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# Infrastructure, Network Utilities & Designations

## 10. Infrastructure, Network Utilities & Designations

### Explanatory Statement

*Infrastructure and network utilities* are essential components for the effective and efficient functioning of the *District*. They contribute positive benefits to local communities and also the wider *sub-region* and the nation. These components include water and wastewater reticulation; electricity transmission, distribution and generation; roading and associated linkages; rail networks; distribution networks; telecommunication and radio communication networks and associated equipment (including privately owned *aerials, antennas* and *cabinets*); gas networks; solid waste disposal facilities; and schools.

*Infrastructure and network utilities* are provided for within the *District* by way of Permitted Activities, through obtaining appropriate resource consents, or in regards to a network utility operator, by way of designation. This section comprises issues, objectives, policies, rules and assessment criteria to be used for both guidance and assessment in respect of the establishment, *development*, operation, *maintenance* and *upgrading* of such activities. The section will also assist *Council* in assessing any notices of requirement submitted for new *infrastructure and network utilities*, as well as for the assessment of outline plans of works for activities on designated sites.

The provisions within this section apply to infrastructure, network utilities and designations throughout the *District*. However, due to their potential complexity, other sections of the District Plan may also contain provisions of relevance. For example, roads are not only referred to in this section, but also in Sections 4B and 12 relating to transportation and subdivision.

This section applies to all *infrastructure and network utilities*, not just those listed as requiring authorities. This includes all utility companies, private landowners and State-owned Enterprises.

### Infrastructure and Network Utilities

In managing the effects of *infrastructure and network utilities*, recognition should be given to the essential role that these components play in the functioning of the *District*, and for the services they provide. National Policy Statements are instruments developed and implemented under the *RMA* to help local authorities decide how competing national benefits and local costs should be balanced. A National Policy Statement on Electricity Transmission is already operative while other National Policy Statements continue to be developed.

While *infrastructure and network utilities* can have local, regional and national benefits, it is recognised that the nature of some *infrastructure and network utilities* can generate environmental effects. There is also the potential for some activities undertaken in the vicinity of *infrastructure and network utilities* to lead to adverse *reverse sensitivity* effects. In some cases this can potentially impinge upon public health and safety.

Accordingly it needs to be acknowledged that the avoidance of adverse effects associated with *infrastructure and network utilities* will not always be possible. In some circumstances the effects of *infrastructure and network utilities* are addressed by other instruments e.g. relevant health and safety requirements, traffic safety measures and/or recognised National Environmental Standards. Where environmental effects are not fully addressed by other instruments, the District Plan provides a resource management framework for balancing the positive effects and benefits of *infrastructure and network utilities* with adverse environmental effects.

## Designations

Under the *RMA*, public works and some private utility and infrastructure projects can be provided for by way of designation. Certain organisations are able to serve a notice of requirement on a territorial local authority in respect of land required to be designated for such works. These organisations have the status of a 'requiring authority' under the *RMA*.

A notice of requirement follows a similar process to that of an application for resource consent and if confirmed is included in the District Plan as a designation. The effect of designating land is to authorise the use of that land for a particular work/s (e.g. school, police station, electricity substation, infrastructural services).

For activities that will not be in accordance with the designation of a particular site, or in the event that the designation is uplifted or lapses, the usual District Plan provisions relating to the land apply.

### 10.1 Significant Issues

1. *Infrastructure and network utilities* provide systems and services essential to the maintenance and enhancement of the well-being and quality of life for the *District* and wider *sub-region* communities (particularly Tauranga City). Failure to facilitate adequate provision of these systems and services can result in the desired level of well-being and quality of life not being achieved.
2. The servicing of piecemeal growth can be both problematic and costly.

A lack of cohesion between land use, planned *infrastructure* and equitable sources of funding can put pressure on the *District* and *sub-region's* communities, leading to unexpected funding or servicing shortfalls. This is particularly important where this servicing is for growth in adjoining districts.

3. The Western Bay of Plenty District shares a long boundary with Tauranga City. It is important to acknowledge the importance of the infrastructural and *network utility* linkages crossing the boundary between these two districts, and to ensure the appropriate integration, coordination and safeguarding of such assets.
4. The *development, operation, maintenance and upgrading of some infrastructure and network utilities* may have the potential to positively or adversely affect landscapes, streetscapes and other amenity values. Adverse effects can be in the form of visual intrusion and the generation of offensive odour, dust, noise and vibration.
5. Communities and residents use telecommunications on a day-to-day basis in a variety of forms and for a variety of purposes. The ability to continue to provide an acceptable telecommunication service level is however reliant on advancements and improvements in the telecommunication industry. As this can occur within a short timeframe in response to increased demand and technological advances, it is important that new or alternative methods for implementation be given appropriate consideration in the resource management framework provided by the District Plan.
6. The location, establishment and operation of land use activities, and undertaking of subdivision in the vicinity of *infrastructure and network utilities* may lead to *reverse sensitivity* effects that have the potential to impact upon the safe, effective and efficient operation of such *infrastructure and network utilities*.
7. The *development, operation and maintenance and upgrading of infrastructure and network utilities* has the potential to both positively and adversely affect the health and safety of the community.
8. The locational and functional constraints associated with the *development, operation, maintenance and upgrading of renewable energy electricity generation and transmission infrastructure* may conflict with the protection provisions for significant ecological, landscape, and cultural values.

