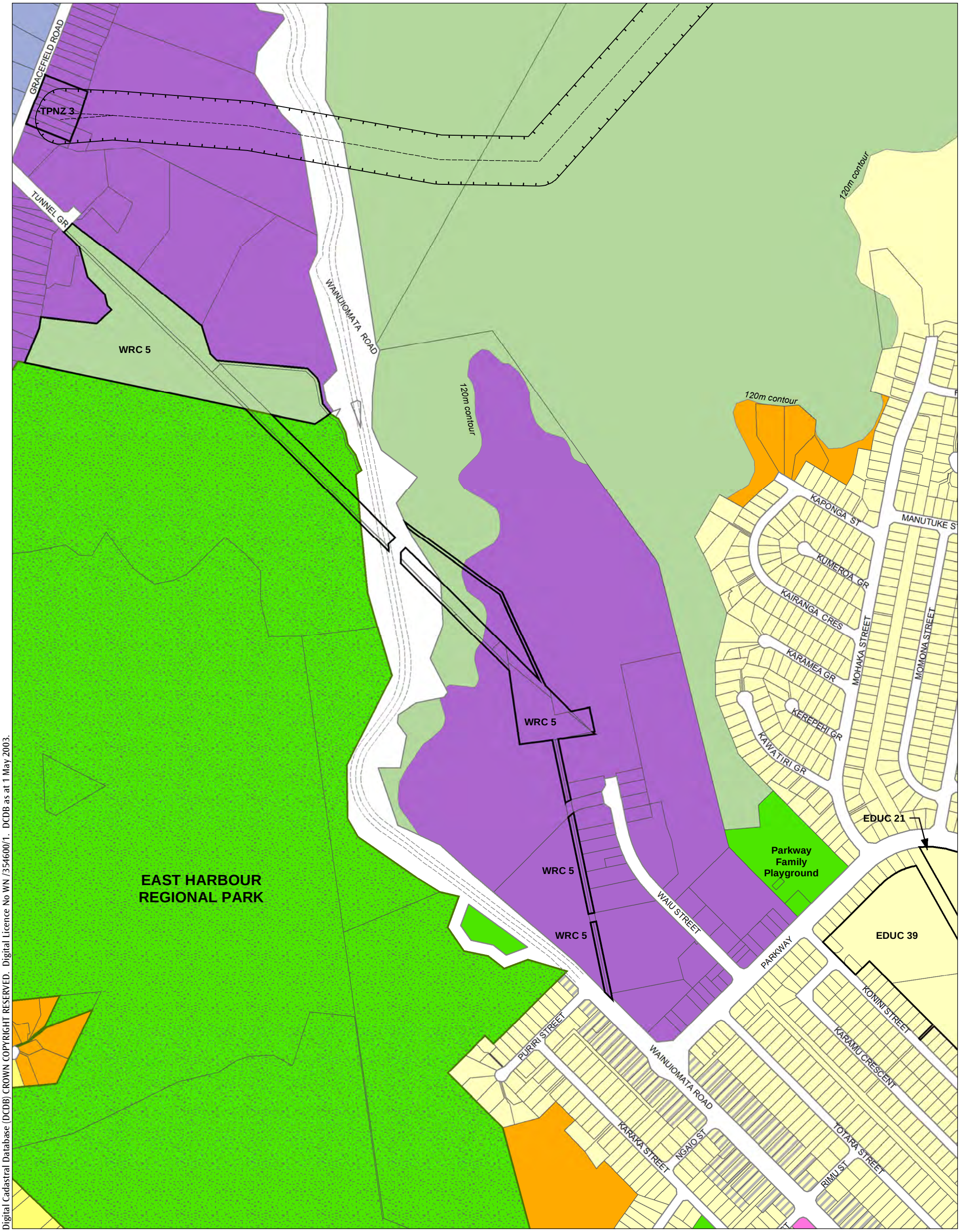
C4	D4	E4
C5		E5
C6	D6	E6

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

D5



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C5	D5	E5
C6		E6
C7	D7	E7

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

D6

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BELMONT REGIONAL PARK

BUCHANAN ROAD

Speedy's Stream

KAITAWGATA CRESCENT

Updated 14 November 2014

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- Historic Place

N

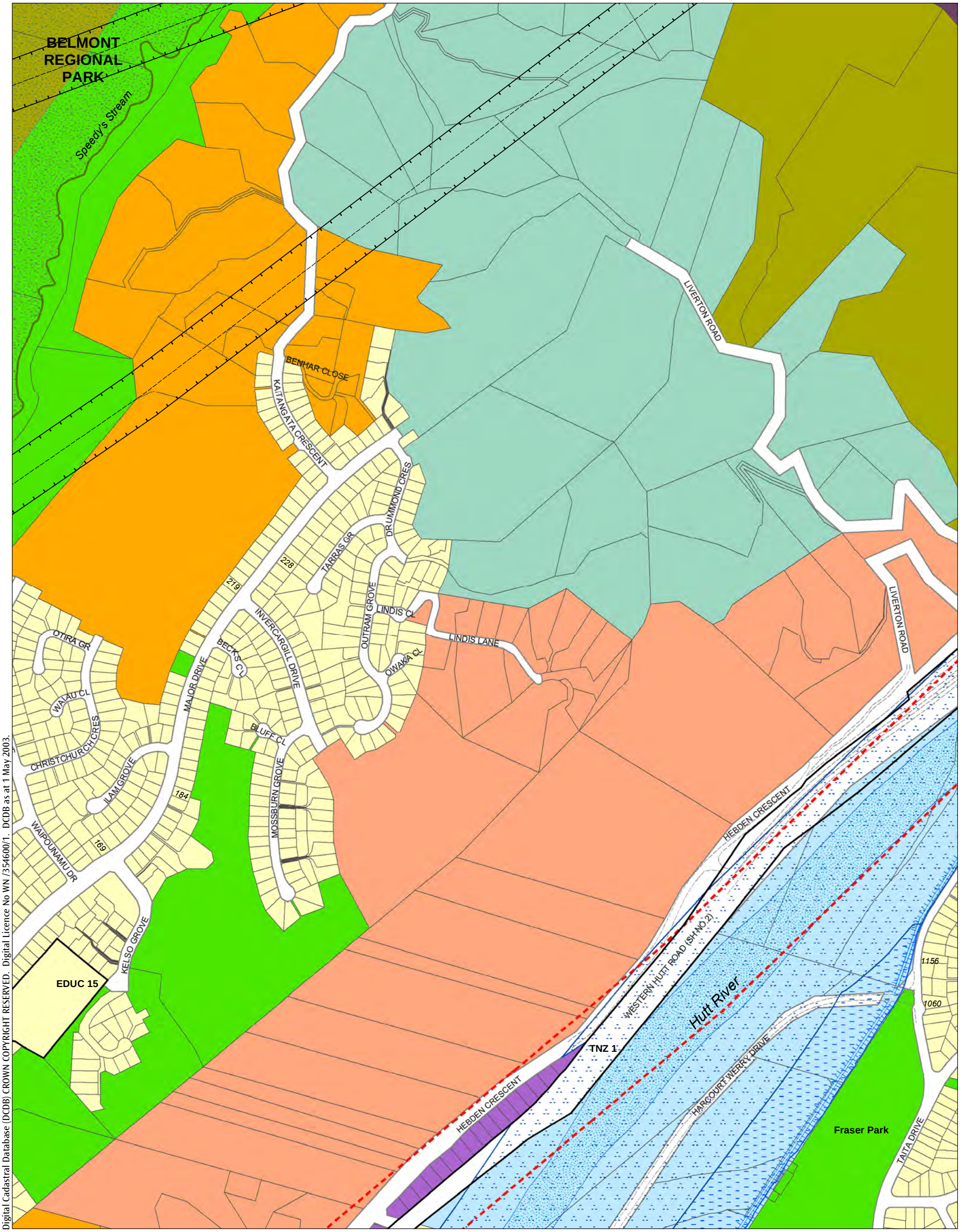
F1 | D2 E2 F2

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

E1



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N

	E1	F1
D2		F2
D3	E3	F3

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

E2

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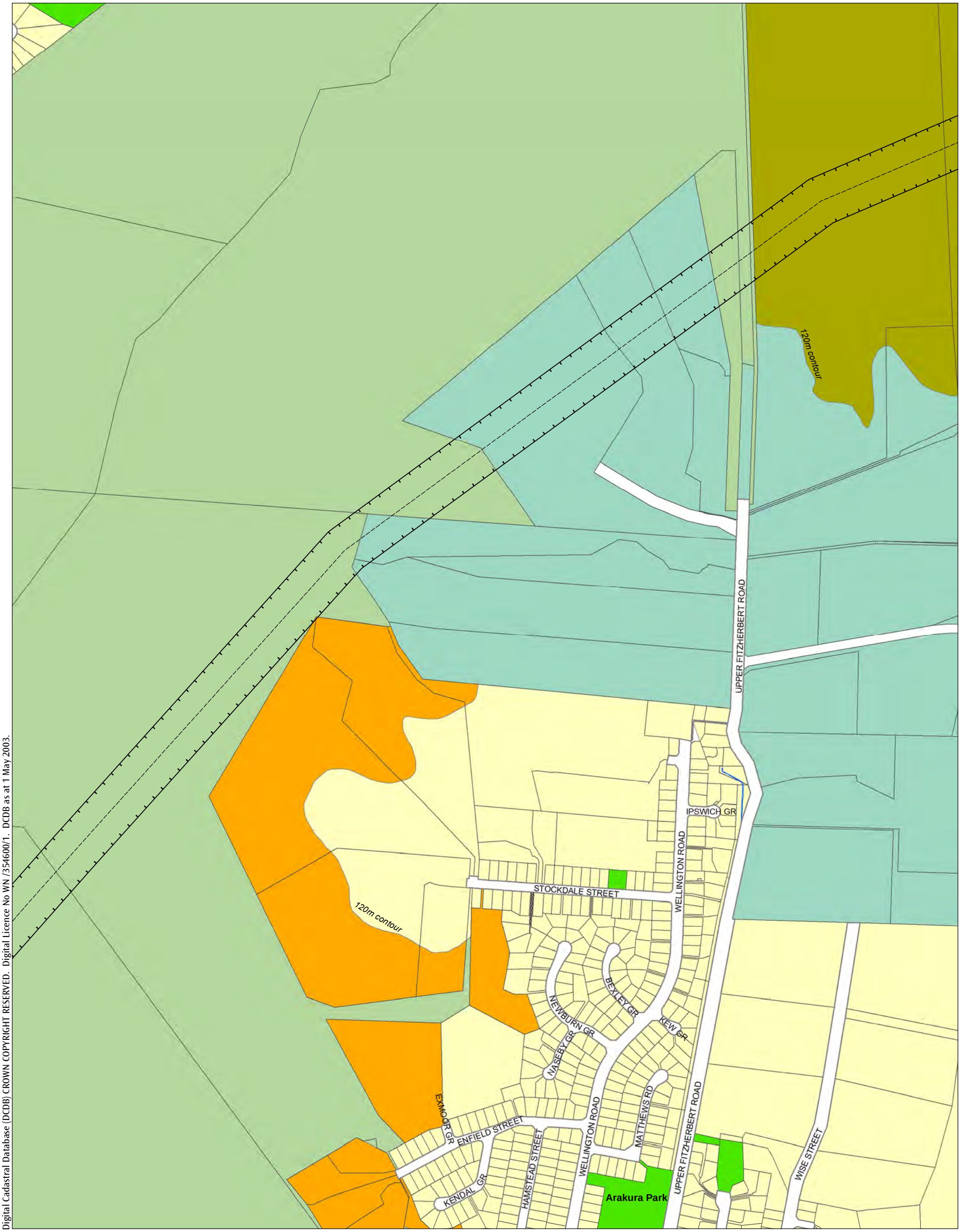

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N

D4	E4	F4
D5		F5
D6	E6	F6

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

E5

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BELMONT REGIONAL PARK

BUCHANAN ROAD

BELMONT REGIONAL PARK

TNZ 3

HEBDEN CRES

WESTERN HUTT ROAD (SH NO 2)

