

DISTRICT-WIDE MATTERS

INF –Infrastructure

Network utilities, including *infrastructure of regional and national importance*, are an essential part of the District's infrastructure. Communities rely on network utilities to function. It is therefore critical the development, operation, upgrading and maintenance of these essential services are managed appropriately to ensure the social, economic and cultural wellbeing of those in the District and beyond. Such infrastructure, services and facilities can also create significant direct or indirect adverse environmental effects, some of which may be quite specific to the utility. Due to their locational, technical and operational constraints, some utilities may generate adverse effects that cannot be practically avoided, remedied or mitigated. As such, these effects need to be balanced against the essential nature of facilities and the benefits these utilities provide to the social, economic, health and safety and wellbeing of people and communities in the Manawātū District and beyond.

The *National Grid* is managed and regulated in part by the National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) (NESETA). The NPSET came into effect on 13 March 2008 and recognises the national significance of the *National Grid* in its entirety. The NPSET facilitates the operation, maintenance and upgrade of the existing *National Grid* network and the establishment of new *National Grid* assets. The District Plan is required to give effect to the NPSET.

The NESETA came into effect on 14 January 2010. The NESETA sets out a national framework for permissions and consent requirements for activities on *National Grid* lines existing at 14 January 2010. Activities include the operation, maintenance and upgrading of existing lines but exclude the development of new lines and substations. The District Plan must not be in conflict with nor duplicate the provisions of the NESETA.

Telecommunication and *Radiocommunication* facilities are in part managed under the Resource Management (National Environmental Standards for *Telecommunication* Facilities) Regulations 2016 (NESTF). The NESTF provides a nationally consistent planning framework for a wide range of *telecommunication* facilities in locations inside and outside the *road* reserve.

Telecommunication facilities not covered by the NESTF 2016 are controlled under the District Plan.

The Manawātū Whanganui *Regional Council's* One Plan also provides for the regional and national importance of a range of infrastructure in the region. The Regional Policy Statement section of the One Plan (RPS) requires that councils recognise, and have regard to the benefits

that derive from regionally and nationally important infrastructure and utilities, and that the establishment, operation, maintenance and upgrading of such infrastructure be provided for in the District Plan. The RPS also requires that the *Council* ensure that adverse effects from other activities on *network utility* infrastructure are avoided as reasonably practicable.

This chapter provides clarification to *network utility* operators for activities that can be undertaken without a resource consent, and the parameters these activities must comply with. The District Plan provides for a large range of works to be permitted subject to performance standards.

Subdivision, use and development can adversely impact surrounding network utilities. Therefore, additional provisions relating to setbacks from key network utilities are included in the SUB – Subdivision Chapter. *Earthworks* when undertaken in proximity to network utilities can undermine the infrastructure asset. Provisions restricting *earthworks* near some network utilities are contained in the EW – *Earthworks* section of the Plan.

The provisions in this chapter address the development and maintenance of network utilities. The intention is that this chapter will be standalone at the completion of the Sectional District Plan Review. There are some chapters and zones where provisions may apply (for example setbacks) until the Sectional District Plan Review progress has been completed. As other chapters and provisions are reviewed, relevant provisions will be included or cross referenced to this chapter, and those reviewed chapters will cease to apply. When completed, the rules in this chapter (including any cross referenced) will supersede the *zone* rules. *Zone* rules will only apply if specifically stated in this chapter.

For the avoidance of doubt, *Network Utility* activities within ONFLs will only be assessed under the provisions of chapter INF – Infrastructure, and not the underlying zoning in which they are located.

Note: There are some existing rules that identify subdivision and land use to be setback from *Network Utility* infrastructure and these continue to apply as outlined in other chapters in the District Plan until those provisions are reviewed.

Guidance Note: Plan Users are directed to SUB-MAE-ST7 for additional provisions that apply to *Network Utilities* with respect to infrastructure being located underground.

Objectives

INF-O1	To ensure <i>network utility</i> infrastructure of national and regional importance, including the <i>National Grid</i> , is able to operate, upgrade and develop efficiently and effectively while managing any adverse effects in the environment having regard to the locational, technical and operational constraints of the infrastructure.
INF-O2	To ensure all other <i>network utilities</i> are designed, located, constructed, operated, upgraded and maintained in a manner that ensures the efficient use of <i>natural and physical resources</i> while recognising the environment they are located in.
INF-O3	To protect <i>network utilities</i> in the district, and in particular nationally and regionally important infrastructure, including the <i>National Grid</i> , by avoiding the adverse effects of subdivision use and development and other land use activities on the operation, maintenance, <i>replacement</i> , and upgrading of the existing network utilities and <i>planned development</i> of new network utilities.
INF-O4	The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage identified in HH-SCHED3 and HH-SCHED4 are protected from the inappropriate use and development of new network utilities. [PC65]

Policies

INF-P1	To enable the establishment, operation, maintenance, <i>replacement</i> , and <i>minor upgrading</i> of network utilities.
INF-P2	To encourage <i>network utility</i> operators to coordinate and co-locate services or to locate within the existing roading network where practicable.
INF-P3	To encourage all new cables and lines, including electricity distribution lines (but not the <i>National Grid</i>) are installed underground.