Such conflict will necessitate the balancing of the benefits of the generation and transmission of renewable energy against the protection provisions contained in the District Plan.

9. The utilisation of renewable energy resources within the *District* for electricity generation can enable a significant portion of electricity to be supplied to the region's communities. Opportunities to further increase electricity generation through use of renewable energy resources should therefore be encouraged. As there can be limited opportunities for utilisation and development of renewable energy, and the ability to transmit this energy, it will be necessary to balance the benefits of renewable energy utilisation against the sometimes competing or conflicting interests between electricity generation activities, recreational uses, values of significance to tangata whenua and conservation of natural areas.
10. Solid waste disposal facilities can generate adverse environmental effects.
11. The functionality of flood control stopbanks, canals and drains may be compromised by adverse effects of other activities.

## 10.2 Objectives and Policies

### 10.2.1 Objectives

1. *Development, operation, maintenance and upgrading of infrastructure and network utility systems and services so as to efficiently and effectively meet the current and foreseeable needs of the District.*
2. To recognise that *infrastructure and network utility systems and services* provide both direct and indirect local, sub-regional and national benefits (social, economic, cultural and environmental).
3. The protection of water supply sources particularly for municipal use by both the Western Bay of Plenty District and Tauranga City.
4. The effective and efficient provision of *infrastructure and network utilities* across territorial local authority boundaries.
5. Fulfilment of the functional, locational, technical and operational requirements of different *infrastructure and network utilities* whilst avoiding, remedying or mitigating the actual or potential adverse environmental effects of such activities.

6. The establishment and management of land use activities, or undertaking of subdivision in a way that avoids, remedies or mitigates potential *reverse sensitivity* effects that may impact on the safe, effective and efficient operation of *infrastructure and network utilities*.
7. Avoidance or mitigation of adverse effects and risks from the *development, operation, maintenance and upgrading* of *infrastructure and network utilities*, on the health and safety of the community.
8. The sustainable utilisation and management of the *District's* natural and physical resources for electricity generation and associated critical *infrastructure* whilst ensuring that adverse effects are avoided, remedied or mitigated.
9. Minimisation of waste generation and the provision of appropriate disposal methods.
10. The efficient and effective functioning of flood protection devices.
11. The establishment of *infrastructure* associated with electricity generation and transmission of renewable energy where the actual or potential adverse affects on *Identified Significant Features*, and other ecological, cultural and amenity values can be avoided, remedied or mitigated.

### **10.2.2 Policies**

1. Provision of *infrastructure and network utility* development should be sequenced in a way that integrates with the long-term planning and funding mechanisms of local authorities and central government policies, directions and strategies.
2. The current operation of and future opportunities for the *development, operation, maintenance and upgrading* of existing transmission corridors should be protected.
3. Where *infrastructure or network utilities* have a functional, locational, technical or operational need for a particular location, such facilities should, as far as practicable, be located and designed so as to avoid, remedy or mitigate adverse effects on:
  - (i) The landscape, streetscape, cultural values of an area;
  - (ii) Nearby residents and properties; and
  - (iii) Other established *infrastructure and network utilities*.

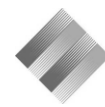
4. Assessment of resource consent applications should have regard to the functional, locational, technical and operational requirements of *infrastructure and network utilities*. Recognition shall be afforded to the requirements of, and constraints on, the efficient and effective *development, operation, maintenance, and upgrading* of *infrastructure and network utilities*.
5. Where technically and practically feasible, the potential adverse visual effects from *aerials, antennas, dishes, masts* and ancillary equipment should be avoided, remedied or mitigated by encouraging these components to be located on or attached to existing *buildings and structures* or in other similarly unobtrusive positions.
6. *Infrastructure and network utilities* should be developed, operated, maintained and upgraded in a manner that avoids, remedies or mitigates the generation and/or emission of adverse environmental effects.
7. Recognise the opportunity for electricity generation from the *District's* natural and physical resources, particularly those of a renewable nature while avoiding, remedying and mitigating adverse environmental effects.
8. The local, national and regional benefits of small-scale renewable energy use and *development* shall be recognised and provided for along with the efficiency of the end use of energy.
9. Adverse effects on the safe and efficient operation of transmission and distribution *infrastructure* should be avoided or mitigated to ensure that the current and future ability to develop, maintain and undertake upgrading of *infrastructure* transmission corridors can be undertaken.
10. New or major upgrades of existing transmission or distribution lines, should consider the extent to which the route, site and methodology will avoid, remedy or mitigate adverse effects.
11. When assessing applications for new electricity generation and transmission of renewable energy *infrastructure, Council* should consider the benefits to be derived and the site selection limitations (due to functional, locational, technical and operational constraints), and assess these against the protection provisions for *Identified Significant Features*, and other ecological, cultural, and amenity values where there is an ability to avoid, remedy or mitigate any potential effects.

## 10.3 Activity Table for Infrastructure and Network Utilities

The table below includes particular *Infrastructure and Network Utility* type activities. An activity status is assigned for each of these activities for when they are undertaken within a particular zone. Unless stated otherwise, the activities contained within the table below shall comply with the Performance Standards contained within Section 10.4 where they are relevant.