TNZ 1

Updated 14 November 2014

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N

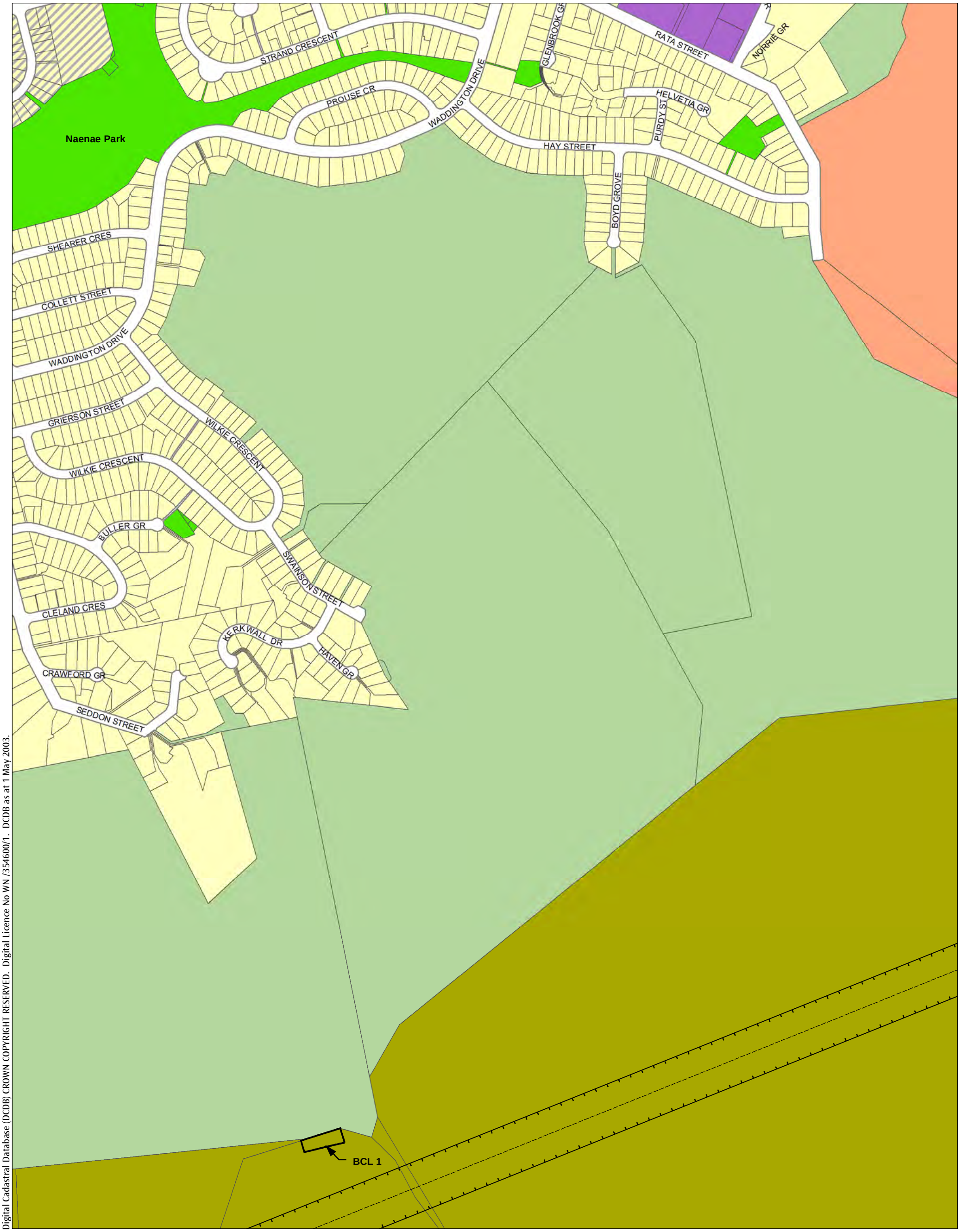
E1 G1 E2 F2 G2

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

F1



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N

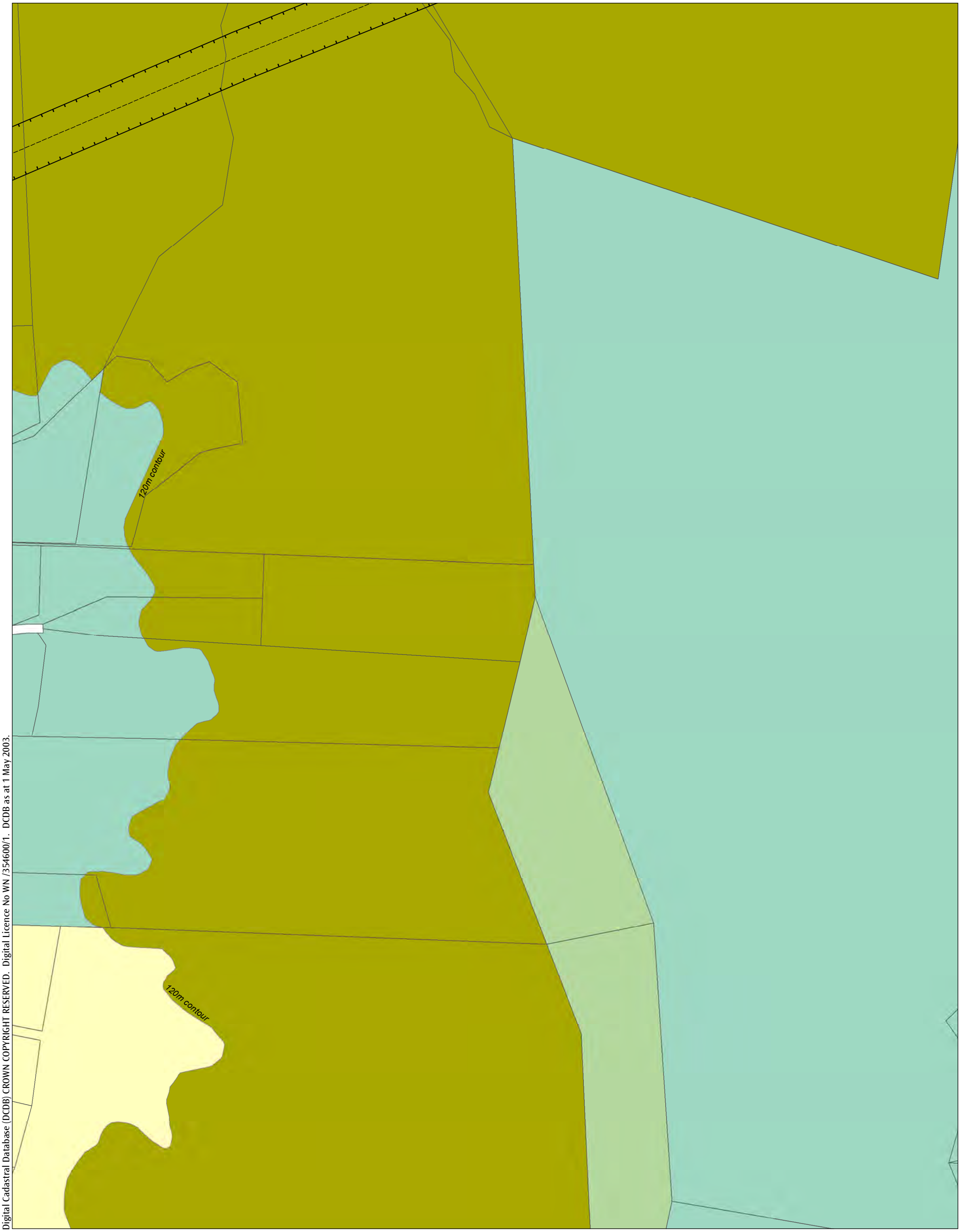
E3	F3	G3
E4		
E5	F5	G5

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

F4



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N

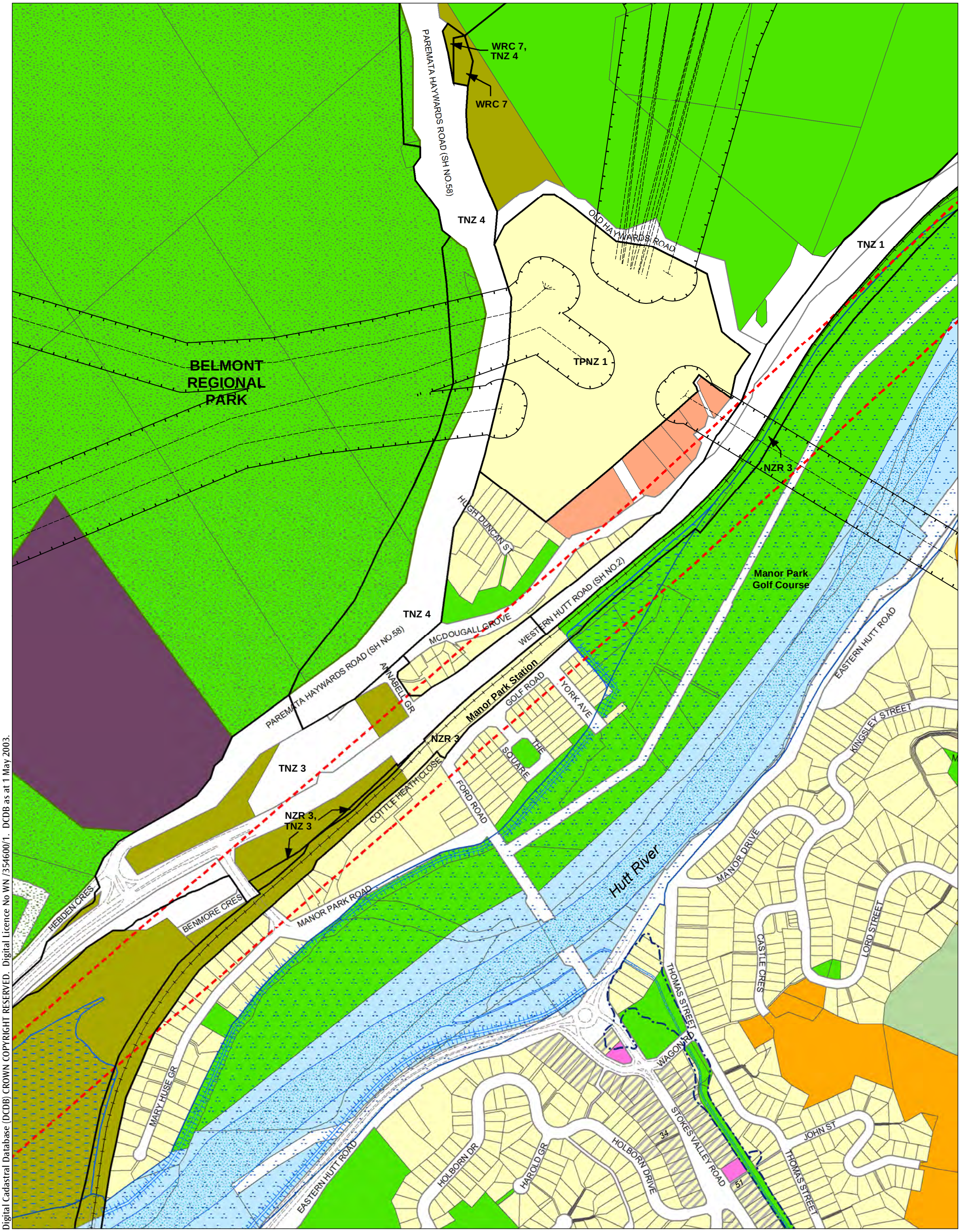
E4	F4	
E5		G5
E6	F6	G6

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

F5



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N

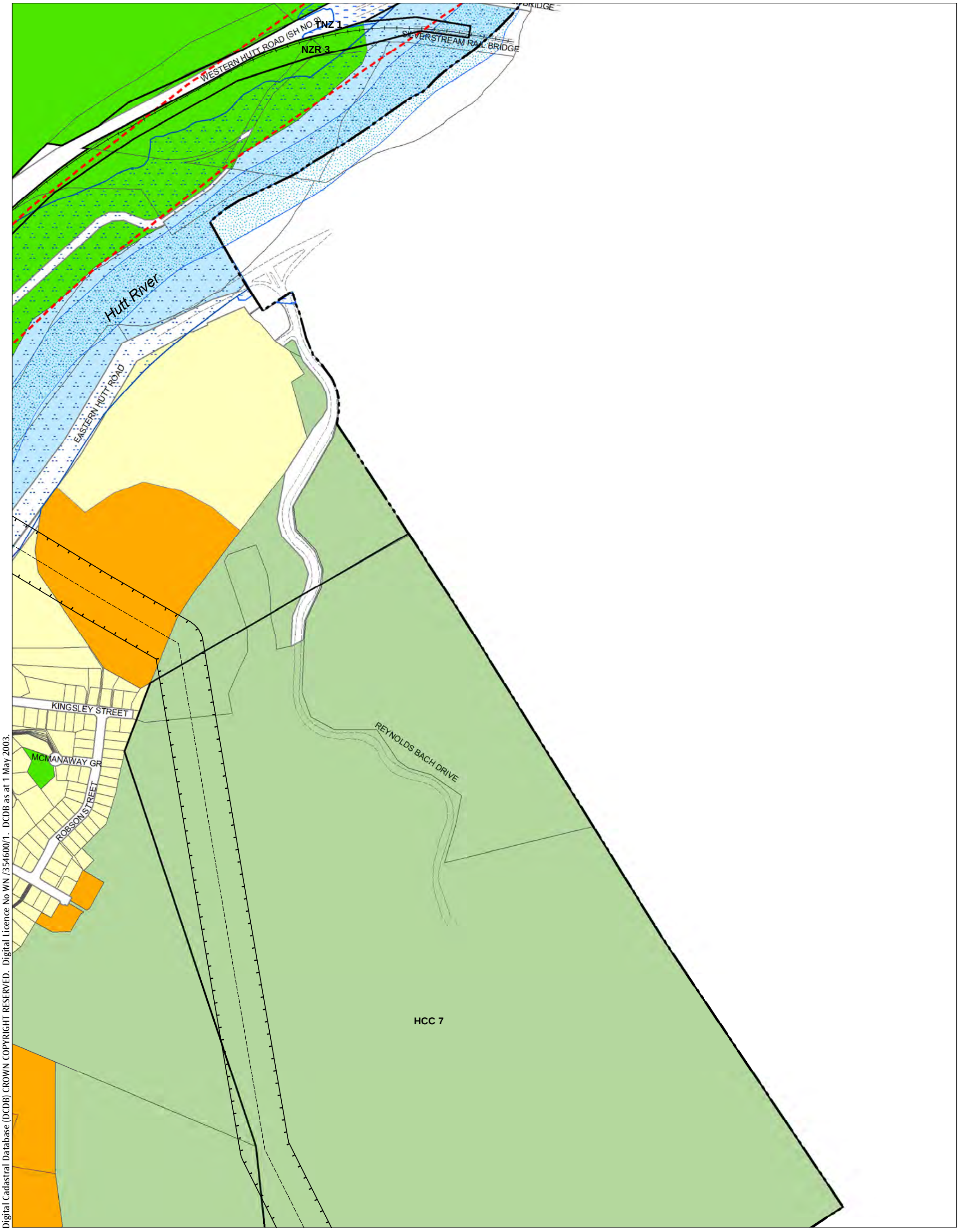
F1 H1 F2 G2 H2

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

G1



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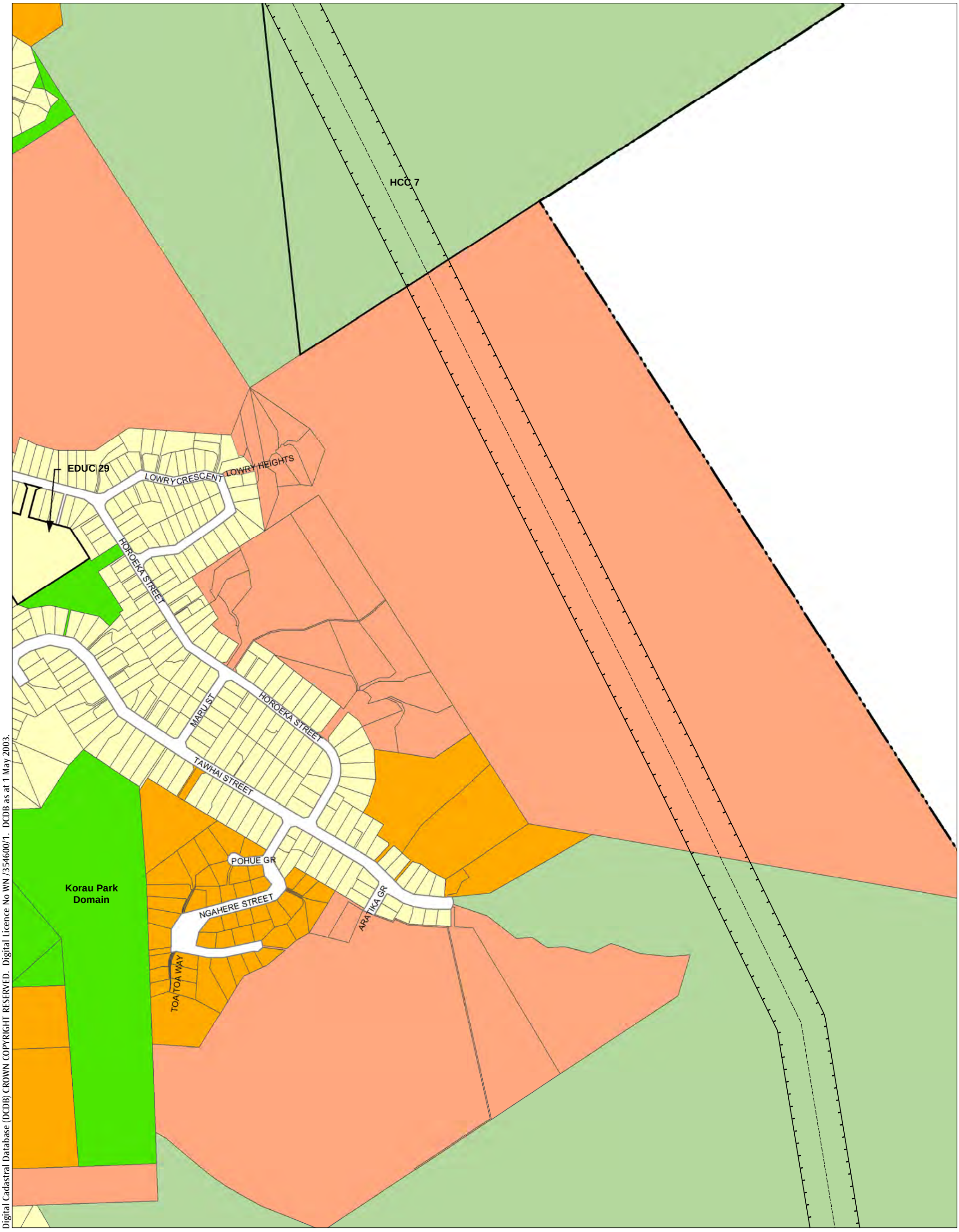
G1 G2 H2

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

H1



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N

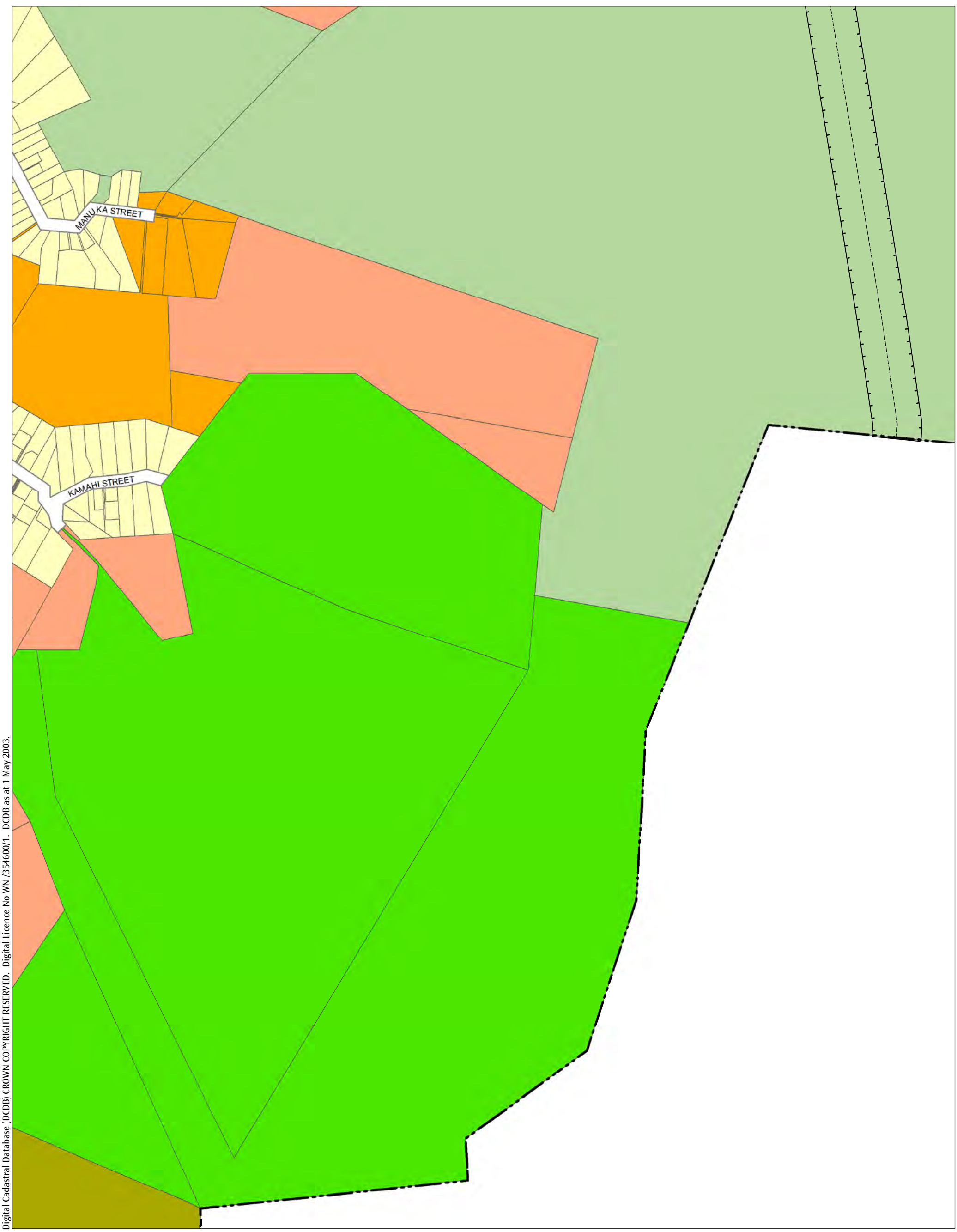
G1	H1	
G2		
G3	H3	

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

H2



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N

G2 H2 G3

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:6000

H3

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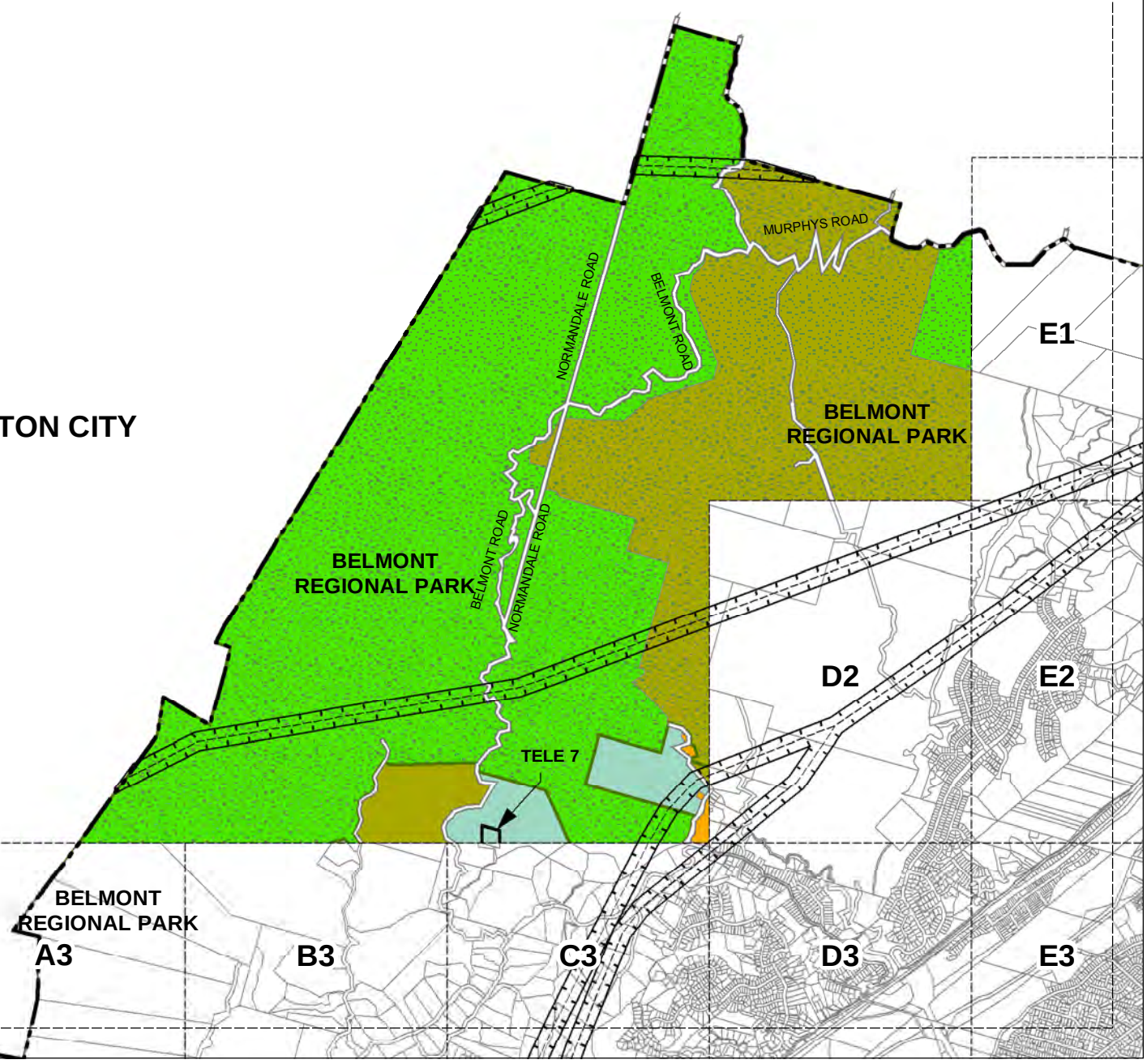
PORIRUA CITY

WELLINGTON CITY



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Updated 27 November 2014

R1	R2
R3	R4
R6	R7

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:30000

R1

UA CITY

PORIRUA CITY

UPPER HUTT CITY

BELMONT REGIONAL PARK

BELMONT REGIONAL PARK

MT CECIL ROAD

PAREMATA-HAYWARDS RD (SH No 58)

WRC 8

TNZ 1

HYS ROAD

BELMONT EGIONAL PARK

E1 F1 G1 H1

D2 E2 F2 G2 H2

D3 E3 F3 G3 H3

UPPER HUTT CITY

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	R1	R2
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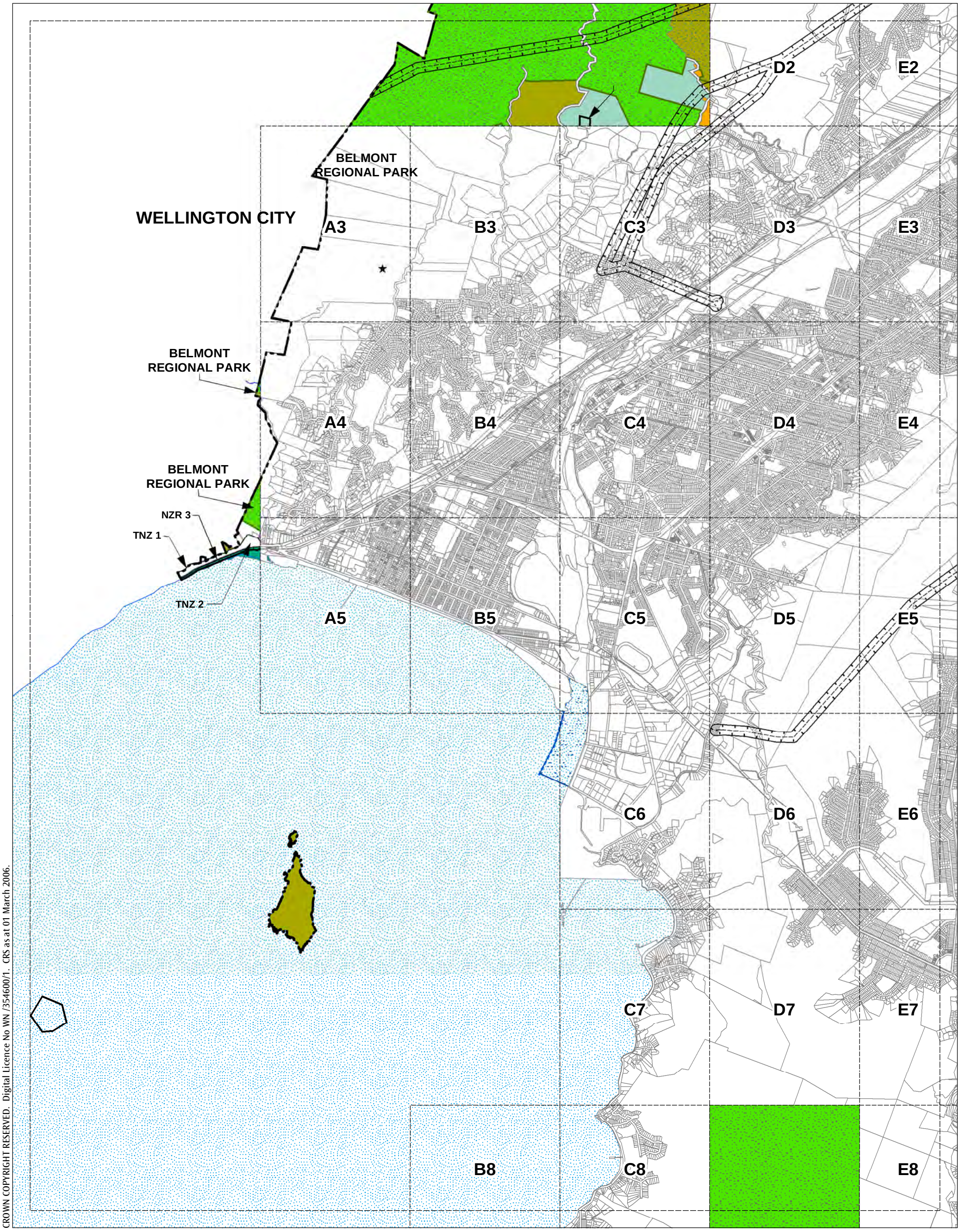
	R6	R7

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:30000

R2



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- Higher Density Residential
- Wellington Faultline Special Study Area
- Hydraulic Line
- Flood Protection Bank
- Railway Line
- Regional/Forest Park
- Heritage Area
- Primary River Corridor
- Secondary River Corridor
- 1 in 100 Year Flood Extent
- Building Setback Line
- Notable Tree
- Historic Place

Updated 27 November 2014

	R1	R2
	R3	R4
	R6	R7

District Plan - City of Lower Hutt

Scale 1:30000

R3

UPPER HUTT CITY

D2 E2 F2 G2 H2

D3 E3 F3 G3 H3

D4 E4 F4

UPPER HUTT CITY

D5 E5 F5 G5

D6 E6 F6 G6

WRC 10

D7 E7 F7 G7

E8 F8

WRC 10

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ACTIVITY AREAS

- General Residential
- Special Residential
- Historic Residential
- Hill Residential
- Landscape Protection
- Rural Residential
- General Rural
- Central Commercial
- Petone Commercial
- Suburban Commercial
- Special Commercial
- General Business
- Special Business
- Avalon Business
- Extraction
- General Recreation
- Special Recreation
- River Recreation
- Passive Recreation
- Community Health
- Community Iwi

ANNOTATIONS

- City Boundary
- Designation
- Higher Density Residential
- Wellington Faultline Special Study Area
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- Flood Protection Bank
- Railway Line
- Regional/Forest Park
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- Primary River Corridor
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Updated 27 November 2014

R1	R2
R3	R4
R6	R7

HUTT CITY

District Plan - City of Lower Hutt

Scale 1:30000

R4

Part 4: Section 32 Evaluation

SECTION 32 EVALUATION

Content

1 Introduction

The Resource Management Act 1991 (the RMA) requires Hutt City Council (the Council) to carry out an evaluation of a proposed plan change under Section 32 (s32) before it can be publicly notified.

This report presents:

- The statutory context to Proposed Plan Change 34 (PC34);
- The background to PC34;
- The research and consultation undertaken in preparing PC34;
- An assessment of the scale and significance of PC34;
- The issues arising from that background that PC34 is intended to address;
- The objective of PC34;
- An explanation of the proposed amendments to the City of Lower Hutt City District Plan (the District Plan);
- An assessment of the extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Having regard to their efficiency and effectiveness, and benefits and costs, an assessment of the appropriateness of the proposed policies, rules and other methods in achieving the proposed objectives.

The report concludes that PC34 is the most appropriate means of addressing the resource management issues identified and achieving the purpose of the RMA.

2 Statutory Context

2.1 Statutory Framework

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means:

Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Under s73(4), a territorial authority must amend a district plan to give effect to a regional policy statement if:

(a) the statement contains a provision to which the plan does not give effect; and
(b) one of the following occurs:

(i) the statement is reviewed under section 79 and not changed or replaced; or

(ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or

(iii) the statement is changed or varied and becomes operative.

Under s73(5) a territorial authority must comply with subsection (4)-

(a) within the time specified in the statement, if a time is specified; or

(b) as soon as reasonably practicable, in any other case.

Under s74, when preparing or changing a plan, a territorial authority is required to have regard to:

(b) any –

(i) management plans and strategies prepared under other Acts,

Under s74(2A) a territorial authority:

must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of a region.

There are no relevant iwi management plans.

Section 75(3) of the RMA requires that district plans must give effect to –

(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(c) any regional policy statement

Under s75(4), district plans must not be inconsistent with –

(b) a regional plan for any matter specified in section 30(1)

Under ss73 and 74 of the RMA, the Council must have a district plan that is in accordance with its functions under s31, which are (inter alia):

- to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources;
- the control of the effects of the use, development, or protection of land; including in respect of natural hazards, hazardous substances, contaminated land and indigenous biodiversity;
- the control of noise; and
- the control of effects of activities in relation to the surface of water in rivers and lakes.

2.2 Section 32

Section 32(1) requires that, before the Council publicly notifies a proposed change to the District Plan, it must examine:

(a) the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions;

The evaluations report must also contain a level of detail that

(c) corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

When assessing efficiency and effectiveness of the provisions in achieving the objectives of the proposed plan change the report must under s32(2):

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

If the proposal will amend an existing plan, then s32(3) applies as follows:

(3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

(a) the provisions and objectives of the amending proposal; and

(b) the objectives of the existing proposal to the extent that those objectives—

(i) are relevant to the objectives of the amending proposal; and

(ii) would remain if the amending proposal were to take effect.

Benefits and costs are defined in s2 of the RMA as including benefits and costs of any kind, whether monetary or non-monetary.

2.3 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposed change achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

There are no s6 matters relevant to this plan change.

The s7 matters that are relevant to this plan change are:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) the maintenance and enhancement of the quality of the environment:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy"

There are no s8 matters relevant to this plan change. Tangata whenua, through iwi authorities, have been consulted on PC34. It is noted that the duty to make informed decisions through consultation is relevant to PC34.

2.4 Case Law

The decision in *Long Bay-Okura Great Parks Society Incorporated v North Shore City Council* (Decision A 078/2008), and amended in *High Country Rosehip Orchards Ltd and Ors v Mackenzie DC* ([2011] NZEnvC 387) at pages 17-18 to reflect the changes made by the Resource Management Amendment Act 2005, sets out the mandatory requirements for district plan changes as being:

A. General requirements

1. A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.
2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.
3. When preparing its district plan (change) the territorial shall:
   (a) have regard to any proposed regional policy statement;
   (b) give effect to any operative regional policy statement.
4. In relation to regional plans:
   (a) the district plan (change) must *not be inconsistent with* an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and
   (b) *must have regard to* any proposed regional plan on any matter of regional significance etc;
5. When preparing its district plan (change) the territorial authority must also:
   (a) have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
   (b) take into account any relevant planning document recognised by an iwi authority; and
   (c) not have regard to trade competition;
6. The district plan (change) must be prepared *in accordance with* any regulation and any direction given by the Minister for the Environment.
7. The requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

B. Objectives [the section 32 test for objectives]:

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the RMA.

C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;

10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan:

    (a) taking into account:

        (i) the benefits and costs of the proposed policies and methods (including rules); and

        (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and

    (b) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether than greater prohibition or restriction is justified in the circumstances.

D. Rules

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

12. There are special provisions for rules about contaminated land.

13. There must be no blanket rules about felling of trees in any urban environment.

E. Other statutes:

14. Finally territorial authorities may be required to comply with other statutes.

It is noted that the above was formulated prior to the Resource Management Amendment Act 2013 and therefore does not reflect the recent amendment to s32, which is set out earlier.

3 Background

3.1 Current District Plan Provisions

This plan change has arisen for a number of reasons:

- The change is part of the rolling District Plan review. A review is timely as Upper Hutt City Council were also looking to update their utility provisions so a joint review was developed to reduce costs and increase cohesiveness throughout the Hutt Valley and around the region.
- Several new national instruments have been introduced which relate to network utilities. Hutt City Council is required to either given effect to these instruments or they have the effect of overriding the rules of the District Plan. These national instruments are:
    - The National Policy Statement on Electricity Transmission (NPSET)
    - The National Policy Statement on Renewable Energy Generation (NPSREG)
    - The National Environmental Standard on Electricity Transmission Activities (NESETA)
    - The National Environmental Standard on Telecommunications Facilities (NESTF).
- Residents within both Hutt City and Upper Hutt City have expressed concern about telecommunication facilities and their controls, particularly cell-sites. However, the NESTF which deals with telecommunications on the road reserve and radiofrequency emissions now largely addresses this matter and the District Plan needs to be updated to reflect this.

- Technology has changed since the District Plan was first produced and therefore a review is timely.
- The Council through its recent review and adoption of a new Urban Growth Strategy has considered opportunities and restraints on future growth within the City; including both infill and greenfield development. It is appropriate to ensure that any opportunities that could lead to conflict with existing or proposed network utility services and renewable energy generation activities are addressed at this stage.

3.2 Scope

The following matters are within the scope of this Plan Change:

- Chapters 16 and 30 of the District Plan, Utilities
- Giving effect to:
    - Objectives 9 and 10 and Policies 7, 8, 11, 39 and 58 of the RPS
    - The National Policy Statement on Electricity Transmission
    - The National Policy Statement on Renewable Electricity Generation

The following matters are out of the scope of this Plan Change:

- Giving effect to Objective 19, Natural Hazards, of the RPS
- Giving effect to the New Zealand Coastal Policy Statement
- Amendments to any parking, noise, traffic or subdivision[2] standards in the District Plan.

3.3 National Policy Statements and National Environmental Standards

3.3.1 The National Policy Statement on Electricity Transmission (NPSET)

The National Policy Statement on Electricity Transmission (NPSET) came into force in April 2008 and applies to "*the need to operate, maintain, develop and upgrade the electricity transmission network*".

The NPSET contains one objective and 14 supporting policies. The overarching objective of the NPSET is:

> *To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
>
> - *managing the adverse environmental effects of the network; and*
> - *managing the adverse effects of other activities on the network.*

The 14 supporting policies are broken down into the following categories, aimed at achieving the above objective:

- Recognition of the national benefits of transmission (Policy 1);
- Managing the environmental effects of transmission (Policies 2-9);

[2] One amendment is proposed to add two new assessment criteria for subdivision applications where the site is located in proximity to a regionally significant network utility.

- Managing the adverse effects of third parties on the transmission network (Policies 10-11);
- Maps (Policy 12);
- Long-term strategic planning for transmission assets (Policies 13-14).

The NPSET requires councils to give effect to its provisions in plans made under the RMA by initiating a plan change or review within four years of its approval (by April 2012).

3.3.2 The National Policy Statement on Renewable Electricity Generation (NPSREG)

The National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) sets out the objective and policies for renewable electricity generation under the Resource Management Act 1991. It came into effect on 13 May 2011.

This NPSREG was introduced to promote a consistent approach for renewable electricity generation planning. In it clear direction is given on the benefits of renewable electricity generation. It also requires all councils to make provision for the NPS in their plans. The NPSREG requires Councils to notify a plan change by May 2013. While a Plan Change was not notified by this time, work was underway on a draft plan change.

The NPSREG is part of the government's wider response to tackling climate change in New Zealand and works alongside other government initiatives

The NPSREG contains one objective and 13 supporting policies. The overarching objective of the NPSREG is:

> *To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation*.

The 13 supporting policies are broken down into the following categories, aimed at achieving the above objective:

- Recognise the benefits (Policy A)
- Acknowledge the practical implications of reaching NZ's target (90% by 2025) (Policy B)
- Acknowledge the practical constraints for new and existing (Policy C1)
- Decision-makers shall consider off-setting and compensation when considering residual adverse effects (Policy C2)
- Manage reverse sensitivity effects on REG (Policy D)
- Incorporate plan provisions for different forms of REG activities to the extent applicable (Policies E1-4)
- Incorporate plan provisions for small and community scale REG (Policy F)
- Enable the identification of REG possibilities (Policy G)
- Timeframe to implement (Policies H1 and 2)

In the case of district plans, local authorities are required to give effect to the NPSREG'S provisions by notifying changes within 12 months of the date on which any regional policy statement or proposed regional policy statement which takes into account the NPSREG becomes

operative. The Wellington Regional Policy Statement was made operative on 24 April 2013. While a Plan Change was not notified by this time, work was underway on a draft plan change.

3.3.3 The New Zealand Coastal Policy Statement (NZCPS)

The New Zealand Coastal Policy Statement (NZCPS) took effect on 3 December 2010 and guides local authorities in their day to day management of the coastal environment. The NZCPS contains seven objectives and 20 supporting policies. Objective 6 and Policy 6 are the most relevant to this current review, and are set out in Appendix 1.

The NZCPS does not have a specific timeframe for councils to give effect to it within. Therefore, councils are required to give effect to it as soon as is practicable and it must be given effect to in any plan change (as is relevant to and within the scope of the plan change).

The Council is responsible for that part of the coastal environment that is above mean high water springs. The NZCPS recognises the importance of infrastructure within the coastal environment, while also acknowledging that infrastructure can have adverse effects on that environment.

3.3.4 The National Environmental Standard on Electricity Transmission Activities (NESETA)

The NESETA came into effect on 14 January 2010. The NESETA sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines that existed prior to 14 January 2010. Activities include the operation, maintenance and upgrading of existing lines. The NESETA:

- specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment;
- specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

Activities that are permitted include:

- operating existing transmission lines;
- maintaining conductors (wires) and adding a limited number of conductors provided limits on electric and magnetic fields are not exceeded;
- signs on transmission line support structures (within specified size limits);
- strengthening, upgrading and replacing support structures and foundations.

The NESETA only applies to existing high voltage electricity transmission lines owned by Transpower. It does not apply to the construction of new transmission lines, or to substations. The NES also does not apply to electricity distribution lines (the lines carrying electricity from regional substations to electricity users).

The specific activities that the NESETA regulations cover are set out in Appendix 2.

The NESETA does not apply to the following activities:

- the construction of new lines;
- the construction or use of a bridge or culverts;
- the control of the use of land to prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances;
- refuelling vehicles or equipment;

- the use of land as a landing area for helicopters;
- earthworks, to the extent that they are subject to a regional rule.

3.3.5 The National Environmental Standard on Telecommunication Facilities (NESTF)

The NESTF came into force on 9 October 2008. In summary, the NESTF provides that:

- An activity (such as a mobile phone transmitter) that emits radio-frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz-300GHz). This applies everywhere, and is not limited to just the road reserve.
- The installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.
- Noise from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.
- The installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.

Activities that do not qualify as permitted activities under the regulations can be managed through the District Plan.

The NESTF sets out relevant status for where the relevant regulations are and are not met, which are:

- **permitted** – if the facility complies with regulation 4 (radio frequency fields) and the conditions in regulations 6 to 9 (NES only);
- **controlled** – if the facility does not comply with conditions in regulations 6 to 9 and the facility was permitted or controlled in the relevant district plan or proposed plan;
- **restricted discretionary** – if the facility does not comply with conditions in regulations 6 to 9 and was restricted discretionary in the relevant district plan or proposed plan;
- **discretionary** – if the facility does not comply with conditions in regulations 6 to 9 and was unrestricted discretionary in the relevant district plan or proposed plan;
- **non-complying** – if the facility does not comply with conditions in regulations 6 to 9 and was non-complying in the relevant district plan (or for radiofrequency fields, if the proposal does not meet the requirements of regulation 4);
- **prohibited** – if the facility does not comply with conditions in regulations 6 to 9 and was prohibited in the relevant district plan.

The conditions to be a permitted activity and the clause applying to radiofrequency fields are set out in Appendices 3 and 4. The assessment of any resource consent application (regardless of activity status) should be under the terms and conditions for assessment prescribed in the relevant district plan, as if the NESTF did not exist.

The exception to this is where a district plan permits something in excess of the level permitted by the regulations. In this situation, the permitted activity in excess of the regulations becomes a controlled activity. Control is limited to the aspect that does not comply with the regulations.

What this means is that by limiting control to regulations 6 to 9, a council need only consider the aspect that tips a proposal outside the parameters of the regulations. For example, if a plan permits cabinets up to 2 metres in height and the regulation only permits a cabinet up to 1.8 metres in height, then a 2 metre-high proposal by a telecommunications company would be a controlled

activity. When assessing the application, the council's control would be limited to the height of the cabinet only (i.e., the aspect of "non-compliance").

3.4 Regional Policy Statement (RPS)

The Regional Policy Statement for the Wellington Region (RPS) was made operative on 24 April 2013.

The relevant provisions from the RPS are attached as Appendix 5. There is clear direction in the RPS of the need to protect and manage regionally significant infrastructure, both in terms of its effects, and effects on it. The Greater Wellington Regional Council has advised that the RPS has been drafted to give effect to the NPSET.