Activity	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve
<b>Activities for Existing Infrastructure and Network Utilities</b>									
(a) Activities relating to the operation, <i>maintenance</i> (including vegetation trimming/removal as prescribed in the Electricity (Hazards from Trees) Regulations 2003, or other superseding legislation), removal or <i>replacement</i> of existing <i>infrastructure and network utilities</i> .  <b>Provided that:</b> Within <i>Identified Significant Features</i> , these activities shall not result in:  1. The removal of trees and/or shrubs over 3m in <i>height</i> ;  2. Vegetation disturbance/destruction/removal of greater than 1%, or being no more than 150m <sup>2</sup> in area of the <i>Identified Significant Feature</i> area contained within the site, in any 12 month period.  3. Greater than 50m <sup>3</sup> of <i>earthworks</i> within an <i>Identified Significant Feature</i> , in any 12 month period.  However, if these works do result in any of (1), (2) or (3) above, then resource consent will be required. Refer to activity status and Information Requirements of Section 5 (Natural Environment), Section 6 (Landscape) and Section 7 (Historic Heritage) for whichever <i>Identified Significant Feature</i> these works are being undertaken within.	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>
<b>Transmission and Distribution Activities</b>									
(b) <i>Minor upgrading</i> of existing electricity transmission infrastructure, including existing transmission lines forming part of the local distribution network but excluding existing transmission lines forming part of the national grid <sup>3</sup> . * <i>Minor upgrading</i> activities are required to comply with <i>network utility</i> zone performance standards only.	p*	p*	p*	p*	p*	p*	p*	p*	p*





Activity	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve
(c) New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission) up to and including 110kV, including associated support poles and <i>aerials</i> , up to and including a total <i>height</i> of 20m. *Within areas of the road reserve, this activity shall have the same activity status as for the zone adjacent to the <i>road reserve</i> . (Note: There is no <i>height</i> limit for the wires connecting between support poles).	RD	RD	RD	RD	RD	P	P	RD	*
(d) New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission). (Note: There is no <i>height</i> limit for the wires connecting between support poles).	D	D	D	D	D	D	D	D	D
(e) New below ground <i>infrastructure and in Network utilities</i> lines in compliance with Rule 10.4(a).	P	P	P	P	P	P	P	P	P
(f) Temporary above ground electrical and telecommunication lines to construction sites or short term recreational venues subject to <i>Council</i> being formally notified of the route, voltage/type of telecommunications link and date by which it will be removed.	P	RD	P	P	P	P	P	P	P
(g) Single transformers and associated switching gear conveying electricity at a voltage up to and including 110kV, not exceeding an area of 6m <sup>2</sup> and a <i>height</i> of 2m.	NA	D	P	P	P	P	P	P	P
(h) New transformers, <i>substations</i> and switching stations conveying electricity at a voltage up to and including 66kV and ancillary <i>buildings</i> not exceeding 30m <sup>2</sup> <i>gross floor area</i> .	NA	D	D	P	P	D	P	NC	NC
(i) New <i>substations</i> and switching stations conveying electricity at a voltage including and in excess of 110kv and ancillary <i>buildings</i> not exceeding 50m <sup>2</sup> <i>gross floor area</i> .	NA	NC	D	P	P	D	P	NC	NC
(j) Electrical depots for <i>maintenance, upgrading, alteration, construction</i> or security of lines or pylons provided they are situated within a substation property.	NA	NC	NC	D	P	D	P	NC	NC
<b>Electricity Generation</b>									
(k) The establishment of new electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) including associated and ancillary <i>structures</i> and <i>buildings</i> , for bulk power supply.	D	D	D	D	D	D	D	D	D
(l) <i>Maintenance and Upgrading/Development</i> of existing electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) including associated and ancillary <i>structures</i> and <i>buildings</i> , for power supply.	P	RD	NA	NA	NA	P	NA	P	P

Activity	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve
(m) The establishment of new electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) for onsite domestic use in compliance with the relevant general and underlying zone Performance Standards.	RD	RD	P	P	P	P	P	D	D
<b>Radio and Telecommunications</b>									
(n) Telephone exchanges.	NA	NC	RD	P	P	P	P	NC	P
(o) Card Phone and Coin Phone Boxes.	NA	D	P	P	P	P	P	P	P
(p) Radio, telecommunication and microwave <i>masts</i> , poles and towers up to and including 10m in <i>height</i> and 1.35m in diameter. Associated equipment to not exceed: (i) <i>Antennas</i> /dishes not exceeding 2m in diameter; (ii) <i>Aerials</i> and lightning rods can be included provided they do not exceed 75mm in diameter or extend higher than 12m; (iii) Inclusion of weather radar allowed provided it is contained within the 10m <i>height</i> and 1.35m diameter envelope; (iv) <i>Accessory buildings</i> not exceeding 30m <sup>2</sup> of <i>gross floor area</i> .	NA	RD	RD	NA	NA	NA	NA	RD	P <sup>1</sup>
(q) Radio, telecommunication and microwave <i>masts</i> , poles and towers up to and including 20m in <i>height</i> and 1.35m in diameter. Associated equipment to not exceed: (i) <i>Antennas</i> /dishes not exceeding 5m in diameter; (ii) <i>Aerials</i> and lightning rods can be included provided they do not exceed 75mm in diameter or extend higher than 22m; (iii) Inclusion of weather radar allowed provided it is contained within the 20m <i>height</i> and 1.35m diameter envelope; (iv) <i>Accessory buildings</i> not exceeding 30m <sup>2</sup> of <i>gross floor area</i> .	NA	D	D	P	P	P	P	D	P <sup>1</sup>
(r) Radio, telecommunication and microwave <i>masts</i> , poles and towers: (i) Exceeding 20m in <i>height</i> and/or a <i>mast</i> greater than 1.35m in diameter; (ii) <i>Antennas</i> /dishes exceeding 5m in diameter; (iii) <i>Aerials</i> and lightning rods exceeding 75mm in diameter or extend higher than 22m; (iv) Inclusion of weather radar that will exceed the 20m <i>height</i> and 1.35m diameter envelope; (v) <i>Accessory buildings</i> exceeding 30m <sup>2</sup> of <i>gross floor area</i> .	NA	NC	NC	D	D	D	D	D	D <sup>1</sup>