The RPS notes that the Wellington Region is reliant on externally generated electricity. The RPS aims to ensure that more of the regions electricity needs are met from within the region while maximising the use of the regions renewable energy resources. The Greater Wellington Regional Council has advised that the RPS has been drafted to give effect to the NPSREG.

3.5 Other Relevant Legislation and Regulations

There are a number of other pieces of legislation and regulations that are relevant to network utilities, and have been considered in preparing this proposed Plan Change. These are:

- the Telecommunications Act 2001
- the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
- the Electricity (Hazards from Trees) Regulations 2003
- the Electricity Act 1992
- the Gas Act 1992
- the Utilities Access Act 2010
- the National Code of Practice on Utilities' Access to the Transport Corridors 2011
- Council Bylaws under the Local Government Act 2002

Further information on these relevant pieces of legislation and regulation are contained in Appendix 6.

4 Research and Consultation

4.1 Research

The following research was undertaken in developing this proposed plan change:

- A review of five district plans that were identified as being comparative to Lower Hutt City, within proximity to Lower Hutt City and had recently amended their relevant plan provisions. A comparative review was also undertaken of the District Plan;
- A review of guidance material on the five national instruments produced by the Ministry for the Environment;
- A review of other district plans around New Zealand to see how NPSET has been given effect to; including review of evidence presented at hearings, and decisions on plan changes.

4.2 Consultation

4.2.1 Legislative Requirements

Clause 3 of the First Schedule of the RMA specifies the people who must be consulted in the preparation of a plan, including plan changes.

The provisions relevant to PC34 are:

3. Consultation

(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—

(a) The Minister for the Environment; and

(b) Those other Ministers of the Crown who may be affected by the policy statement or plan; and

(c) Local authorities who may be so affected; and

(d) The tangata whenua of the area who may be so affected, through iwi authorities.

(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

(3) [not relevant]

(4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.

4.2.2 Statutory Consultation

The Ministry for the Environment, the Wellington Tenths Trust, the Port Nicholson Block Settlement Trust, Te Runanganui O Taranaki Whanui ki te Upoko o te Ika a Maui (Waiwhetu Marae) and Te Runanga o Toa Rangatira Inc. and all of the neighbouring local authorities within the Wellington Region were consulted on in the development of PC34.

The Ministry for the Environment provided no specific feedback. Local authorities within the Region had the opportunity to provide comments on a draft version of PC34.

Port Nicholson Block Settlement Trust and the Wellington Tenths Trust advised that they had no particular comment to make pre-notification of the plan change.

4.2.3 Consultation with Stakeholders

Consultation was undertaken with the following organisations, network utility providers and renewable energy generation providers in researching and preparing PC34:

- Hutt City Council staff
- New Zealand Transport Authority
- Kiwirail
- Greater Wellington Regional Council
- Spark (Telecom)
- Chorus
- Wellington Electricity
- Powerco
- New Zealand Post
- Meteorological Service
- WEL Networks
- Capacity
- Dept of Corrections
- CityLink

- Transpower
- Vodafone
- New Zealand Police
- Smartlinx
- Kordia
- 2Degrees
- Meridian Energy
- Vector
- Airways
- The Gas Hub
- Energy Efficiency and Conservation Authority
- Genesis
- New Zealand Wind Energy Association
- Hutt Radio
- FX Networks
- Mighty River Power
- Nova Energy
- Radio NZ

4.2.4 Community Open Forum

Two Community Open Forums have been held for this plan change. The first was held jointly with Upper Hutt City Council on Monday 26 November 2012. The purpose of the first forum was to introduce the project. Stakeholders and community groups were invited individually and public notices advertising the Open Forum were also placed on the Council website and in the Hutt News and the Upper Hutt Leader.

The second was held at the Dowse Art Museum on Tuesday 13 May 2014, after the release of the draft plan change. This forum provided an opportunity for interested parties, which included members of the public and network utility providers to be talked through the draft plan change. The community was also provided with the chance to share interests or concerns that they would like to see considered and provided for in managing network utilities and renewable energy generation activities. Stakeholders and community groups were invited individually and public notices advertising the Open Forum were also placed on the Council website and in the Hutt News.

The Open Forums were used to inform the Council of some of the issues that needed to be addressed as part of the plan change. It was also used to form the basis for open communication and engagement with network utility providers and the community to inform the development and refinement of PC34. Further engagement was undertaken beyond the Open Forums to assist to clarify feedback.

4.2.5 Engagement with Regionally Significant Infrastructure Providers and Councils

The Council also engaged with regionally significant infrastructure providers and other councils in the Region to discuss how policies in the RPS would be given effect to, as one of the outcomes sought was to achieve consistency through the Region.

4.2.6 Draft Plan Change

A draft plan change was notified on 30 April 2014 with submissions closing on 13 June 2014. A total of 10 submissions were received. Where necessary, submissions were followed up to provide for clarification. This was an informal non-statutory process used to help shape and form the plan change, and was not a formal submission process under the First Schedule of the RMA.

5 Statutory Requirements

5.1 Assessment of the Scale and Significance of the Proposed Plan Change

Section 32(1) states that an evaluation report must contain a level of detail that corresponds to the scale and significance of the effects anticipated by a proposal. Although PC34 has a large reach and affects every zone within Lower Hutt City and covers a range of network utilities, these network utilities are necessary and would occur regardless of this change. PC34 aims to make the delivery of these network utilities more efficient and effective and should result in a decrease in effects above the status quo.

The renewable energy generation component of PC34 is mainly focused on providing for wind energy generation activities, from small to commercial scale, as that is where there is the most potential in Lower Hutt City. While smaller scale activities should not have significant adverse effects, there is potential for large commercial scale activities to have significant adverse effects. This potential is addressed through the framework of PC34.

PC34 is significant though as network utilities and renewable energy generation are very important to Lower Hutt City, the region and the nation.

PC34 does not include any alterations to the use of land or changes that would allow significantly more or less development on sites. This means the changes on land use activities will not be particularly significant from an effects perspective.

Both components of PC34 are also required to occur because of national instruments put in place (NPSREG, NPSET, NESET and NESTF).

Overall, although aspects of PC34 are considered to be significant, the likely adverse effects are considered to be minimal, therefore the scale of this report has been tailored to the level of effects expected.

5.2 Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposal above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes, therefore exact quantification of the benefits and costs in this report was not considered necessary, beneficial or practicable. Rather, this report identifies where there may be additional costs or cost savings.

5.3 Risks

Section 32(2)(c) states that and evaluation report must "*assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions"*. The information about the subject matter of the proposed change is considered to be certain and sufficient. Therefore, the risks of acting are considered to be less than minor.

6 The Objectives / Aims of the Proposed Plan Change

The objective and aims of PC34 are to:

- review and update existing network utility provisions and introduce new renewable energy generation provisions that:
    - reflect best practice;
    - provide greater consistency between district plans across the region and

- best serve and reflect public and stakeholder expectations and requirements;

- avoid unnecessary duplication between District Plan provisions and other legislation or regulations;
- give effect to the NPSET;
- give effect to the NPSREG;
- give effect to the RPS;
- give effect to the NZCPS, as appropriate; and
- amend the District Plan as required so as not to duplicate or conflict with the NESTA and the NESTF.

6.1 Best Practice, Consistent and Up-To-Date Provisions

A key driver of this plan change is to ensure that the District Plan's network utility and renewable energy generation provisions reflect and provide for Hutt City and its community now and into the future, best practice, and public and stakeholder expectations and requirements. Another key driver is to achieve a higher level of consistency of provisions with other district plans within the Region and the greatest level of consistency of provisions possible within the Hutt Valley. To this end, PC34 has been developed in tandem with the Upper Hutt City Council's Plan Change 38 (PC38) and follows closely behind Porirua City Council's Plan Change 16 (PC16)[3]. There has also been collaboration with other territorial authorities within the Region and with the Regional Council itself.

6.2 Recognising and Implementing the NPSET, the NESETA and the NESTF

One of the main reasons for PC34 is that the Council is required to undertake particular statutory functions / duties in respect of national environmental standards and national policy statements in accordance with ss44 and 55 of the RMA. The NPSET states in its Preamble:

> *In accordance with section 55 (2A)(a) of the Act [the RMA], and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule of the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.*

The NPSET requires that the Council must take some action, recognising the Council's requirement to give effect to the NPSET and not conflict with nor replicate the NESETA. This has formed a particular impetus for PC34 being undertaken at this time. The statutory context under the RMA and the NPSET is one where it is not a matter of if PC34 be promulgated, but rather how, and through which, appropriate plan provisions.

The NPSREG also needs to be taken into consideration. The NPSREG's Policy H2 states

> *Unless already provided for within the relevant regional or district plans or proposed plans, plan changes or variations, local authorities shall give effect to Policies A, B, C, D, E, F and G by notifying using Schedule 1 of the Act, a change or variation (whichever applies) within the following timeframes:*
>
> *(a) where the relevant regional policy statement or proposed regional policy statement already provides for the Policies, 24 months of the date on which this national policy statement takes effect; or*

[3] Noting that PC16 to the Porirua City District Plan does not address renewable energy generation and PC34 to the City of Lower Hutt District Plan also gives effect to the NPSET.

(b) where a change or variation to the regional policy statement or proposed regional policy statement is required by Policy H1, 12 months of the date on which the change or variation becomes operative.

This has formed a particular impetus for this plan change being undertaken at this time. The statutory context under the RMA and the NPSREGF is one where it is not a matter of if PC34 be promulgated, but rather how, and through which, appropriate plan provisions.

The s32 evaluation reports prepared by the Ministry for the Environment for the NPSET, NPSREG, the NESETA and the NESTF have been considered in preparing this s32 evaluation.

6.3 Avoiding Unnecessary Duplication

In developing any proposed plan change, it is important to consider the relationship between the District Plan and the RMA, and other relevant legislation and regulations. Where possible, the approach should be to avoid any duplication or discrepancy with other legislation or regulations that control network utilities and renewable energy generation. Therefore, should a matter already be satisfactorily controlled / managed by other means, the District Plan should not duplicate or undermine that legislation or regulation. However, if the other legislation or regulation does not adequately address all the relevant environmental effects from a particular network utility or renewable energy generation activity, then it is appropriate that the District Plan include suitable provision to manage those effects.

As an example, in the context of this plan change, the conveyance of electricity in New Zealand is provided for and regulated under the Electricity Act 1992. The management of land use and the physical resources of electricity conveyance fall under the RMA in terms of s31. However, any plan change cannot override the statutory requirements of the Electricity Act. Regardless of any plan change, the conveyance of electricity must continue to operate under the provisions and regulations of the Electricity Act. The purposes of the Electricity Act are:

(a) to provide for the regulation, supply, and use of electricity in New Zealand; and

(b) [Repealed]

(c) to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and

(d) to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and

(da) to provide for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; and

(e) to provide for the regulation of electrical workers.

Similarly, Clauses 2.2, Excavation near Overhead Electric Line Supports, and 2.3, Installation of Conductive Fences Near Overhead Electric Line Supports, of the NZECP34:2001, the New Zealand Electricity Code of Practice for Electrical Safe Distances, have specific controls on excavation and conductive fences within proximity of transmission poles and towers. As such, there is already regulation that controls these matters and there is no need to replicate such provisions within the District Plan. It is noted that the line owner's permission is already required prior to carrying out these works. Local authorities do not have the ability to give approval under, or the resources to assess compliance with NZECP34:2001. Including such provisions within the District Plan would default to a process where the Council seeks approval of the line owner on behalf of the applicant through the resource consent process. This is not considered to be an efficient process as applicants would incur a financial cost through the resource consent process for something that they can already access directly from Transpower. Therefore it is considered

that the management of these activities should not be included within the District Plan; however it is considered appropriate to advise plan users of their legal responsibilities under NZECP34:2001 in the form of advice notes.

The NZECP also contains specific provisions in respect of the construction of buildings and similar structures near overhead power line supports and near conductors. It could be argued that there is no requirement to include provisions within the District Plan to manage or control any effects arising from the location of buildings, and types of activities undertaken, in proximity to power line structures and conductors. However, consultation and research through the development of the Proposed Plan Change has clarified that the following effects associated with the proximity of buildings and particular activities are not addressed through the NZECP and are therefore appropriate to be managed through the District Plan:

- health and safety, in particular electrical shock that may arise from earth potential rise, step and touch voltages, induction voltages, conductor drop and flashovers; and
- the access to, and inspection and maintenance of lines.

6.4 Giving Effect to the RPS

As outlined previously, the District Plan has to give effect to the RPS, and it has to do so as soon as is practicable. Given PC34 seeks to amend District Plan provisions in respect of network utilities and renewable energy generation , consideration has also been given to the relevant objective and policies of the RPS to ensure they are given effect to.

Policy 7 of the RPS requires that district plans shall include policies and / or methods that recognise the benefits from regionally significant infrastructure.

Policy 8 of the RPS requires that district plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

Policy 11 of the RPS requires district plans to include policies and/or rules and other methods that:

(a) promote energy efficient design and the use of domestic scale (up to 20 kW) and small scale distributed renewable energy generation (up to 100 kW); and

(b) provide for energy efficient alterations to existing buildings.

Policy 39 of the RPS requires the Council when considering a variation or review of the District Plan, to have particular regard to:

(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure; and

(b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and

(c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and

(d) significant wind and marine renewable energy resources within the region

Full copies of the relevant policies are contained in Appendix 5.

However, in considering how to give effect to the RPS, an issue that has arisen is in respect of the definition of regionally significant infrastructure, which in the RPS includes:

- Strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001.
- Strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989.

6.5 Giving Effect to the NZCPS

In developing PC34, consideration has also been given to the NZCPS and to what extent PC34 should give effect to it.

Generally, it is considered that the existing provisions provide the Council with sufficient discretion to manage the effects of network utilities and renewable energy generation activities within the coastal environment. It is also considered that it would be more appropriate for the Council to undertake a review those parts of the Plan that relate to the coastal environment as one comprehensive review, rather than undertake piecemeal amendments as would be the case in respect of this current network utilities review.

7 The Issues to be Addressed by the Plan Change

The following issues were identified through the research and consultation undertaken in developing PC34.

7.1 Balancing the National, Regional and Local Benefits of Network Utilities with Effects on the Local Environment

An important issue is managing the actual and potential adverse environmental effects arising from network utilities while also recognising the key role they play and benefits they have locally, regionally and nationally, and to ensure the operational requirements of the network utility concerned is not unreasonably restricted. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City. This is because network utilities provide essential services to people's homes and businesses, such as water, transport means, electricity, gas and telecommunications, and are critical for the effective functioning and liveability of the City.

However, the construction, operation and/or maintenance of network utilities can have adverse effects and adversely affect the amenity of areas of the City, as a result of noise, emissions, and visual dominance, for example. Some network utilities are relatively large, visually prominent and capable of generating significant adverse effects on the surrounding environment. They may also have potential adverse effects on public health and safety. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance works. In some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a utility, meaning there will be some level of adverse effect on the surrounding environment. In such circumstances, there is a need to carefully consider both the benefits the utility will provide and the significance of the adverse effects on the surrounding environment. Decision-makers will be required to consider the benefits of network utilities, any technical and operational constraints that restrict their construction, installation and operation and any adverse effects that may be generated by those activities.

7.2 Managing Adverse Effects, Including Reverse Sensitivity Effects, on Regionally Significant Network Utilities

The location, establishment and operation of land use activities in the vicinity of regionally significant network utilities may lead to adverse effects including reverse sensitivity effects that have the potential to impact upon the effective and efficient operation of such utilities. Inappropriate subdivision, use and development may result in adverse effects on regionally significant network utilities and / or restrict access to such network utilities including the ability to undertake maintenance and upgrade work. Reverse sensitivity can occur when sensitive activities locate near to or intensify by existing network utilities and seek to constrain the operation or expansion of these utilities. This may mean that the local, regional and national benefits of those regionally significant network utilities may be compromised. The City has a lot of well-established regionally significant network utilities located in close proximity to existing land use activities. The Council is predominantly concerned with new more intensive land use activities establishing in proximity to existing regionally significant network utilities that may lead to adverse effects, including reverse sensitivity effects on those utilities.

7.3 Balancing Conflicts Created by the Effects of Renewable Energy Generation with its Local, Regional and National Benefits.

Lower Hutt City contains some renewable energy resources, the use of which would provide benefits locally, regionally and nationally. However, the use of such resources can also have adverse environmental effects, which are generally felt at a local level. These effects can create conflicts between renewable energy generation and a wide range of biophysical and community held values, and raise issues of scale and location.

8 An Explanation of the Proposed Amendments to the District Plan

The individual amendments to the District Plan proposed by PC34 can be summarised as:

(a) Amendments to Chapter 3: Definitions

(b) Amendments to Chapter 11: Subdivision

(c) Delete Current Chapter 13:Utilities in its entirety

(d) Insert New Chapter 13: Network Utilities

- Introduction
- Issues, Objectives and Policies
- How to use Network Utility Rules
- Rules
- Anticipated Environmental Results

(e) Amendments to Chapter 14I Earthworks

(f) Insert new Chapter 14L: Renewable Energy Generation:

- Introduction
- Issues, Objectives and Policies
- Rules
- Anticipated Environmental Results

9 Plan Change Options

In considering changes to the current network utilities provisions in District Plan, four different options were identified and evaluated.

9.1 Option 1 – Status Quo

This option involves not making any changes to existing network utilities plan provisions and not introducing a new renewable energy chapter. This would mean that the plan continued to operate as it does now with a standalone chapter on network utilities containing the relevant objectives and policies and rules. There would also be no specific rules on renewable energy generation.

9.2 Option 2 – Limiting the Review to Only Give Effect to the NPSET, NPSREG, the NESTF, NESETA and the RPS

This option involves undertaking a review of the existing network utility provisions and amending them to the extent required to give effect to the NPSET, NESTF, NESETA and the RPS only, and adding a new chapter relating to Renewable Energy Generation. This option would mean not reviewing the provisions that relate to network utilities other than the NPSET, NESTF and NESETA.

9.3 Option 3 - Amending the Plan as Proposed

This option involves amending existing and adding new objectives, policies and rules within a new network utilities chapter, adding a new Renewable Energy Generation chapter, making small changes to the relevant parts of other chapters and amending existing and adding new definitions to the Plan. This proposal places the majority of the network utility provisions in one chapter.

9.4 Option 4 – Deferring the Plan Change Until a Comprehensive Review is Undertaken

This option involves waiting to review the network utility provisions until a comprehensive review of the Plan is undertaken. The Council has committed to a rolling review of its District Plan, therefore there is no comprehensive review planned. Further, the Council is obligated under the NPSET to have commenced a review of its Plan to give effect to the NPSET by April 2012 and under the NPSREG to have commenced a review of its Plan to give effect to the NPSREG by May 2013.

10 Assessment of the Objectives and Policies of the Proposed Plan Change

10.1 Legislative Requirements

Section 32 requires examination of the '*extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act'.* The Council must therefore be satisfied that the proposed objectives in the District Plan are the most appropriate means of achieving the purpose of the Act. The examination required by s32(1)(a) suggests there should be a comparison of each proposed objective with alternative ways of achieving the purpose of the RMA.

Section 32(1)(b) requires the Council to:

> *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
>
> *(i) identifying other reasonably practicable options for achieving the objectives; and*

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

Section 32(2) states that this evaluation must:

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

10.2 Consideration of Alternative Objectives

A number of different objectives were considered when drafting PC34. These have not been laid out and assessed in this report for several reasons. These reasons are:

- The proposed objectives meet the requirements of the RPS; and
- The proposed objectives meet the requirements of the NPSREG and NPSET; and
- The proposed objectives are in line with other recently written objectives within the region; and
- The scale and significance of the proposed plan change does not warrant such a detailed assessment.

10.3 Objective 13.1.1

Objective 13.1.1

To recognise the benefits of regionally significant network utilities.

Analysis and appropriateness of the objective:

This objective gives effect to the RPS, by recognising the importance of regionally significant network utilities within the City. This objective and its supporting policies ensure that the local, regional and national benefits of these significant network utilities are recognised. The current plan does not specifically recognise regionally significant network utilities. The term “regionally significant network utilities” is proposed as an alternative to the RPS term “regionally significant infrastructure”. This terminology is preferred as it better relates to the definition of network utilities in the RMA and the term “infrastructure” can be interpreted to be wider than network utilities.

Giving effect to the RPS is required by the RMA. The current plan does not give effect to this particular part of the RPS, therefore this proposed objective is considered to be the most appropriate way to achieve the purpose of the Act.

This objective also gives effect to Objective 1 and Policy 1 of the NPSET. While the objective is not specific to the National Grid, the National Grid clearly falls within the definition of regionally significant network utilities. It is not considered necessary to have a separate objective specific to the National Grid.

Policies:

To support this objective two policies are proposed.

(a) *Identify regionally significant network utilities within the City on Council planning maps, as practicable.*

(b) *To recognise the national, regional and local benefits of regionally significant network utilities.*

Analysis and appropriateness of the policies:

These policies are proposed to ensure that regionally significant network utilities are recognised and protected to fulfil the requirements of Objective 13.1.1. Firstly it is important to identify these regional significance network utilities in the District Plan so that they can be protected. However, some of those network utilities are at a scale where it would not be feasible to identify them all within the Plan, for example gas distribution lines. For this reason, the policy provides that these utilities are identified, as appropriate. This policy gives effect to policy 12 of the NPSET, which requires that the National Grid is identified in Council planning maps.

Policy (b). requires the recognition of benefits of the regionally significant network utilities at a city, regional or national level. Specific benefits are not set out, as these will vary on a case by case basis. This policy gives effect to Policy 1 of the NPSET and Policy 7 of the RPS.

These proposed provisions are considered to give effect to the relevant policies in the RPS and NPSET, achieve the proposed objective and meet the purpose of the RMA.

10.4 Objective 13.1.2

Objective 13.1.2

To ensure the operation, maintenance, upgrading and development of regionally significant network utilities is not unreasonably compromised by other activities.

Analysis and appropriateness of the objective:

This objective and its supporting policies gives effect to the RPS, by ensuring that the local, regional and national benefits of these significant network utilities are protected from any use, development or subdivision that would be incompatible with them.

Giving effect to the RPS is required by the RMA. The current plan does not give effect to this particular part of the RPS, therefore this proposed objective is considered to be the most appropriate way to achieve the purpose of the RMA.

This objective also gives effect to Objective 1 and Policy 1 of the NPSET. While the objective is not specific to the National Grid, the National Grid clearly falls within the definition of regionally significant network utilities. It is not considered necessary to have a separate objective specific to the National Grid.

This objective is considered to be directly related to addressing the resource management issues identified for PC34. The objective will also guide decision making and meets sound principles for writing objectives.

Policies:

To support this objective, two policies are proposed:

(a) *To avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects, including reverse sensitivity effects on regionally significant network utilities from incompatible new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.*

(b) To ensure the safe and efficient maintenance, operation, upgrade and development of the National Grid by avoiding the incompatible establishment of or changes to sensitive activities and incompatible buildings and structures within a defined National Grid Yard.

Analysis and appropriateness of the policies:

Policy (a) aims to ensure that any adverse effects including, reverse sensitivity effects on regionally significant network utilities are avoided, or if appropriate, remedied or mitigated. This policy gives priority to avoiding these effects wherever possible, while recognising that it may not always be possible for all adverse effects including, reverse sensitivity effects to be avoided. Inappropriate subdivision, use and development located within close proximity to regionally significant network utilities can jeopardise their successful operation and or maintenance. The amenity and safety of people and the community can also be jeopardised when inappropriate use or development is located within close proximity to regionally significant network utilities. In the case of the National Grid, subdivision is managed within a National Grid Corridor. This policy gives effect to policy 10 of the NPSET and policy 8 of the RPS.

Policy (b) recognises that the National Grid is a matter of national significance under the NPSET. The provision of a National Grid Yard safeguards both the operation and maintenance of the transmission network and the health, safety and amenity of the community. This policy gives effect to policies 1, 2, 10 and 11 of the NPSET, and Policy 8 of the RPS.

These proposed provisions are considered to give effect to the relevant policies in the RPS and NPSET, achieve the proposed objective and meet the purpose of the RMA.

10.5 Objective 13.1.3

Objective 13.1.3

To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City.

Analysis and appropriateness of the objective:

Network utilities are essential to the continued safe and efficient operation of the City. If network utilities fail, the quality of life and wellbeing within the City will fall. Therefore, it is considered necessary to recognise the benefits of all network utilities in the City, and not just those that are regionally significant, while also recognising that those benefits are generally more felt at a local, rather than regional or national, scale.

This objective provides for the social, cultural and economic health and wellbeing of Porirua, therefore this proposed objective is considered to be the most appropriate way to achieve the purpose of the RMA.

Policies:

To support this objective four policies are proposed.

(a) To recognise and provide for the:

(i) need for new and the maintenance and upgrading of existing network utilities; and

(ii) technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and

(iii) benefits that network utilities provide to the economic, social and cultural functioning of the City.

(b) To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.

(c) To ensure that the provision and operation of utilities that cross jurisdictional boundaries is managed in an integrated manner.

(d) Encourage the appropriate use of designations for new network utilities and extensions to existing network utilities that are not designated.

Analysis and appropriateness of the policies:

To ensure that network utilities can be efficiently used, operated and developed, Policy (a) lists some of the specific issues and benefits that need to be recognised and provided for in the City. This includes recognising and providing for the technical and operational requirements and constraints when choosing the location or design of network utilities. Unlike other land use activities, network utilities will generally have more limited options when it comes to sites, approach, construction or design. This needs to be considered when assessing applications for network utilities.

As noted above network utilities are essential to the functioning of Lower Hutt City, therefore it is considered necessary to allow for their construction, operation, upgrading, maintenance and installation, as provided for by Policy (b).

Policies (a) and (b) give effect to Policies 1, 2, 3 and 5 of the NPSET.

Policy (c) recognises that the lineal nature of many network utilities means that they can cross over council boundaries. It is essential that any cross boundary issues are managed in the most efficient and integrated manner possible. This includes plan provisions as well as applications for new or upgraded network utilities.

It is often appropriate for network utilities to be designated, especially those that are linear in nature. Policy (d) encourages designations where they are appropriate, which may in particular be where land acquisition may be required or to protect the interests of the network utility operator. This policy gives effect to Policy 13 of the NPSET.

These proposed provisions are considered to give effect to the relevant policies in the RPS and NPSET, achieve the proposed objective and meet the purpose of the RMA.

10.6 Objective 13.1.4

Objective 13.1.4

To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.

Analysis and appropriateness of the objective:

Objective 13.1.4 recognises that although network utilities are essential to the operation of our communities, they may also result in adverse effects on the environment. This objective notes that some network utilities can be large and visually prominent and can also produce effects that impact adversely on public health and safety.

This objective at a high level gives effect to Policies 7 and 8 of the NPSET. It also achieves the purpose of the RMA by requiring decision-makers to consider any adverse effects arising from network utilities.

Policies:

To support this objective six policies are proposed.

(a) To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.

(b) To ensure network utilities, in particular those emitting electric and magnetic fields, are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards.

(c) To enable the co-location or multiple use of network utilities where this is efficient and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment.

(d) To require the underground placement of new network utilities unless

(i) there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;

(ii) they are of a temporary nature and required for emergency purposes or critical events; and

(iii) they are of a nature that they can only operate aboveground.

(e) To encourage the use of roads as network utility corridors in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors.

(f) Encourage network utility providers to consult with local communities on the appropriate placement, location and design of new network utilities.

Analysis and appropriateness of the policies:

Policy (a) seeks that any adverse effects from network utilities are avoided remedied or mitigated. No hierarchy is given between avoiding, remedying or mitigating adverse effects, in recognition that the level of adverse effects and how these are managed may need to be different depending on the type of network utility, its location, as well as other relevant factors. The policy acknowledges that although many network utilities are restricted in their choice of location or design, there are often small changes that can be made in the interest of the environment or public health and safety.

Network utilities such as telecommunications facilities and electricity distribution and transmission lines have the potential to adversely affect public health and safety. Policy (b) recognises this risk and aims to manage it through compliance with relevant national and international standards. By not referring to specific national or international standards, it ensures that the District Plan will not need updating should the standards change over the life of the plan. This policy gives effect to Policy 9 of the NPSET.

Policy (c) recognises that co-locating or the multiple use of network utilities may in some circumstances be a way to reduce adverse effects, such as visual impact. This policy enables co-location and multiple use of single structures to occur, where practicable.

The undergrounding of network utilities often ensures that adverse effects on the environment are reduced or avoided, particularly visual effects. Policy (d) encourages underground placement wherever possible, while also recognising that there may be factors that do not make undergrounding a feasible option.

Policy (e) recognises that locating network utilities in road corridors can often reduce adverse effects. The use of road corridors is encouraged where possible as long as the conflicts with the primary function of the road corridor and with other co-located network utilities are managed.

Policy (f) encourages network utility operators to consult with the local community when they are deciding the location and design of new network utilities. This consultation is of benefit to the community and the provider as innovative solutions can often arise from the community and means that the community is informed of changes.

These proposed provisions are considered to give effect to policies 7, 8 and 9 of the NPSET, achieve the proposed objective and meet the purpose of the RMA.

10.7 Objectives 14L.1.1 and 14L.1.2

Objective 14L1.1 (a)

Provide for the development of renewable energy generation that is designed, located, constructed, operated, maintained and upgraded so as to:

(i) Avoid, remedy or mitigate adverse effects on the environment; and

(ii) Promote the local, regional, and national benefits of the use and development of renewable energy resources.

Analysis and appropriateness of the objective:

Objective 14L.1.1 (a) recognises the importance of renewable energy generation locally, regionally, and nationally. The policy aims to encourage the development of renewable energy and promote its benefits while also recognising that its development may have adverse effects on the environment.

No hierarchy is given between avoiding, remedying or mitigating adverse effects, in recognition that the level of adverse effects and how these are managed may need to be different depending on the type of renewable energy generation, its location, as well as other relevant factors.

This objective is considered to be directly related to addressing the resource management issues identified for this plan change. The objective is considered to be clear well drafted, and to meet sound principles for writing objectives. These factors all mean that the objective will be effective in guiding decision makers.

The objective is considered to be achievable when the resources and responsibilities of the council are taken into consideration.

This objective gives acknowledgment to Policy A of the NPSREG by recognising the benefits of renewable energy generation.

This objective provides for the social, cultural and economic health and wellbeing of Lower Hutt City, therefore this proposed objective is considered to be the most appropriate way to achieve the purpose of the RMA.

Objective 14L.1.1 (b)

Enable small-scale renewable energy generation and the identification and assessment of potential renewable energy sources and sites in appropriate locations within the City.

Analysis and appropriateness of the objective:

Objective 14L2.1.1 (b) recognises that small-scale renewable energy generation can have benefits to the City and therefore should be enabled, in appropriate locations, through the plan.

This objective gives recognition to Policy F of the NPSREG by requiring provisions in the Plan that allow small scale renewable energy generation.

This objective is directly related to issue 14L1.1 in the proposed plan change. The objective is considered to be clear and well drafted and will therefore clearly guide decision making. The

objective is also considered to be achievable when the resources and responsibilities of the council are taken into consideration.

This objective provides for the social, cultural and economic health and wellbeing of Lower Hutt, therefore this proposed objective is considered to be the most appropriate way to achieve the purpose of the RMA.

Policies:

To support objectives 14L.1.1 (a) and 14L.1.1 (b) eight policies are proposed.

(a) *Recognise the local, regional and national benefits of renewable energy generation activities including;*

  (i) *Maintaining and increasing security of electricity supply;*

  (ii) *Using renewable rather than finite energy sources;*

  (iii) *Reducing dependency on imported energy sources;*

  (iv) *Reducing greenhouse gas emissions; and*

  (v) *The reversibility of the adverse effects of some renewable energy generation technologies.*

(b) *Enable small-scale renewable energy generation to be developed and operated in a manner that avoids, remedies or mitigates adverse environmental effects.*

(c) *Enable the identification and assessment of potential renewable energy sources and sites in a manner that avoids, remedies or mitigates adverse environmental effects.*

(d) *Provide for the operation, maintenance and development of community scale and commercial scale renewable energy generation activities.*

(e) *Manage the adverse environmental effects of community scale and commercial scale renewable energy generation activities by recognising that these activities have the potential to cause significant adverse effects on the environment. In particular, activities that use wind as a source of energy have the potential for significant adverse effects on landscape, ecology and amenity values, and noise (including low frequency noise) and may be inappropriate in some locations.*

(f) *Recognise the technical and operational constraints of renewable energy generation, including the location of the resource, development and maintenance of facilities and the location of the electricity distribution network.*

(g) *Encourage community and commercial scale renewable energy generation providers to consult early with the local community, including Māori, on the appropriate placement, location and design of renewable energy generation activities.*

(h) *Protect consented and existing renewable energy generation activities from incompatible subdivision, land use and development.*

Analysis and appropriateness of the policies:

Policy (a) seeks to recognise the benefits of renewable energy generation locally, regionally, and nationally. This policy directly gives effect to Policy A of the NPSREG.

Policy (b) seeks to enable the development of small-scale renewable energy generation, while also recognising that this form of generation can have adverse environmental effects. The policy notes that these effects must be avoided remedied or mitigated wherever possible. Small-scale generation is enabled as it is likely to have minimal adverse effects because of its scale.

The need to identify and asses areas for renewable energy generation is recognised in Policy (c) Renewable energy generation often requires considerable investigations to ensure that projects are feasible. This can include the need for trial or monitoring equipment to be installed. This policy notes this requirement and ensures that such investigations are allowed under the Plan as long as they avoid, remedy or mitigate any adverse effects. No hierarchy is given between avoiding, remedying or mitigating adverse effects, in recognition that the level of adverse effects and how these are managed may need to be different depending on the type of renewable energy generation, its location, as well as other relevant factors.

Policy (d) gives effect to the Objective and Policy E of the NPSREG, by providing for the development, operation and maintenance of renewable energy generation activities.

Policy (e) recognises that community and commercial scale renewable energy generation activities may have significant adverse effects on the environment, and identifies which effects may be of particular concern and that in some cases, such activities may be inappropriate. This policy will need to be considered alongside the policies that provide for these renewable energy generation activities. This will allow the Council to weigh the benefits of any new activity with its environmental effects.

Renewable energy generation is often constrained to certain locations because of a resource, such as wind, being available or because of the location of the electricity transmission network. Maintenance of renewable energy is also constrained to where generation currently exist. Technical and logistical practicalities need to be considered when siting renewable energy generation and can limit possible locations. Policy (f) recognises these constraints and notes that they need to be considered when making decisions under the plan. This policy gives effect to Policy C of the NPSREG.

Policy (g) encourages providers of renewable energy generation to consult with the community early on in projects. The policy specifies that this consultation should include the placement, location and design of any activity. This policy should help the community feel involved in the process and may to lead to better community acceptance of proposals. Early consultation can also lead to providers having more complete information when making these early decisions.

Reverse sensitivity effects on renewable energy generation are dealt with in Policy (h) Both existing renewable energy generation activities and activities given consent in the future need to be protected from new sensitive uses locating too close to the generation and affecting its ability to operate. Sensitive uses may be in the form of new subdivisions, new land uses such as a zone change to residential or development of noise sensitive activities such as child care facilities.

This policy gives effect to Policy D of the NPSREG which requires "*managing reverse sensitivity effects on renewable electricity generation activities*". In addition, this policy protects community amenity values which may be adversely affected by locating in too close proximity to renewable energy generation facilities. It is noted that there are currently no renewable energy generation facilities within the City. Appropriate provisions will need to be considered if and when development occurs to a scale that reverse sensitivity effects need to be managed.

These provisions help to achieve policies 7 and 39 of the RPS by recognising the benefits of renewable energy.

These proposed provisions are considered to give effect to the NPSREG and the RPS, to achieve the proposed objective and meet the purpose of the RMA.

These policies are also considered to achieve the relevant objectives of the plan, and to give clarity in order to achieve the objectives and to effectively guide decision making.

11 Economic Growth and Employment Effects

Section 32 evaluations are required to take into consideration the economic and employment effects of a plan change. The assessment needs to outline whether economic growth and employment opportunities will be provided for by the plan change or reduced as a result of the plan change.

PC34 is not considered to have a significant effect on the existing economic growth and employment effects of the current plan. Any effect however should be positive as it brings the plan more in line with other plans in the region. This change means that network utility operators and renewable energy generation providers and users will have reduced costs in understanding and complying with the utilities and renewable energy portions of the plan.

The plan also introduces incentives for co-location of utilities which has the opportunity to reduce costs for operators. Reduced costs can in some cases lead to better economic and employment opportunities.

PC34 will not reduce any opportunities for economic growth or employment. It also does not make any changes to land use that would mean income is forgone.

These effects (or lack thereof) are identified in Table 1. The social and cultural effects of the proposed change are covered in detail in the table also.

12 Assessment of the Methods, Including Rules, Information Requirements and Definitions Associated with this Proposed Plan Change

Having identified objectives and policies that will:

- update the existing provisions to ensure they reflect best practice and provide greater consistency across the region;
- introduce new provisions that reflect best practice and provide greater consistency across the region;
- better serve and reflect public and stakeholder expectations and requirements;
- rationalise the provisions across the District Plan;
- give effect to the NPSET, NPSREG and the RPS;
- not be inconsistent with, set a higher standard than or duplicate the NESET and NESTF; and
- meet the purpose of the RMA

a set of rules, other supporting methods, information requirements and definitions, have been developed to achieve these desired outcomes.

An overall assessment of the appropriateness of the policies, rules and other methods is set out in Table 2. The policies, rules and other methods have been assessed as a whole and have been informed by consultation with network utility providers, renewable energy generation activity operators, landowners and relevant interest groups as outlined in Section 4.2 of this report.

12.1 Discussion on the Proposed Rules and Methods:

12.1.1 Rules and Methods Relating to Regionally Significant Network Utilities and Reverse Sensitivity

As outlined earlier, Policy 8 of the RPS requires that district plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

Careful consideration was given as to whether there needed to be specific rules introduced to address potential reverse sensitivity effects arising from State Highways 2 and the Wairarapa railway line and the Hutt Valley and Melling railway lines (the railway lines). In particular, consideration was given to the amount of additional development potential in established areas along both routes.

The Wairarapa and Melling railway lines both at times run along or in close proximity to the existing State Highway 2. As with State Highway 2, the areas of land along the railway line are already well-established areas, with little opportunity for greater intensification. Given this level of existing established areas, it was considered unreasonable in the circumstances to impose new provisions that may restrict existing land uses rule along State Highway 2 and the railway line.

However, it is acknowledged that greater intensification could occur as a result of subdivision. For this reason, it is proposed to include two relevant matters of control / discretion for any subdivision applications that require consultation with regionally significant network utility providers and provide the ability to impose conditions relating to the design and location of development. It is considered that any potential reverse sensitivity effects on these regionally significant network utilities would be best addressed at the time of any plan change that would provide for intensification of development along the state highways or railway line. This is clearly signalled through policy 13.1.2 (a).