Activity	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve
(s) When attached to a <i>building/structure</i> (other than a <i>mast</i> , pole or aerial) that complies with the maximum <i>height</i> for the zone in which the <i>building/structure</i> is or will be located, the following are provided for and may exceed the maximum <i>height</i> for the zone: (i) <i>Aerials</i> up to 4m in <i>height</i> ; (ii) dishes not exceeding 1.8m in diameter for Residential/Future Urban/Rural Residential/Lifestyle Zones, and 5m in diameter for all other zones; (iii) <i>Antennas</i> not exceeding 1.2m <sup>2</sup> in area for Residential/Future Urban and Rural Residential, and not exceeding 2m <sup>2</sup> in all other zones.	NA	RD	P	P	P	P	P	RD	P <sup>1</sup>
(t) When attached to a <i>building/structure</i> (other than a <i>mast</i> , pole or aerial) that complies with the maximum <i>height</i> for the zone in which the <i>building/structure</i> is or will be located, a telecommunication or radio communication facility not covered by sub-clauses (i)-(iii) of clause (s) above, can exceed the maximum <i>height</i> for the zone in which it will be located provided it is contained within the following dimensions: (i) Residential Zones – 2m high x 1m wide x 1m long i.e. 2m <sup>3</sup> in volume; (ii) All other zones – 5m high x 1m wide x 1m long i.e. 5m <sup>3</sup> in volume.	NA	RD	P	P	P	P	P	RD	P <sup>1</sup>
(u) Any telecommunication or radio communication facility attached to a <i>building/structure</i> and which fails to comply with either (s) or (t) above.	NA	D	D	D	D	D	D	D	D
(v) Radio and telecommunication <i>cabinets</i> and <i>equipment shelters</i> up to 3.0m in <i>height</i> and 4m <sup>2</sup> <i>gross floor area</i> .	NA	D	P	P	P	P	P	P	P <sup>1</sup>
(w) Radio and telecommunication ancillary <i>equipment shelters</i> that exceed the standards in (w) above.	NA	D	RD	RD	RD	RD	P	RD	RD <sup>1</sup>
(x) Radio, telecommunication and <i>Council depots</i> and workshops.	NA	NC	NC	D	P	RD	P	NC	NC
<b>Gas, Water, Wastewater and Stormwater Infrastructure</b>									
(y) Underground gas transmission pipelines at a pressure not exceeding 2000 kilopascals including aerial crossings of bridges, <i>structures</i> or streams and ancillary equipment including regulator stations, but not compressor stations.	NA	P <sup>2</sup>	P	P	P	P	P	P	P
(z) Underground gas transmission pipelines at a pressure exceeding 2000 kilopascals including aerial crossings of bridges, <i>structures</i> or streams and ancillary equipment including regulator stations and compressor stations.	NA	D <sup>2</sup>	D	D	D	D	D	D	D
(aa) Gas valve and takeoff stations, sales gates and regulator systems.	NA	D <sup>2</sup>	P	P	P	P	P	D	P