The majority of the other regionally significant network utilities are designated and / or protected by easements or of a nature whereby any reverse sensitivity effects would be minimal. For this reason, it is considered that specific rules that would manage use and development occurring in proximity to such utilities are not necessary. However, in order to manage any potential effects arising from intensification, as outlined above, as outlined above, new matters of control / discretion are proposed for any subdivision application, requiring consultation with the owner or operator of any regionally significant network utilities located on or in close proximity to the subject site and providing control / discretion over the design and layout of the subdivision.

12.1.2 Rules and Methods Relating to Reverse Sensitivity and the National Grid

As outlined earlier in this s32, Policies 10 and 11 of the NPSET require that the adverse effects of third parties on the National Grid are managed. This is in addition to what is required through Policy 8 of the RPS.

PC34 includes rules which seek to manage potential adverse effects of third parties on the National Grid. Care has been taken to ensure that there is no duplication between plan provisions and existing regulation, so as to avoid potential situations where the Council is considering matters that are otherwise already addressed and managed, thus avoiding unnecessary duplication and costs to all parties involved. For example, the rules and matters of consideration / discretion do not require compliance with the NZECP, as compliance with the NZECP is not within the role, function or scope of the Council and the focus is on ensuring that the Council is assessing effects that are not otherwise already managed within the scope of the NZECP.

In its feedback on the draft, Transpower sought specific rules in respect of excavation in proximity to the National Grid. Such provisions have not been included as earthworks are already specifically

managed through the NZECP and inclusion would result in unnecessary duplication. Transpower have not provided any specific evidence as why the additional earthworks controls requested are required, why the NZECP does not already address earthworks adequately, and why the particular measurements sought would be appropriate. However, advice notes have been proposed throughout PC34 to ensure that plan users are aware of the NZECP and other relevant regulations, such as those relating to tree trimming.

Managing buildings and certain activities within the National Grid Yard is focussed on avoiding incompatible buildings and activities from occurring that may potentially compromise the safe and effective functioning of the National Grid, while also managing potential health and safety effects on those buildings and activities. A non-complying activity status is proposed for the construction and use of any building for a sensitive activity within the Yard to reinforce that, given the risks and potential effects, such a location for such activities is generally not appropriate.

The purpose of managing subdivisions within an National Grid Corridor is to ensure that any potential reverse sensitivity effects that may arise from the subsequent development of the subject land can be assessed and managed in advance of that development occurring. Particular consideration is given to ensuring that any subdivision of land is able to provide suitable building platforms located clear of the National Grid Yard, through the use of different activity status.

12.1.3 Rules and Methods Relating to Other Network Utilities

The development of PC34 involved a review of the existing network utility provisions in the District Plan so as to determine whether they remained “fit for purpose” and reflected current needs and best practice. However, the review determined that some of the provisions should be reviewed and amended. In particular, there was no incentive provided to co-locate network utilities on one structure and no rules managing the heights of antenna located on buildings. The broad and complex nature of how many of the rules were written also resulted in some uncertainty about the treatment of particular network utilities. PC34 seeks to provide greater certainty and clarity for all plan users of what the activity status is for different network utilities and the matters against which any resource consent application will be assessed.

There is potential to increase the height of telecommunication and radiocommunication facilities and incentivise the co-location of such utilities within particular zones as a permitted activity, where these zones have greater absorptive capacity and the heights of these structures would not be out of keeping. In the Central Commercial Activity Area, the Plan Change incentivises locating antenna on buildings over stand-alone new towers, so as to reduce the amenity effects of such stand-alone towers. PC34 enables stand-alone towers in the Business Zones, where amenity effects are a lesser consideration.

The rules also promote the undergrounding of network utilities, generally as a permitted activity, as this results in the least level of environmental effects. A higher activity status is used where particular underground network utilities may have adverse effects, such as health and safety. Provision has been made for extensions to existing overhead lines in some circumstances. However, undergrounding of new lines is generally incentivised.

The proposed amendments to the rules are considered to be necessary and appropriate to support the effective delivery of the objectives and policies.

12.1.4 Rules Relating to Stopbanks

When comments were requested on the draft plan change for Upper Hutt City Council, Greater Wellington Regional Council sought provisions requiring that utilities be located outside of hazard areas or appropriately designed if required to locate within them. GWRC did not provide separate

feedback to Hutt City on this matter; however, in the circumstance, it is considered appropriate to address this issue here as well.

The reasons GWRC gave in respect of the UHCC Draft Plan Change was that the location of utilities should be regulated so that utilities are located outside stopbanks to minimise the risk to their operations in a flood event. Where they cannot be located outside a stopbank, utilities should be designed to withstand the design flood event so that they do not potentially cause adverse effects to others.

GWRC sought that the negative impacts of undergrounding services on or through flood protection stop-banks be recognised. Excavation and backfill in stop-banks can increase the chance of failure, and can be a serious matter with the swift rising nature of the rivers and streams in Upper Hutt.

GWRC also sought to insert an additional rule that requires any upgrading involving replacement, repair or removal associated with the underground services affecting stop-banks be a restricted discretionary activity. The reason was is that these activities could have a negative impact on stop-banks and increase the potential for flood hazard risks if not completed properly. GWRC stated that where earthworks have a potential to affect a stop-bank, compliance with GWRC guidelines and procedures was sought which cannot happen as a permitted activity. A restricted discretionary activity status would allow GWRC to be identified as an affected party where earthworks may affect a stop-bank or flood protection asset.

In addition GWRC sought to insert an additional rule that the installation of any new underground services affecting stop-banks be a restricted discretionary activity, so as to ensure that the effects on stop-banks and flood hazard can be assessed for any application for new underground services.

In the body of their feedback, GWRC sets out its position that:

- it considers that the effect of flooding on utilities or the possible effect of utilities on flood patterns needs to be addressed in the plan change. As regionally significant network utilities can both be affected by flooding and affect flood patterns, GWRC suggests that the Plan provides an appropriate link to policies and standards with natural hazards and relevant infrastructure; and
- it manages and maintains stop-banks through the Upper Hutt City which protect public and private property alike and which are often affected by utilities being placed through or along them. GWRC seeks to rationalise or remove services from GWRC-managed stop-banks, and to retain control over earthworks associated with the undergrounding of utilities or utility works which affect the stop-banks

There are two aspects to GWRC's response; firstly managing activities in flood hazard areas or on or in proximity to stop-banks and secondly the management of stopbanks as an asset, to retain control over activities occurring on them.

In the first instance, the focus of PC34 is focused on managing the effects of network utilities and effects on network utilities. Its scope is on the management of network utilities, rather than the management of natural hazards, including hazard management devices. Stopbank integrity is a legitimate issue. However, managing stopbank integrity cannot be simplified as an issue that is specific or limited to network utilities. In particular, utilities are not the only activity that may occur in or around flood hazard areas or stopbanks. Rather, it is an issue that is relevant to any activity occurring on, in, under or adjacent to any stopbank structure. Examples of other relevant activities include any earthworks, residential or non-residential activity, or development that might impact on a stopbank.

Councils within the Wellington Region, including GWRC, have recently embarked on a comprehensive natural hazard strategy which seeks a consistent and comprehensive approach to

natural hazard management within the Region. The Council considers that these two response points are more appropriately addressed through that process, where all activities that may impact on flood hazard areas, stopbanks, and other hazards can be assessed and an appropriate framework developed for their management.

Further, the first bullet point under 13.1.4 (d), which provides for undergrounding not to be required if there are natural or physical features or structures that makes underground placement impractical or unreasonable, would encompass sufficient scope for undergrounding not to be required through a stopbank, by way of a resource consent application. While the Council appreciates that this does not direct that there is no undergrounding through stopbanks, it provides an avenue for GWRC to negotiate with any network utility operator as to more appropriate means to site network utilities on or in proximity to stopbanks.

In respect to GWRC's wish to retain control over activities occurring on stopbanks, the Council understands from an informal discussion with GWRC that a concern is that by requiring the underground placement of network utilities and providing for them as a permitted activity, that those network utility operators would just go ahead and do so without getting any other necessary approvals or liaising with GWRC. However, this is not different to any other situation where a network utility operator wishes to place utilities underground; they would still need to obtain the approval of the landowner, private or public.

It is considered that policy direction or rules in a District Plan are the most appropriate or efficient means to address this concern. The concerns raised are considered to be more of an asset owner wanting to control activities occurring on the stopbank, rather than for resource management reasons. There are alternative and more appropriate options available to GWRC in this regard, such as, but not limited to, designating stopbanks as a requiring authority or entering into easements with the landowners (if not already owned by GWRC). It is noted that GWRC already uses designations in respect of some stopbanks within Hutt City. It is considered this is an appropriate management response.

The use of PC34 to achieve the outcomes sought by GWRC would appear to be not the appropriate means to do so, and would be inefficient and effective compared to other options, given:

- It only covers a limited range of activities that might affect stopbank integrity;
- It appears to give or leave decision making authority on the impacts of activities on stopbank integrity in the hands of a third party who is not the asset owner (GWRC); and
- It potentially subjects applicants to what might be a costly and time consuming resource consent process, where the ultimate call for deciding whether an activity can or cannot occur should rest with the stopbank asset owner.

12.1.5 Rules and Methods Relating to Renewable Energy Generation

As outlined earlier in this report, policy H2 of the NPSREG require district plans to give effect to Policies A, B, C, D, E, F and G of the Policy statement by notifying a plan change.

A study of the Wellington Region's renewable energy sources undertaken by the Energy Efficiency and Conservation Authority in August 2006 identifies wind and solar as the primary renewable energy sources within Lower Hutt City that fall within the functions of the Hutt City Council. Other options such as large scale solar generation or biomass energy may become more viable in the future, and this chapter should be amended to address the various resource management issues that may arise as more information about these options becomes available. This chapter therefore focusses on wind and small-scale solar resources.

The provisions proposed apply to renewable energy generation activities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to renewable energy generation activities unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply.

As small-scale renewable energy generation particularly from wind and the sun provides an opportunity for Lower Hutt City to become partially self-reliant for energy supply many of the rules have been put in place to facilitate this. Currently technologies exist to enable individuals to harness energy sources and these are likely to improve and become more cost-effective into the future. The proposed rules recognise that small-scale renewable energy generation activities may still have adverse environmental effects that should be avoided, remedied or mitigated the proposed change includes the controls necessary to manage the potential effects of small-scale renewable energy generation activities.

A precursor to developing renewable energy generation activities is identifying and subsequently assessing potential renewable energy sources. This may require testing over a number of years, for instance, to determine whether wind speeds are of an appropriate velocity and are consistent enough to efficiently and effectively generate electricity. Accordingly, the proposed change includes the necessary controls to avoid, remedy or mitigate the adverse effects of monitoring equipment.

While the proposed rules permit some renewable energy generation activities, those that are of a significant scale or do not meet the standards to be a permitted activity, will require a full assessment of their environmental effects through the resource consent process. This allows the Council to weigh the benefits of any new generation activity with its environmental effects. A non-complying activity status applies to activities located on sites containing listed Heritage Features and where turbines do not comply with the wind farm noise standard NZS6808:2010, as these are likely to have significant adverse effects on the environment.

The Plan recognises that new subdivision, land use and development activities can result in reverse sensitivity effects on existing and consented renewable energy generation facilities and may result in the benefits of facilities being reduced. In addition, community amenity values may be adversely affected by locating in too close proximity to renewable energy generation facilities.

12.1.6 Rules and Methods Relating to Natural Hazards and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The plan change purposefully does not address or consider natural hazards or the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Both of these matters are wider issues that are being considered as part of the Council's wider review of the District Plan.

12.2 Discussion on the Assessment Criteria

A series of standards and matters of control and discretion have been developed to assist network utility providers, renewable energy generation activity providers, applicants for proposals that may impact on certain network utilities, the general public and the Council. These standards provide certainty for plan users of the parameters around the different activity status, and what the permitted baseline level of effects is. The Council has chosen to specify matters of control and discretion rather than broader assessment criteria, and tailor these specifically to different types of network utilities, renewable energy generation activities and activity status, recognising that different network utilities have different types of effects. Using matters of control and discretion in-line with the assessment used in the remainder of the District Plan.

These are all considered to be necessary and appropriate to support the effective delivery of the objectives and policies in the proposed plan change.

12.3 Discussion on the Definitions

The Plan Change includes amendments to existing definitions and the introduction of new definitions. These have been developed to ensure there is a clear and definitive interpretation of the provisions contained within the plan change. To avoid confusion and inconsistency, where a term is already defined by legislation or regulation, then the term is not repeated, but the relevant legislation or regulation is referenced. In some instances, further clarification is provided.

As discussed earlier, strategic telecommunication and radiocommunication facilities have been excluded from definition of regionally significant network utilities. The RPS, definition of regionally significant infrastructure includes:

- *strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989*

A review of both pieces of legislation has identified that neither contain the definitions referred to. The explanation to the relevant policies provides no guidance as to what may or may not constitute a strategic telecommunication facility or radio-communications facility. Discussions with the Regional Council, a review of the officer's report and the decision report for the RPS have not provided any further clarification.

When creating the definition, the meaning of the word strategic was also considered. The Oxford dictionary definition[4] of strategic is "*relating to the identification of long-term or overall aims and interests and the means of achieving them"* and *"designed or planned to serve a particular purpose".*

Following is the full definition from the RPS:

Regionally significant infrastructure includes:

- *pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- *strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989*
- *the national electricity grid, as defined by the Electricity Governance Rules 2003*
- *facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003*
- *the local authority water supply network and water treatment plants*
- *the local authority wastewater and stormwater networks, systems and wastewater treatment plants*
- *the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016*
- *Wellington City bus terminal and Wellington Railway Station terminus*

[4] www.oxforddictionaries.com

- *Wellington International Airport*
- *Masterton Hood Aerodrome*
- *Paraparaumu Airport*
- *Commercial Port Areas within Wellington Harbour and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.*

The above definition is reasonably specific as to what is included. For instance, not all roads are included but the Strategic Transport Network is, electricity distribution lines are not included, but transmission lines are, the Wellington City bus terminal and railway station terminus are included, but the sub-regional stations are not, the Wellington, Masterton and Papararaumu airports are included, but not all airfields are. This demonstrates that the Regional Council must have thought to differentiate between utilities when compiling the definition, and in particular, consider that some were more regionally significant than others.

In the absence of certainty or clarification of what may or may not be a strategic telecommunications or radio-communications facility, PC34 does not contain these two matters as being regional significant network utilities. Without definitions of what the Regional Council considers are "strategic" telecommunication and radio communication facilities, it is not appropriate for the Council to presume the exact scope and nature of what these are. If the RPS is amended in the future to clarify what is meant by these terms, the District Plan can be updated to give effect to the amended RPS.

The amended and new definitions are considered to be necessary and appropriate to support the effective delivery of the objectives and policies in PC34.

13 Conclusion

This report provides a summary assessment of PC34 consistent with s32 of the RMA.

The report describes the purpose of PC34, the consultation process involved in its development and summarises an evaluation of:

- The objective/aim of the proposed plan change;
- The broad plan change options;
- The proposed amendments to the policy framework to introduce new objectives and policies; and
- The proposed rules, standards and other methods.

The report concludes that PC34 is the most appropriate way to achieve the purpose of the RMA and to give effect to the NPSET, NPSREG and the RPS. This conclusion is based on the recognition that the changes proposed to the District Plan are entirely consistent with the purpose of the RMA and seeks to overcome identified limitations in the District Plan.

The report considers four broad plan change options which could be used to implement these objectives. It concludes that PC34 is the most appropriate.

Table 1: Comparison of the Appropriateness of the Objectives and Policies, and the Efficiency and Effectiveness of Policies, Rules and Other Methods

	Option 1 **Status Quo (no change)**	**Option 2** **Amending the Plan to only give effect to the NPSET, NPSREG, NESTF, NESETA and RPS**	**Option 3** **Amending the Plan as proposed**	**Option 4** **Deferring the plan change until a comprehensive review is undertaken**
Costs	**Council** • No costs in terms of implementation, as no change required to the current District Plan. • Does not meet statutory requirements regarding the NPSET, NPSREG, the NESET and the NESTF. • Does not give effect to the RPS. **Network Utility Providers** • Continue to face inconsistent rules across the region. • Plan does not address changes in technology since plan was notified and made operative. • May need to apply for unnecessary consents or be subject to unnecessary restrictions.	**Council** • Low costs associated with the development and implementation of a limited scope proposed plan change. • Opportunity cost of not reviewing other network utility provisions at the same time. **Network Utility Providers** • Low costs associated with submission and hearing costs associated with making submissions and attending hearings on the plan change. **Renewable Energy Generation Providers and Users:** • Low costs associated with submission and hearing costs associated with making submissions and attending hearings on the plan change	**Council** • Low-moderate costs associated with the development and implementation of a proposed plan change. **Network Utility Providers** • Low costs associated with submission and hearing costs associated with making submissions and attending hearings on the plan change. • May result in consents being required where ones were not previously. **Renewable Energy Generation Providers and Users:** • Low costs associated with submission and hearing costs associated with making submissions and attending	**Council** • Costs associated with the development and implementation of the network utilities and renewable energy generation chapters within the full review of the plan. • Does not meet government requirements regarding the NPSET, NPSREG, the NESET and the NESTF, as soon as they would be if the proposed plan change was undertaken. • Does not give effect to the RPS as soon as they would be if the proposed plan change was undertaken. **Network Utility Providers and Renewable Energy Generation Providers and Users and Public/Landowners** • Submission and hearing costs associated with making

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	Renewable Energy Generation Providers and Users: • Plan silent on renewable energy generation activities, creating uncertainty and unnecessary consents. **Public/Landowners:** • Health and safety effects associated with transmission lines not addressed. • Existing plan may not sufficiently address adverse environmental effects of network utilities and renewable energy generation activities. • Plan may be unduly restricting network utility and renewable energy generation activity provision with community wellbeing not being provided for. • Opportunities for small scale renewable energy generation may be missed as the plan does not specifically provide for these.	**Public/Landowners** • Low costs associated with submission and hearing costs associated with making submissions and attending hearings on the plan change. • Low costs associated with landowners needing to seek additional resource consents for certain works within proximity to transmission lines and early engagement with regionally significant network utility providers. **Environment** • Better assessment criteria and consideration of effects of and on regionally significant network utilities and renewable energy generation activities only. **Economic and Employment** • The option would mean that the majority of the inconsistent rules around the region remain. This could mean	hearings on the plan change. **Public/Landowners** • Low costs associated with submission and hearing costs associated with making submissions and attending hearings on the plan change. • Low costs associated with landowners needing to seek additional resource consents for certain activities and development within proximity to transmission lines, and early engagement with regionally significant network utility providers. **Environment** • There are no known environmental costs. **Economic and Employment** • This option would increase consistency of plan provisions around the region in regard to network utilities and renewable energy generation. This would	submissions and attending hearings on a whole of plan review. • Utility and renewable energy generation providers would continue to face inconsistent rules across the region and have technologies that are not recognised in the plan, which could lead to continuing high compliance costs until a whole of plan review was commenced. • Opportunity cost of consents being required for some activities that would not be under the proposed plan change. **Environment** • Potential for works to be carried out which are not as sensitive to the environment as under the proposed plan change. **Economic and Employment** • The option would mean that

	Option 1 **Status Quo (no change)**	**Option 2** **Amending the Plan to only give effect to the NPSET, NPSREG, NESTF, NESETA and RPS**	**Option 3** **Amending the Plan as proposed**	**Option 4** **Deferring the plan change until a comprehensive review is undertaken**
	Environment • Potential for works to be carried out which are not as sensitive to the environment as under the proposed plan change. • Current rules may not sufficiently address the relevant adverse environmental effects. **Economic and Employment** • The option would mean that the inconsistent rules around the region remain and some technologies would continue to not be recognised in the plan. This could mean higher economic costs than if changes are made. • There are no known employment costs.	higher compliance costs than if more comprehensive and consistent changes are made. Therefore this option would likely have a slight negative economic effect. • There are no known employment costs.	lead to lower compliance costs of industry and therefore economic benefit. • There are no known employment costs.	the inconsistent rules around the region remain for the foreseeable future. This could mean higher compliance costs than if changes are made now. Therefore delaying any plan change would have a slight negative economic effect. • There are no known employment costs.
Benefits	**Council** • No costs, as no change required to the current District Plan.	**Council** • Meets statutory requirements to give effect to the NPSET, NPSREG and RPS.	**Council** • Meets statutory requirements to give effect to NPSET, NPSREG, RPS, and reflect	**Council** • Reduced plan change costs due to the plan change being placed within a whole of plan

	Option 1 **Status Quo (no change)**	**Option 2** **Amending the Plan to only give effect to the NPSET, NPSREG, NESTF, NESETA and RPS**	**Option 3** **Amending the Plan as proposed**	**Option 4** **Deferring the plan change until a comprehensive review is undertaken**
	Network Utility and Renewable Energy Providers • No costs associated with submission and hearing processes, as no change needs to be initiated to the current District Plan. **Public/Landowners** • No costs associated with submission and hearing processes, as no change needs to be initiated to the current District Plan. **Environment** • There are no known environmental benefits. **Economic and Employment** • There are no known economic or employment benefits.	• Provides more certainty and clarity to plan users by new provisions for renewable energy generation activities. **Network Utility Providers** • Benefits limited to regionally significant network utility providers only. • Provides a clearer regulatory framework to assess the effects of, and effects on, regionally significant network utilities. • Recognises the benefits of regionally significant network utilities. **Public/Landowners** • Ensures that the potential effects of and on regionally significant network utilities and renewable energy generation activities are addressed. • Recognises the benefits of regionally significant network utilities and renewable energy generation activities.	NESETA and NESTF. • Achieves better consistency with other plans in the Region, and the wider country. • Provides more certainty and clarity to plan users by better distinguishing between different types of network utilities and introducing new provisions for renewable energy generation activities. • Provides more robust standards for and assessment of network utilities. • Reduced regulatory costs due to increased certainty. **Network Utility Providers** • Benefits of all network utilities recognised, locally, regionally and nationally. • Provides a clearer regulatory framework to assess the effects of all network utilities, and effects on regionally significant network utilities. • Provides a needed update to existing provisions, including a	review. **Network Utility and Renewable Energy Providers and Public / Landowners** • Reduced costs associated with submission and hearing processes, as parties could submit on the whole plan at once. **Environment** • In time, reduced environmental effects as a result of a more comprehensive approach being taken to network utilities and renewable energy generation activities including provisions such as the encouragement of the co-location of network utility facilities. **Economic and Employment** • The option would mean that the inconsistent rules around the region remain for the foreseeable future. This could

	Option 1 **Status Quo (no change)**	**Option 2** **Amending the Plan to only give effect to the NPSET, NPSREG, NESTF, NESETA and RPS**	**Option 3** **Amending the Plan as proposed**	**Option 4** **Deferring the plan change until a comprehensive review is undertaken**
		Renewable Energy Generation Providers and Users: • Provides a clearer regulatory framework to assess the effects of, and effects on, renewable energy generation activities. • Recognises the benefits of renewable energy generation activities. **Environment** • Provides a clearer regulatory framework to assess the effects of, and effects on, regionally significant network utilities and renewable energy generation activities. **Economic and Employment** • The option would mean that the majority of the inconsistent rules around the region remain. This could mean higher compliance costs than if more comprehensive and consistent changes are made. Therefore this option would	clearer assessment framework. • May result in fewer unnecessary consents being required. **Renewable Energy Generation Providers and Users:** • Provides a clearer regulatory framework to assess the effects of, and effects on, renewable energy generation activities. • Recognises the benefits of renewable energy generation activities. **Public/Landowners** • Ensures that the potential effects of all network utilities and on regionally significant network utilities are addressed. • Ensures that the potential effects of and on renewable energy generation activities are addressed. • Recognises the benefits of regionally significant network	mean higher compliance costs than if changes are made now. Therefore delaying any plan change would have a slight negative economic effect. • There are no known employment costs.

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		likely have a slight negative economic effect. • There are no known employment costs.	utilities and renewable energy generation activities. • Provides more certainty about the likely scale and location of network utilities and renewable energy generation activities. • More robust consideration of applications and potential effects on the public / landowners. • Increased opportunities for small and community scale renewable energy generation activities. **Environment** • Provides a clearer regulatory framework to assess the effects of, and effects on, regionally significant network utilities, other network utilities and renewable energy generation activities. • Reduced environmental effects as a result of a more comprehensive approach being taken to network utilities including provisions such as	

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			the encouragement of the co-location of facilities. **Economic and Employment** • This option would increase consistency of plan provisions around the region in regard to network utilities and renewable energy generation activities. This would lead to lower compliance costs of industry and therefore economic benefit. • There are no known employment benefits.	
Effectiveness and Efficiency	**Effectiveness and Efficiency** • Does not amend the Plan as required under the NPSET, NPSREG and RPS. • Results in inefficiency of conflicting provisions with NESETA and NESTF. **Certainty** • Provides certainty and familiarity to existing District	**Effectiveness and Efficiency** • Effective in that Plan is amended to give effect to NPSET, NPSREG and RPS. • Opportunity cost of not reviewing provisions relevant to wider network utilities. **Certainty** • Provides certainty on how the effects of and on regionally	**Effectiveness and Efficiency** • Provides increased efficiency through: o more accurate identification and mapping of existing regionally significant network utilities; o having more certain and up to date rules and standards. • Provides increased effectiveness as:	**Effectiveness and Efficiency** • Effective and efficient in that all provisions are considered as a package, reducing transaction costs associated with a single plan change. • Is not effective or efficient in that it does not give effect to NPSET, NPSREG and RPS and existing provisions conflict in part with NESETA and NESTF.

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	Plan users through not changing the current provisions. • Does not provide certainty that the Plan reflects best practice and current technology and provides for a robust assessment framework. **Relevance and Transparency** • This option would not meet the objectives for the plan change as no change would be made. **Usefulness and Understandability** • This option would be easy to understand for those who currently use the plan as it would not mean any change. However new users would see no benefit in this option over the others options which would be more in-line with other plans in the region. • The current provisions are considered to guide decision making in a reasonably	significant network utilities and renewable energy generation activities will be managed. • Does not provide certainty that the provisions relevant to other network utilities are fit for purpose. **Relevance and Transparency** • This option would only meet some of the objectives for the plan change, as only a limited change would occur. **Usefulness and Understandability** • This option would mean the some of the plan provisions would be more in-line with other plans in the region but others would not. Therefore the useability of the plan would only be somewhat improved. **Achievability** • Such provisions would be within the Council's power and	o it gives effect to the NPSET, NPSREG, the RPS and aligns with the NESTF and the NESETA. o the proposed provisions would enable the Council to more effectively consider and, network utility and renewable energy generation applications. o Ensures applicants and the public have more certainty about the effects being managed. • Provides increased efficiency and effectiveness by identifying key activities that have the potential to affect existing network utilities facilities and sites and new renewable energy generation activities and applying tailored criteria to guide the assessment of consent applications. **Certainty** • Provides certainty to District Plan users through accurately	• Opportunity costs incurred with network utility providers and renewable energy generation providers and users continuing to need what may be unnecessary consents, against rules which do not meet best practice. **Certainty** • Provides certainty and familiarity to existing District Plan users through not changing the current provisions. • Does not provide certainty that the Plan reflects best practice and current technology and provides for a robust assessment framework. • Provides a level of uncertainty for plan users as to when amendments may occur. **Relevance and Transparency** • This option would not meet the objectives for the plan change as no change would be made

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	effective way. **Achievability** • The current provisions of the plan are considered to be within the Council's power and functions and within the scope of available tools and resources. • The current provisions can be complied with and enforced.	functions and within the scope of available tools and resources. • Such provisions would be able to be complied with and enforced.	identifying appropriate network utility and renewable energy generation activities, and giving criteria that will be applied to assess consent applications. • Provides more certainty about how and to what extent different network utilities and renewable energy generation activities will be managed. **Relevance and Transparency** • This option would meet all of the objectives for the plan change **Usefulness and Understandability** • This option would lead to the plan being more in-line with other plans in the region. This would make it more usable for people who use other plans within the region. • The proposed provisions are considered to guide decision making in an effective manner.	until; a much later date. **Usefulness and Understandability** • This option would be easy to understand for those who currently use the plan as it would not mean any change in the near future. However new users would see no benefit in this option over the others options which would be more in-line with other plans in the region. • The current provisions are considered to guide decision making in a reasonably effective way. **Achievability** • The current provisions of the plan are considered to be within the Council's power and functions and within the scope of available tools and resources. • The current provisions can be complied with and enforced.

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			Achievability • The proposed provisions are considered to be within the Council's power and functions and within the scope of available tools and resources. • The proposed provisions can be complied with and enforced.	
Appropriateness	• Plan continues to only partially give effect to the policy intent in the RPS. • Plan would not give full effect to the NPSET, NPSREG, the NESET and the NESTF. • Does not meet statutory obligations and does not meet the purpose of the RMA.	• Gives effect to the NPSET and NPSREG. • Gives effect to the RPS. • Avoids conflict with the NESETA and NESTF. • Meets the purpose of the RMA.	• Gives effect to the NPSET and NPSREG . • Gives effect to the RPS. • Avoids conflict with the NESETA and NESTF. • Meets the purpose of the RMA • Provides better consistency through the Region and within New Zealand. • Provides better certainty for all plan users. • Provides a robust and comprehensive regulatory framework for the assessment of the benefits and adverse effects associated with network utilities and renewable	• Would delay an opportunity to give effect to relevant provisions within the RPS. • The plan would not give full effect to the NPSET, NPSREG, the NESET and the NESTF until the whole of plan review is undertaken, which is not planned to occur.

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			energy generation activities.	
Risks	• The Council will face the risk of being noted publicly by the government, Transpower, relevant network utility providers and renewable energy generators as one of the councils that has not taken account of national instruments like the NPSET, NPSREG, the NESET and the NESTF. • The Council will risk being identified as a local authority, which is not giving effect to the RPS.	• Costs and delays with appeals following the release of the decision. • Would not provide a comprehensive review and analysis of all the benefits and effects of network utilities and renewable energy generation activities, meaning some benefits and effects may be overlooked, resulting in opportunity costs.	• Costs and delays with appeals following the release of the decision. • Risk that not all effects and benefits have been identified and appropriately addressed. Will be mitigated through a public notification, submissions and hearing process.	• The Council will face the risk of being noted publicly by the government as one of the councils that has not taken account of national instruments like the NPSET, NPSREG, the NESET and the NESTF. • The Council will risk being identified as a local authority, which is not giving effect to the RPS.
Conclusion	• While the status quo offers some cost savings to the Council by not requiring a plan change, this option would also not achieve the effectiveness and efficiency gains offered by the proposed plan change. In particular, the Council would not have given effect to the NPSET, NPSREG, RPS the NESET and the NESTF. For	• This option would only give effect to the NPSET, NPSREG and RPS, and would not realise the benefits of undertaking a comprehensive review of provisions relevant to all network utilities, not just those that are regionally significant.	• This option would give effect to the NPSET, NPSREG and RPS, and remove any conflict with the NESETA and NESTF, and provide a more robust and comprehensive regulatory framework for the assessment of the benefits and effects of network utilities. • This option would provide more certainty and clarity to	• While the option of deferring changes to the network utility and renewable energy generation provisions to when a full plan review is carried out would offer some cost savings to the Council by not requiring a separate plan change, this option would also not achieve the effectiveness and efficiency gains offered by the

	Option 1 **Status Quo (no change)**	**Option 2** **Amending the Plan to only give effect to the NPSET, NPSREG, NESTF, NESETA and RPS**	**Option 3** **Amending the Plan as proposed**	**Option 4** **Deferring the plan change until a comprehensive review is undertaken**
	these reasons this option is not considered to be appropriate.		plan users of the relevant provisions against which to assess network utilities and renewable energy generation activities. • This option ensures that the plan takes into account technological advances in the areas of network utilities and ensures greater efficiency though aligning the network utility rules of the region.	proposed plan change. In particular, the Council would take a lot longer to take in account the NPSET, NPSREG, RPS, the NESET and the NESTF. For these reasons this option is not considered to be appropriate.

Appendices

Appendix 1: **Relevant NZCPS Objective and Policies**

Appendix 2: **Activities Covered under the NESETA**

Appendix 3: **Conditions to be a Permitted Activity under the NESTF**

Appendix 4: **Clause 4 – Radiofrequency Fields from the NESTF**

Appendix 5: **Relevant Extracts from the Regional Policy Statement for the Wellington Region**

Appendix 6: **Relevant Legislation and Regulations**

Appendix 1: Relevant NZCPS Objective and Policies

Objective 6:

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:

a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;

b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;

c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;

d. recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;

e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;

f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;

g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;

h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and

j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

2. Additionally, in relation to the coastal marine area:

a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;

b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;

c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;

d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and

e. promote the efficient use of occupied space, including by:

i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;

ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and

iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay."

Appendix 2: Activities Covered under the NESETA

- Operating existing transmission lines and using access tracks - regulation 5.
- Adding, replacing or maintaining overhead conductors (but not adding circuits) (adding conductors subject to EMF conditions) - regulation 6.
- Adding, replacing or maintaining overhead earth wires and aerial communications cables - regulation 7.
- Adding overhead circuits (where support structure was designed and built to carry an extra circuit) (subject to EMF conditions) - regulation 8.
- Adding or replacing overhead circuits, conductors, earth wires or cables that do not meet permitted activity conditions (subject to EMF conditions) - regulation 9.
- Increasing the voltage or current rating of a line (subject to EMF conditions) - regulation 10.
- Adding, replacing or maintaining underground conductors (adding conductors subject to EMF conditions) - regulation 11.
- Undergrounding of existing transmission lines, including termination towers (subject to EMF conditions) - regulation 12.
- Specified activities that breach EMF conditions in regulation 10 - regulation 13.
- Altering, relocating or replacing support structures and foundations within height, size and relocation distance limits - regulation 14.
- Altering, relocating or replacing support structures and foundations, exceeding permitted thresholds - regulation 15.
- Altering, relocating or replacing support structures not meeting controlled activity conditions (subject to EMF conditions) - regulation 16.
- Temporary structures and temporary line deviation - regulation 17.
- Temporary structures and temporary line deviation exceeding time constraints - regulation 18.
- Removal of transmission lines - regulation 19.
- Removal of transmission lines not meeting permitted conditions - regulation 20
- Installing, modifying or maintaining a telecommunication device on a transmission line support structure - regulation 21.
- Installing or modifying a telecommunication device on a transmission line support structure not meeting permitted conditions - regulation 22.
- Signs attached to transmission line support structures - regulation 23.
- Signs above the size limit or not attached to a support structure - regulation 24.
- Preparing for and applying protective coatings to a support structure - regulation 25.
- Application of surface coatings not complying with permitted conditions - regulation 26.
- Wet, dry and non-abrasive blasting - regulation 25.
- Wet, dry and non-abrasive blasting not complying with permitted conditions - regulation 26.
- Wet, dry and non-abrasive blasting not complying with controlled conditions - regulation 27.
- Discharging contaminants to water - regulation 28.

- Discharging contaminants to water, not complying with permitted conditions - regulation 29 Trimming, felling or removing trees or vegetation - regulation 30.
- Trimming, felling or removing trees or vegetation - regulation 31.
- Trimming, felling or removing trees or vegetation - regulation 32.
- Earthworks relating to an existing transmission line - regulation 33.
- Earthworks relating to an existing transmission line not complying with permitted conditions - regulation 34.
- Earthworks relating to an existing transmission line in a historic heritage area unless archaeological authority obtained - regulation 35.
- Earthworks relating to an existing transmission line on potentially contaminated land regulation 36.
- Construction noise and vibration associated with transmission activities (noise complies with NZS6803:1999, vibration complies with DIN 4150-3:1999) - regulation 37.
- Construction noise and vibration associated with transmission activities not complying with permitted conditions - regulation 38.
- Any transmission activity not described in NES as permitted, controlled, restricted discretionary or non-complying - regulation 39.

Appendix 3: Conditions to be a Permitted Activity under the NESTF

(1) This condition applies if an original utility structure in a road reserve is replaced by a replacement utility structure. The replacement utility structure must not have a diameter that is more than the original utility structure's diameter at its largest point plus 50%.

(2) This condition applies if the addition of an antenna makes a structure into a replacement utility structure in a road reserve. The height of the replacement utility structure must be no more than the original utility structure's highest point plus the lesser of 3 m or 30%[5].

(3) This condition applies if an antenna on a replacement utility structure in a road reserve is replaced. The combined height of the replacement utility structure and the replacement antenna must be no more than the combined height of the replacement utility structure and the original antenna. This essentially means that the overall height of the structure and antenna must not increase where replacements occur.

(4) This condition applies if an antenna is added or replaced under subclause (2) or (3). The antenna – excluding the mount, if there is one, and the shroud, if there is one, and ancillary equipment, if there is any – must fit within the dimensions of a cylindrical shape that, when measured along the centre line of the original utility structure or the replacement utility structure, is no more than 2m high and no more than 0.5m in diameter

(5) This condition applies if a dish antenna either is added to an original utility structure in a road reserve or a replacement utility structure in a road reserve or replaces an antenna on an original utility structure in a road reserve or a replacement utility structure in a road reserve. The dish antenna must have a diameter of no more than 380mm, must not protrude from the structure's centre line by more than 0.6m, and must be one of only two on the structure.

[5] If the height of the original structure is less than 10 metres, the maximum height increase is 30 per cent. If the height of the original structure is 10 metres or higher, the maximum height increase is 3 metres.

Appendix 4: Clause 4 – Radiofrequency Fields from the NESTF

(1) This regulation applies to the planning and operation of a telecommunication facility that generates radiofrequency fields.

(2) A telecommunication facility is a permitted activity as far as radiofrequency fields are concerned if the network operator that plans and operates the facility complies with –

(a) the conditions in subclauses (3) and (4); and

(b) the condition in subclause (5), if it applies.

(3) The first condition is that the network operator plans and operates the telecommunication facility in accordance with NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

(4) The second condition is that the network operator ensures that the relevant local authority receives, before the telecommunication facility becomes operational, the following:

(a) written or electronic notice of where the facility is or where it is proposed to be; and

(b) a report that –

(i) is prepared in accordance with NZS 6609.2: 1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz; and

(ii) takes account of exposures arising from other telecommunication facilities in the vicinity of the facility; and

(iii) predicts whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

(5) The third condition applies if the prediction referred to in subclause (4)(b)(iii) is that the radiofrequency field levels will reach or exceed 25% of the maximum level authorised by NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz for exposure of the general public. The network operator must ensure that the relevant local authority receives, within three months of the telecommunication facility becoming operational, a report that –

(a) is prepared in accordance with NZS 6609.2: 1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz; and

(b) provides evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

Appendix 5: Relevant Extracts from the Regional Policy Statement for the Wellington Region

Relevant Issue

Chapter 3.3 Energy, Infrastructure and Waste

1. Energy

The Wellington region is dependent on externally generated electricity and overseas-sourced fossil fuels and is therefore vulnerable to supply disruptions and energy shortages. In addition, demand for energy is increasing. However, significant renewable energy resources exist within the region.