Activity	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve	
(ab) New underground pipelines conveying water, stormwater, wastewater and associated pump stations (with above ground dimensions less than 50m <sup>2</sup> gross floor area).	NA	P <sup>2</sup>	P	P	P	P	P	P	P	
(ac) Water and irrigation races, open drains, channels and necessary incidental equipment. Stormwater drains and drainage channels and necessary incidental equipment.	NA	D	P	P	P	P	P	RD	P	
(ad) Sewage treatment schemes/plants/facilities (exclusive of septic tanks).	NC	NC	D	D	D	D	D	NC	NC	
(ae) Water reservoir tanks with associated and ancillary equipment.	NA	NC	D	D	P	RD	RD	D	NC	
(af) Water treatment plants.	NA	NC	RD	RD	RD	RD	RD	D	NA	
(ag) Groundwater Bores and ancillary equipment (including <i>maintenance</i> and <i>upgrading</i> of these).	NA	RD	P	P	P	P	P	P	P	
<b>Traffic, Transport and Structures associated with Roading</b>										
(ah) <i>Construction</i> of toll gantries, road widening, cycle lanes, bus lanes, heavy occupancy vehicle lanes.	NA	NA	NA	NA	NA	NA	NA	NA	NA	P
(ai) New <i>road reserves</i> , public roads, parking areas and service lanes, and closure thereof.	NA	NC	RD	RD	RD	RD	RD	RD	NC	NA
(aj) New grade separation structures and flyovers within existing <i>road reserves</i> .	NA	D	D	D	D	D	D	NC	P	
(ak) New roads, parking areas and service lanes to be established in conjunction with an approved Land Use and/or Subdivision Resource Consent, or identified on a <i>Council</i> adopted <i>structure plan</i> or reserve management plan.	NA	P	P	P	P	P	P	P	P	
(al) Traffic-control signals, devices and <i>structures</i> (including speed camera equipment), road and traffic signs, light-poles and associated <i>structures</i> and fittings, post boxes, road furniture, landscaped gardens.	C	C	C	C	P	C	P	C	P <sup>a</sup>	
(am) New park and ride facilities.	NA	D	RD	P	P	RD	P	NC	RD	
(an) New railway networks and ancillary equipment.	NA	NC	D	D	P	D	D	NC	NA	
(ao) Lighthouses, navigational aids and beacons subject to the approval of the Maritime Safety Authority and/or the <i>Regional Council</i> .	P	RD	P	P	P	P	P	RD	P	
(ap) Airports.	NA	NC	NC	NC	NC	D	NC	NC	NC	
(aq) Helipads.	NA	NC	NC	D	D	D	D	NC	NA	
<b>Miscellaneous</b>										
(ar) Trig Stations.	NA	C	P	P	P	P	P	P	D	
(as) Subscriber terminals/ <i>antennas</i> on private property up to a dimension of 1m <sup>3</sup> in volume.	NA	P	P	P	P	P	P	P	P	
(at) Relocatable recycling drop-off centres less than 10m <sup>2</sup> in area.	NA	D	P	P	P	P	P	P	P	
(au) Relocatable recycling drop-off centres greater than 10m <sup>2</sup> in area.	NA	NC	D	P	P	D	P	D	D	
(av) Meteorological enclosures and <i>buildings</i> not exceeding 30m <sup>2</sup> gross floor area; automatic weather stations and single anemometer <i>masts</i> provided that the anemometer <i>mast</i> does not exceed a <i>height</i> of 10m; voluntary observer sites; associated microwave links.	NA	RD	P	P	P	P	P	D	NC	
(aw) Meteorological <i>buildings</i> greater than 30m <sup>2</sup> gross floor area.	NA	NC	D	D	RD	RD	RD	D	NC	

Activity		Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve
(ax)	The installation/placement, <i>maintenance, replacement, minor upgrading</i> and testing of <i>Council</i> installed extreme adverse weather and tsunamogenic event devices.	P	P	P	P	P	P	P	P	P
(ay)	Solid Waste Management and Disposal sites, including the disposal of <i>hazardous substances</i> (private and public), Refuse Transfer Stations.	NA	NC	D	D	D	D	D	D	NA
(az)	New flood control stopbanks and necessary incidental equipment.	NA	D	D	D	D	RD	RD	D	RD
(ba)	Activities for the protection of identified <i>Regional Council</i> flood control stopbanks and drains, including the use of stock proof fences, farming of grazing animals, flood control measures by territorial or regional councils.	P	P	P	P	P	P	P	P	P
(bb)	The excavation or the digging of any drain within 20m of any flood control stopbank.	D	D	D	D	D	D	D	D	D
(bc)	The excavation or the digging of any drain within 20m of any flood control stopbank.	D	D	D	D	D	D	D	D	D
(bd)	<i>Public trails</i> * The activity status of a <i>public trail</i> within an <i>identified significant feature</i> shall be determined by any relevant specific provision in Sections 5, 6 and 7 of the District Plan. **In this context <i>Road Reserve</i> includes formed and unformed roads.	P	*	P	P	P	P	P	P	P**

**P = Permitted C = Controlled RD = Restricted Discretionary D = Discretionary NC = Non-complying NA = not applicable**

<sup>a</sup> Unless otherwise provided for within the District Plan, the erection of *signs* within public roads is controlled by *Council* or New Zealand Land Transport Agency bylaws or the Traffic Regulations 1976, Transport Act 1962 or Land Transport Act 1993.

<sup>1</sup> **Note:**  
Telecommunication facilities to be located within *road reserves* (including roadside cabinets and the attachment of equipment to existing *buildings/structures*) are subject to the requirements of the National Environmental Standard (NES) for Telecommunication Facilities. In the event of any inconsistency or conflict between the District Plan rules and the NES, the provisions of the NES shall prevail, provided that where a particular matter is not specifically covered by the NES, the District Plan rules still apply.

<sup>2</sup> **Note:**  
Ground re-instatement Rule 10.4(a)

3 **Note:**  
Activities relating to the operation, maintenance, upgrading, relocation or removal of existing high voltage electricity transmission lines forming part of the national grid are subject to the requirements of the National Environmental Standards (NES) for Electricity Transmission Activities. Such activities are not subject to rules under this District Plan.

4 **Note:**  
Archaeological sites are subject to a separate consent process under the Heritage New Zealand Pouhere Taonga 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a Regional Plan or a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 also provides for substantial penalties for unauthorised destruction, damage or modification.

## 10.4 Activity Performance Standards for Infrastructure and Network Utilities

The activities within Activity Table 10.3 shall comply with the Performance Standards in 10.4 and the Performance Standards for the zone in which the activity is located. Except that activities within Table 10.3 shall be exempt from the Performance Standards for the zone in which the activity is located where those Performance Standards are inconsistent with standards already specified in either Activity Table 10.3 or the Performance Standards in 10.4.

An activity that will not comply with a Performance Standard shall be a Restricted Discretionary Activity for that particular non-compliance, unless the activity is assigned a more stringent activity status within Activity Table 10.3, then that activity status shall take precedence.