Explanation

New Zealand's energy needs have largely been met from coal, oil, gas, hydro and geothermal resources. New Zealand relies on imported oil for around half of its energy needs. Electricity supply has been dominated by hydro generation, with fossil fuels used as a backup to meet peak demand and in dry years.

Energy generation operations in the Wellington region include wind, hydro and landfill gas. Resource consent has been granted for a trial marine energy development in Cook Strait.

Energy is distributed to and utilised by five main sectors in the region: transport, agriculture, industrial, commercial and residential. Demand for energy from all sectors continues to grow, with the most significant growth coming from transport.

Traditional energy sources will not be able to meet increasing energy demand. The region is vulnerable to oil supply disruptions (as a result of international circumstances) and fluctuations to hydro generation during dry years.

In the long term, energy prices are likely to rise as global oil demand approaches, and then exceeds, the ability to supply. Many aspects of society – such as transport, agriculture, trade, tourism, and manufacturing – are heavily dependent on oil, and continuing oil price rises and other risks to supply may lead to severe impacts on the Wellington region's economy. Appropriate use and management of such resources will be critical in meeting the region's quality of life in the future.

There is also the challenge of reducing greenhouse gas emissions from fossil fuels to meet international climate change obligations.

The Wellington region faces several major long-term energy challenges, including responding to climate change and tackling carbon emissions, especially from transportation and energy generation. Other challenges are securing clean, renewable energy at affordable prices and using it efficiently, as well as responding to impacts on the region from oil depletion and the rising costs of oil. This means looking to make better use of existing energy resources through energy conservation and efficiency, better utilising the region's renewable energy resources, and looking at ways that the impacts from oil price increases and oil depletion can be mitigated.

The New Zealand Energy Strategy (2007), the New Zealand Energy Efficiency and Conservation Strategy (2007) and the New Zealand Transport Strategy (2008) outline New Zealand's actions on energy and climate change. The objectives, policies and methods on energy in this Regional Policy Statement will assist with making progress towards national targets. There are, however, a number of targets – such as reducing carbon dioxide-equivalent emissions from transport – where the Regional Policy Statement has limited influence.

The region contains significantly greater renewable resources than are currently used. Wind, biofuels and solar (for hot water systems), have been identified as possible renewable energy generation sources in the region. There is also the potential for domestic-scale and small-scale

distributed renewable energy generation including small-scale hydro in the region. Tidal currents in Cook Strait and, to a lesser extent, wave action in Cook Strait and off the Wairarapa coast are also potentially significant renewable energy resources, but technological advances are required to realise this potential. New Zealand has limited locations appropriate for marine energy development and the Cook Strait has one of the best tidal/ocean current resources in the country.

2. Infrastructure

Infrastructure enables communities to provide for their social, economic and cultural wellbeing. The management, use and operation of infrastructure can be adversely affected when incompatible land uses occur under, over, or adjacent.

Explanation

The roading network, airports, the port, telecommunication facilities, the rail network and other utilities and infrastructure, including energy generation, transmission and distribution networks, are significant physical resources. This infrastructure forms part of national or regional networks and enables communities to provide for their social, economic, and cultural wellbeing and their health and safety. The efficient use and development of such infrastructure can be adversely affected by development. For example, land development can encroach on infrastructure or interfere with its efficient use. Infrastructure can also have an adverse effect on the surrounding environment. For example, the operation or use of infrastructure can create noise which may adversely impact surrounding communities. These effects need to be balanced to determine what is appropriate for the individual circumstances.

The National Policy Statement on Electricity Transmission (2008) sets out objectives and policies to enable the management of effects on and of the electricity transmission network under the Resource Management Act. The Statement recognises that efficient and secure electricity transmission plays a vital role in the well-being of New Zealand and makes it explicit that electricity transmission is to be considered a matter of national significance.

Relevant Objectives

Objective 9

The region's energy needs are met in ways that:

(a) improve energy efficiency and conservation;

(b) diversify the type and scale of renewable energy development;

(c) maximise the use of renewable energy resources;

(d) reduce dependency on fossil fuels; and

(e) reduce greenhouse gas emissions from transportation.

Objective 10

The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.

Relevant Policies

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and/or methods that recognise:

(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely;

(ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;

(iii) people have access to energy so as to meet their needs; and

(iv) people have access to telecommunication services.

(b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:

(i) security of supply and diversification of our energy sources;

(ii) reducing dependency on imported energy resources; and

(iii) reducing greenhouse gas emissions.

Explanation

Energy generated from renewable energy resources and regionally significant infrastructure can provide benefits both within and outside the region. Renewable energy benefits are not only generated by large scale renewable energy projects but also smaller scale projects.

Renewable energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal wave and ocean current sources.

Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.

Imported and non-renewable energy sources include oil, gas, natural gas and coal.

When considering the benefits from renewable energy generation the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.

Regionally significant infrastructure is defined in Appendix 3.

Policy 8: Protecting regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

Explanation

Regionally significant infrastructure is an important physical resource that enables people and communities to provide for their social, economic and cultural wellbeing, and their health and safety.

Regionally significant infrastructure is defined in Appendix 3.

Incompatible subdivisions, land uses or activities are those which adversely affect the efficient operation of infrastructure, its ability to give full effect to any consent or other authorisation, restrict its ability to be maintained, or restrict the ability to upgrade where the effects of the upgrade are the same or similar in character, intensity, and scale. It may also include new land uses that are sensitive to activities associated with infrastructure.

Protecting regionally significant infrastructure does not mean that all land uses or activities under, over, or adjacent are prevented. The Wellington Regional Council and city and district councils will need to ensure that activities provided for in a district or regional plan are compatible with the efficient operation, maintenance, and upgrading (where effects are the same or similar in character, intensity, and scale) of the infrastructure and any effects that may be associated with that infrastructure. Competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.

Policy 11 of the National Policy Statement on Electricity Transmission requires that, in achieving protection for the transmission network, consultation occurs with the operator of the national grid to identify appropriate buffer corridors.

Policy 11: Promoting energy efficient design and small scale renewable energy generation – district plans

District plans shall include policies and/or rules and other methods that:

(a) promote energy efficient design and the use of domestic scale (up to 20 kW) and small scale distributed renewable energy generation (up to 100 kW); and

(b) provide for energy efficient alterations to existing buildings.

Explanation

Orientation, layout and design can have a significant influence on the energy efficiency of developments. Improved energy efficiency can be achieved by:

- *Enabling everyday services – such as shops, schools, businesses and community facilities to be accessed by walking and cycling*
- *Enabling easy access to public transport services*
- *Locating and designing infrastructure and services to support walking, cycling or the*
- *use public transport*
- *Enabling the efficient use of the sun as a source of power and heating*
- *Incorporating renewable energy generation facilities – such as solar panels and domestic scale wind turbines*

Small scale distributed renewable energy generation facilities (up to 20 kW for domestic use and up to 100 kW for small community use) include solar generation particularly for water heating and wind turbines used for on-site or domestic purposes.

Energy efficient alteration may include alterations of buildings for the installation of solar water heating systems or domestic scale wind turbines.

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

(a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and

(b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and

(c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and

(d) significant wind and marine renewable energy resources within the region.

Explanation

The benefits of energy generated from renewable energy resources include:

- *Security of and the diversification of our energy sources*
- *Reducing our dependency on imported energy resources – such as oil, natural gas and coal*
- *Reducing greenhouse gas emissions*
- *Contribution to the national renewable energy target*

The benefits are not only generated by large scale renewable energy projects but also smaller scale, distributed generation projects.

The benefits of regionally significant infrastructure include:

- *People and goods can efficiently and safely move around the region, and to and from*
- *Public health and safety is maintained through the provision of essential services – such as potable water and the collection and transfer of sewage or stormwater*
- *People have access to energy to meet their needs*
- *People have access to telecommunication services*

Energy generation from renewable energy and regionally significant infrastructure (as defined in Appendix 3) can provide benefits both within and outside the region.

Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.

When considering the benefits from renewable energy generation, the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.

Potential significant sites for development of Wellington region's marine and wind resources have been identified in reports 'Marine Energy – Development of Marine Energy in New Zealand with particular reference to the Greater Wellington Region Case Study by Power Projects Ltd, June 2008' and 'Wind Energy – Estimation of Wind Speed in the Greater Wellington Region, NIWA, January 2008'.

Policy 39(a) shall cease to have effect once policy 9 is given effect in a relevant district or regional plan.

Policy 39(b) shall cease to have effect once policy 8 is given effect in a relevant district or regional plan.

Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:

(a) make efficient and safe use of existing infrastructure capacity; and/or

(b) coordinate with the development and operation of new infrastructure.

Explanation

Subdivision, use and development, (including infrastructure) decisions have a direct bearing upon or relationship to the sequencing and development of new infrastructure, including new infrastructure for the electricity transmission network and the region's strategic transport network. The region's strategic transport network is described in the Wellington Regional Land Transport Strategy 2007-2016.

Relevant Definitions

Regionally significant infrastructure: *Regionally significant infrastructure includes:*

- *pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- *strategic telecommunications facilities, as defined in section 5of the Telecommunications Act 20016*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 19897*
- *the national electricity grid, as defined by the Electricity Governance Rules 2003*
- *facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003*
- *the local authority water supply network and water treatment plants*
- *the local authority wastewater and stormwater networks, systems and wastewater treatment plants*
- *the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016*
- *Wellington City bus terminal and Wellington Railway Station terminus*
- *Wellington International Airport*
- *Masterton Hood Aerodrome*
- *Paraparaumu Airport*
- *Commercial Port Areas within Wellington Harbour and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.*

Reverse sensitivity: *Reverse sensitivity means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.*

Sensitive activities*: Activities which suffer should they experience adverse effects typically associated with some lawful activities. For example, dust or noise from a quarry or port facility, noise in an entertainment precinct, smells from a sewage treatment facility. Activity considered sensitive includes, any residential activity, any early childhood education centre, and any hotel or other accommodation activity. It may also include hospitals, schools and respite care facilities.*

[6] Note that there is no definition of strategic telecommunication facilities contained in section 5 of the Telecommunications Act 2001
[7] Note that there is no definition of strategic radiocommunication facilities contained in section 2(1) of the Radio Communications Act 1989

Appendix 6: Relevant Legislation and Regulations

The Telecommunications Act 2001 and the New Zealand Electrical Code of Practice for Electrical Safe Distances

Telecommunication facilities are subject to other legislation, in particular the Telecommunications Act 2001. Sections 136 and 142 of this Act provide telecommunications operators with a statutory right to locate telecommunication cabinets in road reserves, subject to providing the road-controlling authority with 10 working days' notice prior to the cabinet being installed. The road-controlling authority may impose reasonable conditions in accordance with specified criteria in section 119 of the Telecommunications Act, and is given effect to via the council road-opening notice procedures that are undertaken prior to a cabinet or underground apparatus being installed.

The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users. These regulations apply to both land and line owners and line operators. Compliance with the Code is mandatory. A council is not required to enforce these regulations, with enforcement being the responsibility of the line owner and the Ministry of Business, Innovation and Employment. A copy of the NZECP can be sourced at:
http://www.energysafety.govt.nz/upload/33443/nzecp34_2001.pdf.

The Electricity (Hazards from Trees) Regulations 2003

The regulations provide for the control of trees adjacent to electricity lines. The purpose of the regulations is to protect the security of the supply of electricity and the safety of the public. Under the regulations, both land and line owners have particular responsibilities. A council is not required to enforce these regulations.

A copy of the Regulations can be sourced on the www.legislation.govt.nz website. An explanation of the regulations and how they impact landowners can be sourced on the Ministry of Business, Innovation and Employment website:
http://www.med.govt.nz/sectors-industries/energy/electricity/regulatory-framework/electricity-industry-regulations/trees-regulations

The Electricity Act 1992 and the Gas Act 1992

The Electricity Act 1992 and the Gas Act 1992 provide network operators with a statutory right to locate infrastructure in road reserves, subject to providing the road-controlling authority with 10 working days' notice prior to it being installed.

The Utilities Access Act 2010 and the National Code of Practice on Utilities' Access to the Transport Corridors 2011

Background

The Utilities Access Act 2010 establishes a framework for a national code of practice to govern how utility operators (notably electricity lines companies, gas companies, telecommunications network companies and water and wastewater operators) and corridor managers (notably local councils, regional councils, New Zealand Transport Agency and New Zealand Railways Corporation (the KiwiRail Group)) co-ordinate their activities regarding access to transport corridors.

The New Zealand Utilities Advisory Group (NZUAG) is a joint consultative group of road owners and utility companies and was formed when the 75 Road Controlling Authorities (RCA's) recognised the pressures placed on road managers by utilities working in the road.

Since 2005, NZUAG has focused on the development of a new national code to address all the issues pertaining to access for utility networks in the road and rail corridors. This aligns with Government reforms in this area, bringing consistency to the legal requirements for the different utilities: electricity, gas, telecommunications, water and waste waters.

The Code seeks to provide a consistent and cooperative framework for Corridor Managers and Utility Operators, to manage the corridor while providing for the access rights of Utility Operators. The intention is to provide a set of guiding principles for Corridor Managers and Utility Operators. The Code was released in March 2009 for implementation across New Zealand.

The Utilities Access Act 2010 became law in August 2010. Since then, the Code has been reviewed to ensure it is consistent with that Act, and to prepare it for the required round of public consultation. The Minister for Infrastructure approved the Code on 10 November 2011 and it took effect on **1 January 2012.** A copy of the Code can be sourced at:
http://www.nzuag.org.nz/news/media/nr1321395904.pdf

The Code sets out the processes and procedures for:

a) Utility Operators to exercise their right of access to the Road Corridor for the placement, maintenance, improvement and removal of Utility Structures;

b) Corridor Managers to exercise their right to apply Reasonable Conditions on working in the Corridor; and

c) Railway and Motorway Corridor Managers to exercise their discretion to grant rights of access to Utility Operators.

Scope of the Code

The Code sets out the processes and procedures for:

(a) Utility Operators to exercise their right of access to the Road Corridor for the placement, maintenance, improvement and removal of Utility Structures;

(b) Corridor Managers to exercise their right to apply Reasonable Conditions on working in the Corridor; and

(c) Railway and Motorway Corridor Managers to exercise their discretion to grant rights of access to Utility Operators.

In accordance with section 9 of the Utilities‘ Access Act, the purpose of the Code is to enable access by Utility Operators to Transport Corridors to be managed in a way that:

- Maximises the benefit to the public while ensuring that all Utility Operators are treated fairly;
- Ensures that disruptions to Roads, Motorways, and Railways caused by Work by Utility
- Operators are kept to a minimum, while maintaining safety; and
- Provides a nationally consistent approach to managing access to Transport Corridors.

Relationship of the Code, the RMA and the District Plan

The Code provides mandatory requirements and supporting guidance to assist Utility Operators and Corridor Managers in exercising these rights and complying with legislation relating to Utilities‘

Access to Transport Corridors. The Code processes are separate from, and do not over-ride the obligation to comply with, the requirements of the RMA or any other relevant legislation.

Some of the key requirements of the Code, relevant to the relationship with District Plans and the RMA are:

- The requirement for the Corridor Manager to coordinate works in its transport corridors, including providing forward schedules of works to utilities operators
- The reciprocal requirement for utilities operators to provided information on forward work programmes to both the Corridor Manager and other Utilities Operators.
- For Utilities operators to provide available information on redundant structures and assets on request
- For Utilities operators to hold records of the nature and location of their structures and advise the Corridor Manager of their presence
- For the Corridor Manager to advise other utility operators of the location of any structures in the location of any proposed works.

New Utility Structures and the Code

In respect of planning for new utility structures, the Code requires that:

3.1 General Requirements for Location of Utility Structures

1. Where practicable, Utility Structures must be positioned:

a) in the Transport Corridor:

i. as close as possible to the property boundary; and

ii. In an area designated for, or already used by, Utility Structures; and

b) In the Road Corridor (in addition to the requirement in Clause (a) above):

i. parallel or perpendicular to the Road centreline (to ensure that new Work does not intrude into space that could inhibit future use by others);

ii. outside the Carriageway (particularly where the operating speed is greater than 70km/h);

iii. with at least 300mm separation, and ideally with 1m separation, from the kerb and channel or vertical front face of the catchpit, sump or subsoil drainage area, leaving this area free for its land drainage function; and

iv. to maintain the following minimum footpath widths: 1.5m in residential areas, 2.5m in Commercial Areas, and 3m for combined foot/cycle paths;

2. If the Utility Structures cannot be located in accordance with the above requirements, or if the Utility Operator considers another location is optimal, then the Utility Operator must discuss and agree an alternative solution with the Corridor Manager.

3. If a Utility Structure is to be located in a section of Road scheduled to become a Motorway in the future, then placement must consider the factors in Section 4.8.

In identifying the proposed Utility Structure location, a Utility Operator should also consider the following:

- *spacing and location in accordance with the statutory and declared operational requirements of Utility Operators and Corridor Managers (such as subdivision standards, NZS 4404: Land Development and Subdivision Infrastructure, or district plan requirements);*

- *using the preferred lay position, which is the 'back Berm' (where the front Berm is the zone between the kerb and the footpath and the back Berm is the remainder of the area to the property boundary);*
- *best use of available underground space, such as installing multiple ducts in a vertical configuration where it is practicable and not likely to cause conflict between longitudinal and lateral lines;*
- *minimising effects on existing above-ground Utility Structures, trees and street furniture;*
- *not unreasonably inhibiting the free flow of Traffic, including pedestrians, especially on busy Roads (consideration should be given to using less busy Roads);*
- *placing bulk Utility Structures beneath the Carriageway outside of wheel track alignments in urban areas (to free Berm space for other Utility Structures);*
- *positioning Utility Structures so that access to maintain and develop the network can be undertaken while minimising the effect on Traffic;*
- *minimising the number of transverse crossings in the Transport Corridor;*
- *minimising impacts on other Utility Operators and property owners and occupiers;*
- *coordinating Works with other Parties;*
- *avoiding Roads with high speeds, Traffic volumes or of other significance to one of the Parties for some reason (more appropriate in a Greenfields situation); and*
- *the risks of land stability or earth movement, if placing Utility Structures in embankments (specialist technical investigation may be required).*

Council Bylaws

Under section 145 of the Local Government Act 2002, the Council can pass bylaws to protect people from nuisance, to protect and maintain public health, to minimise the possibility of offensive behaviour in a public place, and to control the use of liquor in a public place. The Council can also pass bylaws for specific purposes, such as waste control or protection of council infrastructure. They can also make bylaws under the Transport Act, the Litter Act, the Dog Control Act, and the Health Act.

Part 5: Submission Form 5

RMA FORM 5

Submission on publicly notified Proposed District Plan Change

Clause 6 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. **This is a submission from**:

Full name	*Last* *First*	
Company/organisation		
Contact *if different*		
Address	*Number* *Street*	
	Suburb	
	City	*Postcode*
Address for Service *if different*	*Postal Address*	*Courier Address*
Phone	*Day*	*Evening*
Fax		*Mobile*
Email		

2. This is a **submission** on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No: ☐

Title of Proposed District Plan Change: ☐

3. The specific provisions of the proposal that my submission relates to are:

Please give details:

(Please use additional pages if you wish)

4. My submission is:

Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:

(Please use additional pages if you wish)

5. I seek the following decision from Hutt City Council:

Give precise details:

(Please use additional pages if you wish)

6. I ☐ **wish** ☐ **do not wish** to be heard in support of my submission.

(please tick one)

7. If others make a similar submission,

I ☐ **will** ☐ **will not** consider presenting a joint case with them at the hearing.

(please tick one)

Signature of submitter:
(or person authorised to sign on behalf of submitter)

Date

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

Submission number
OFFICE USE ONLY