### (a) Ground reinstatement

- (i) Where the *development, operation, maintenance or minor upgrading of infrastructure or network utilities* involves ground disturbance, the ground affected shall be reinstated as far as practicable to the condition existing before the start of the activity;
- (ii) Where the removal of *infrastructure/network utilities* involves disturbance to the ground, the ground shall be reinstated as far as practicable to the condition of the land immediately surrounding where the activity has occurred.

**(b) Radiofrequency fields**

Activities that transmit radiofrequency fields shall comply with the allowable exposure levels for the general public in NZS 2772.1:1999 Part 1 – Maximum Exposure Levels – 3kHz to 300GHz (or other superseding standards) measured at all places reasonably accessible to the general public.

**(c) Electric and magnetic fields**

Exposures to ELF electric and magnetic fields shall comply with the guidelines specified by the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz) (Health Physics, 1998, 74(4): 494-522) or revisions thereof and any applicable New Zealand standards or national environmental standards.

**(d) New Zealand Electrical Code of Practice**

Activities to comply with the New Zealand Electrical Code of Practice 34:2001 (or other superseding standards).

**(e) Noise for Infrastructure and Network Utilities Activities**

- (i) Wind generators for bulk power: activities shall demonstrate compliance with New Zealand Standard 6808:1988 (Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators) (or other superseding standards);
- (ii) Airports: activities shall demonstrate compliance with New Zealand Standard 6805:1992 (Airport Noise Management and Land Use Planning) (or other superseding standards);
- (iii) All noise from telecommunications *cabinets* and *equipment shelters* located in *road reserve* shall demonstrate compliance with the provisions of the National Environmental Standard for Telecommunication Facilities. Where the standard is not applicable the noise provisions of the closest adjoining zone will apply;
- (iv) Except that the noise limits in 4C.1 do not apply to the testing and operating of back up electricity generators to provide power supply to *network utility* operations.

**(f) Exemptions from daylighting and yard performance standards**

Above or below ground transmission or distribution lines/pipelines for conveying: electricity; telecommunication; radio communication; gas; water; wastewater and stormwater are exempt from being required to comply with *yard* and daylighting Performance Standards.

**(g) Transportation, Access, Parking and Loading** – See Section 4B.

**(h) Noise and Vibration** – See Section 4C.1.

**(i) Storage and Disposal of Solid Wastes** – See Section 4C.2.

**(j) Lighting and Welding** – See Section 4C.3.

**(k) Offensive Odours, Effluent Aerosols and Spray Drift** – See Section 4C.4.

**(l) Screening** – See Section 4C.5.

Above ground: electricity; telecommunication; radio communication; (lines, *masts*, poles, support structures and attached antennae, dish, lightning rods, *aerials*, weather radar); are exempt from being required to comply with the screening requirements.

**(m) Signs** – See Section 4D.

**(n) Natural Hazards** - See Section 8.

**(o) Hazardous Substances** – See Section 9.

**(p) Sight lines at railway crossings**

(i) Where a railway and road intersect on the same level, no *building/structure* or other physical obstruction which might block the sight lines shall be permitted within the area shown on the diagram below;

(ii) Other sight lines (other than that Permitted in (i) above) shall be permitted when:

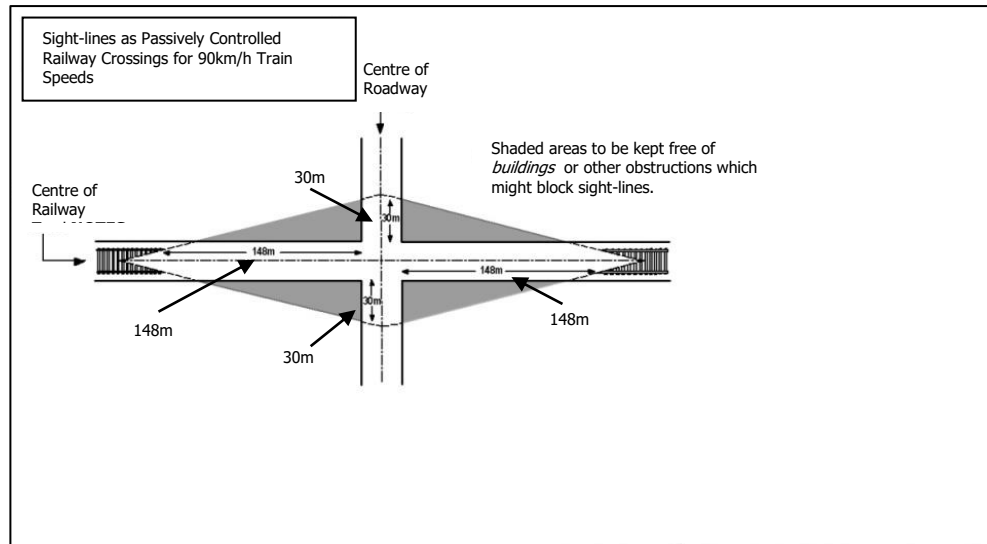
(a) The written consent of the railways owner/operator (or other appropriate authority) has been obtained before a building consent is issued.

(b) The written consent of the railways owner/operator (or other appropriate authority) is also clearly endorsed on all relevant development plans.



**Explanatory Note:**

Activities permitted under clause (ii) above may be subject to conditions agreed between the *Council* and the railways owner/operator (or other appropriate authority).



**(q) Tauranga Airport approach path protection**

While the airport is physically located within Tauranga City, the Approach Path Protection area extends into the Western Bay of Plenty District airspace as identified on the District Planning Maps.

**(i) Height restrictions within specified airport approach path**

No *building, structure, mast, tree* or other object shall penetrate any of the approach slopes, transitional slopes and, an horizontal surface and surrounding sloping plans defined in the zoning specification herewith and illustrated on the District Planning Maps.

Provided that:

Where there is any conflict between these *height* control limits, the lowest *height* restriction shall prevail.

**(ii) Specifications**

**(a) Approach slopes**

There is an approach slope at the end of each strip. The approach slope rises on a specified gradient from its origin at the strip end and from the level of the lowest part of the formed strip end.

Each approach slope stretches over a specified horizontal distance from the strip and has sides that diverge uniformly outwards at the rate of 15% from the end corners of the strip. Each approach slope is symmetrically disposed about the exact centre line of the related strip.

**(b) Main approach slopes**

For the purposes of this specification each of the two approach slopes of the main strip arise at a gradient of 1.6%, stretching over a horizontal distance of 15,000m and its sides diverge to a width of 4,710m at its outer end.

**(c) Subsidiary approach slopes**

Each of the two approach slopes for the subsidiary strips arise at a gradient of 2.5%. Each approach slope stretches over a horizontal distance of 3,000m and its sides diverge to a width of 1,050m at its outer end.

**(d) Horizontal surface**

The horizontal surface extends from above each side and from above each end of the main strip outwards for a distance of 4,500m overlaying the ground at an elevation of 45m above the level of the lowest part of the lower end of the main strip.

Each outer boundary line of the horizontal surface is extended so as to join the adjacent extended boundary line by tangential curves having a radius of 2,250m.

Sloping planes extend outwards and upwards from the periphery of the horizontal surface. They extend outwards for a horizontal distance of 1,900m and upwards at a constant gradient to reach a maximum elevation of 120m (above the level of the lowest part of the lower end of the main strip).

For the purposes of this specification, where the ground rises so that it becomes close to or penetrates the horizontal surface or its surrounding sloping planes, then the horizontal surface or surrounding sloping

plane may be adjusted at that place in conformity with the natural slope of the ground level in order to provide a clearance of 10m vertically above the natural ground level.

**(e) Transitional slopes**

These extended upwards and outwards from the sides of each approach slope at a gradient of 14.3% rising up to an elevation of 45m above the level of the lowest part of the related strip end.

**Explanatory Note:**

There are no transitional slopes from the sides of the approach slopes above an elevation of 45m above the respective strip end.

Transitional slopes extend upwards and outwards from the side edges of each lighting visibility slope at a gradient of 10% and they continue to rise until they intercept a vertical plane containing the side edges of the main approach slope.

Transitional slopes also extend upwards and outwards from the sides of each strip at a gradient of 14.3% to intercept the horizontal surface.

**(r) Public trails**

- (i) Any part of a *public trail* shall be a minimum of 30m from any title boundary.

Except that:

- (ii) Clause (i) shall not apply if the *public trail* location is closer than 30m from a title boundary and the *public trail*:
- has been identified in a plan prepared under the Reserves Act 1977, the Local Government Act 2002, or the Resource Management Act 1991; or
  - is on land that is an esplanade reserve, esplanade strip, formed or unformed road, or an access strip.

Provided that:

- (iii) A *public trail* may be located closer than 30m to a title boundary where the written approval of the owner/s of the title/s has been obtained.

## 10.5 Matters of Discretion

### 10.5.1 Assessment Criteria – Controlled Activities

For Controlled Activities, *Council* reserves control on the following matters:

- (a) Consistency with any relevant *Council* plan or strategy in an adopted form (e.g. *Council's* Development Code, *structure plans*, reserve management plans, built environment strategy, walking and cycling strategy, town centre plans).
- (b) Where the activity will result in *earthworks/vegetation* disturbance or removal, in consideration of the amenity values of the surrounding area, whether it is appropriate to require re-instatement works or planting of disturbed areas in accordance with Rule 10.4(a) and 4C.5.3.
- (c) Consideration of relevant matters within Sections 4A-4D, 11 and 12 of the District Plan.
- (d) The potential for conflict between existing and foreseeable activities in the area, in particular the degree to which the proposed activity can:
  - (i) Provide appropriate, safe and efficient vehicular access and onsite parking;
  - (ii) Create suitable building platforms for *buildings/structures* to be located in a complying manner; and
  - (iii) The ability to adequately manage stormwater.
- (e) The imposition of conditions in accordance with Section 108 of the *RMA* to avoid, remedy or mitigate adverse effects on the environment relating to the above matters.

### 10.5.2 Assessment Criteria – Restricted Discretionary Activities

For Restricted Discretionary Activities, *Council* restricts the exercise of its discretion to the following matters:

- (a) The degree, scale and significance of the activity not meeting either the relevant Activity Performance Standards below or relevant Activity Performance Standards of the activity zone it is located, and whether actual or potential adverse off-site effect(s) resulting from this non-compliance can be avoided, remedied or mitigated.

- (b) Consideration of whether non-compliance with the relevant Activity Performance Standards is a result of operational or technical constraints of an *infrastructure or network utility* activity.
- (c) The extent to which the activity will otherwise be consistent with the Activity Performance Standards.
- (d) Whether it is operationally, technically, practically and/or economically reasonable to co-locate aspects of *infrastructure and network utility* activities.
- (e) Consistency with any relevant *Council* plan or strategy in an adopted form (e.g. *Council's* Development Code, structure plans, reserve management plan, built environment strategy, walking and cycling strategy, town centre plans).
- (f) Where the activity will result in *earthworks/vegetation* disturbance or removal, in consideration of the amenity values of the surrounding area, whether it is appropriate to require re-instatement works or planting of disturbed areas in accordance with Rules 10.4(a) and 4C.5.3.
- (g) Consideration of relevant matters within Sections 4A-4D, 11 and 12 of the District Plan.
- (h) The potential for conflict between existing and foreseeable activities in the area, in particular the degree to which the proposed activity can:
  - (i) Provide appropriate, safe and efficient vehicular access & onsite parking;
  - (ii) Create suitable building platforms for *buildings/structures* to be located in a complying manner; and
  - (iii) The ability to adequately manage stormwater.
- (i) The objectives and policies in association with the above criteria.
- (j) The imposition of conditions in accordance with Section 108 of the *RMA* to avoid, remedy or mitigate adverse effects on the environment relating to the above matters.

### 10.5.3 Assessment Criteria – Discretionary Activities

For Discretionary Activities, *Council's* discretion includes but is not limited to the relevant matters contained within the General Provisions (Sections 4 – 10), Activity Performance Standards in 10.4 and those relevant within the specific activity zone that the activity will be occurring within.

## 10.6 Other Methods

### 10.6.1 Waste Minimisation

*Council* shall support and assist the work of the *Regional Council* as a service delivery function of *Council*. The regional co-ordination of waste minimisation and waste reduction is considered to be more comprehensive and effective than individual *Council* initiatives.

### 10.6.2 Contaminant-Free Stormwater

*Council* shall ensure the management of stormwater to avoid contamination through the Building Act 2004.

### 10.6.3 Regional Council Management

The Bay of Plenty Regional Council is the Regional Council for the Western Bay of Plenty and retains control over the following matters:

- Discharge to water, air and land (exclusive of site stormwater which is a Building Act 2004 matter controlled by the District Council);
- Land and Vegetation Disturbance, particularly earthworks relating to access and site development;
- Activities within the Coastal Marine Area;
- Use of water from streams and other water bodies, including the damming and diversion activities;
- Relevant consents for stormwater control, water supply and wastewater management systems should be sought from the *Regional Council*.

### 10.6.4 Other Regulations and Codes

*Council* assumes that all operators will comply with the relevant Regulations and Codes that minimise the risks associated with the operation of their facility and or activity.

Similarly, it is the responsibility of private landowners to ensure compliance with other regulations. Below is a list of useful guidelines where further advice can be obtained:

- The New Zealand Transport Agency ([www.nzta.govt.nz](http://www.nzta.govt.nz)) - "Guidelines for the Management of Road Traffic Noise - State Highway Improvements".

- Ministry for the Environment ([www.mfe.govt.nz/publications](http://www.mfe.govt.nz/publications)) - various publications are available.
- Transpower New Zealand Limited ([www.transpower.co.nz](http://www.transpower.co.nz)) – Brochures are available on “Corridor Management”, “Development Guide”, “Trees and Power Lines”, “Tree Management Near High Voltage Transmission Lines”.
- Department of Conservation ([www.doc.govt.nz](http://www.doc.govt.nz)).
- Tauranga City Council ([www.tauranga.govt.nz](http://www.tauranga.govt.nz)), Rotorua District Council ([www.rdc.govt.nz](http://www.rdc.govt.nz)), Whakatane District Council ([www.whakatane.govt.nz](http://www.whakatane.govt.nz)), Hauraki District Council ([www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)), Matamata-Piako District Council ([www.mppdc.govt.nz](http://www.mppdc.govt.nz)).

### 10.6.5 National Environmental Standards

National environmental standards are regulations issued under Sections 43 and 44 of the *RMA*. They prescribe technical standards, methods and other requirements for environmental matters. Territorial and regional councils must enforce these standards (or they can enforce stricter standards when the standard provides for this). In this way, national environmental standards ensure consistent minimum standards are maintained throughout all New Zealand’s regions and districts. Specific detail on these can be obtained from the Ministry for the Environment ([www.mfe.govt.nz](http://www.mfe.govt.nz)).

## 10.7 Designations

### 10.7.1 General

Designations within the Western Bay of Plenty District are contained within the Schedule of Designations within Appendix 5 of the District Plan and shown on the Planning Maps. Detail and additional information on these designations, and any subsequent designations may be held on *Council* files.

This detail may include specific conditions on individual designations, and/or specific reference to the term of the Designation, which establishes the lapse period, if the designation is not given effect to.

If no such Term of Designation exists then the statutory provisions (five years from the date the District Plan is made operative) shall prevail.

Designations are provided for specifically under the *RMA* and have assessment criteria that differ from that for other activities.

### **10.7.2 Rules: Underlying Zoning of Designations**

Subject to the provisions of the *RMA*, designated land that is to be used for any activity other than provided for by the designated purpose shall only be used in accordance with the underlying zoning for the land.

The underlying zoning of the designated land shall be the zone immediately adjoining the designation.

Where a designation runs across a number of zones and there is doubt as to the underlying zoning at some point or position of the designation, then the *Council* will assign the zoning which is predominant in that locality or area.