INF-P4	To recognise the locational, technical and operational requirements and constraints of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond when assessing their location, design and appearance.	
INF-P5	To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as Significant Amenity Features in NFL-APP2. [PC65]	
INF-P6	To ensure that any vegetation is planted and maintained to avoid interference with network utilities, including transmission lines and the <i>National Grid Yard</i> .	
INF-P7	To require that appropriate separation of activities is maintained to enable the safe operation, maintenance, <i>replacement</i> and upgrading, and avoid <i>reverse sensitivity</i> and/or manage risk issues.	
INF-P8	To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, maintenance, <i>replacement</i> and upgrading of existing or <i>planned development</i> of network utilities.	
INF-P9	To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance, <i>replacement</i> and upgrading of the <i>National Grid</i> by ensuring that:	
	INF-P9.1	Areas are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near the <i>National Grid</i> .
	INF-P9.2	<i>Sensitive activities</i> , and <i>intensive farming</i> are excluded from establishing within the <i>National Grid Yard</i> .
	INF-P9.3	Non- <i>sensitive activities</i> within the <i>National Grid Yard</i> are managed so that the <i>National Grid</i> is not compromised.
	INF-P9.4	Subdivision is managed around the <i>National Grid Corridor</i> to avoid subsequent land use from restricting the operation, maintenance and upgrading of the <i>National Grid</i> .

	INF-P9.5	Changes to existing activities within a <i>National Grid Yard</i> do not further restrict the operation, maintenance and upgrading of the <i>National Grid</i> .
INF-P10	To avoid significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes. [PC65]	
INF-P11	To avoid new utilities in Buildings and Objects with Heritage Value in HH-SCHED2, HH-SCHED3 and Sites with Heritage Value in HH-SCHED4, unless:	
	INF-P11.1	Avoidance is not reasonably practicable; and
	INF-P11.2	There are no significant adverse effects on the site. [PC65]
INF-P12	To avoid utilities in Outstanding Natural Landscapes and Features in Appendix NFL-APP1 unless that infrastructure is of national or regional importance and only then if:	
	INF-P12.1	Avoidance is not reasonably practicable and that is demonstrated by a thorough options analysis, recognising the functional and operational need of the Network Utility; and
	INF-P12.2	Adverse effects are remedied or mitigated using best practicable options; and
	INF-P12.3	INF-P10 is satisfied. [PC65]
INF-P13	To provide for the operation, maintenance, replacement or minor upgrading of existing network utilities located within or adjacent to Outstanding Natural Features and Landscapes. [PC65]	
INF-P14	To avoid inappropriate use and development of new network utilities within Outstanding Natural Landscapes which adversely affects the identified values and characteristics of the areas, and adverse effects are unable to be mitigated or remedied, including:	
	INF-P14.1	The extensive unbuilt coastal strip along the Manawatū Coastline Outstanding Natural Landscape.

	INF-P14.2	The unmodified and continuous indigenous vegetation values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape. [PC65]
INF-P15	To recognise the benefits of the National Grid by providing for the major upgrade or development of new National Grid Electricity infrastructure in an Outstanding Natural Feature or Landscape by seeking to avoid adverse effects on the characteristics and values of the feature or landscape by ensuring route, site and method selection demonstrates that, to the extent practicable having regard to the functional, operational and technical needs of the National Grid (in order of preference):	
	INF-P15.1	Infrastructure will be located outside of an Outstanding Natural Feature or Landscape.
	INF-P15.2	Where INF-P15.1 cannot be achieved, infrastructure will be located in the more compromised parts of the Outstanding Natural Feature or Landscape; and
	INF-P15.3	Adverse effects will be avoided; and
	INF-P15.4	Adverse effects that cannot be avoided will be remedied or mitigated. [PC65]

Rules - Network utilities

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the other rules in Transport, Noise, Earthworks, Signs, Temporary Activities, Relocated Buildings, and Boarding, Breeding and Training Kennels, the District Plan maps, relevant appendices and depending on the progress of the Sectional District Plan Review at the time an application is lodged, any relevant provisions of the applicable *zone*.

Note: The provisions in the Transport, Noise, Earthworks, Signs, Temporary Activities, Relocated Buildings, and Boarding, Breeding and Training Kennels chapters are intended to be standalone for the development and maintenance of *Network Utilities* upon completion of the Sectional District Plan Review. There are some chapters and zones where provisions may apply (for example setbacks). The new provisions will be included or cross referenced to the Infrastructure Chapter as the Sectional District Plan Review progresses. Provisions in the rules of the District

Plan that may apply until they are reviewed include, but are not limited to, the relevant noise provisions in the Stadium Zone and Special Development Zone, subdivision provisions, special *yard* requirements in the General Residential Zone, *buildings* clear of drains in the Settlement and General Rural Zones, and roading impacts on the General Rural Zone and Flood Channel Zones.

Guidance Note: Plan Users are directed to SUB-MAE-ST7 for additional provisions that apply to *Network Utilities* with respect to infrastructure being located underground.

Permitted Activities (PER)

The following *network utilities* are *Permitted Activities* throughout the District, provided that they comply with the standards in INF-ST1 to INF-ST16:

INF-R1	The operation, maintenance, <i>replacement</i> , or <i>minor upgrading</i> or repair of lawfully established or consented network utilities, or those that are existing as at 22 February 2017.
INF-R2	Construction, operation, maintenance, realignment and upgrading of roads and railway lines within the <i>road</i> reserve or railway corridor.
INF-R3	The construction, operation, maintenance, <i>replacement</i> and <i>minor upgrading</i> of <i>radiocommunication and/or telecommunication facilities</i> , cables and lines.
INF-R4	Underground pumping stations and pipe networks for the conveyance or drainage of water or sewage, and necessary incidental equipment.
INF-R5	Water storage tanks, reservoirs and wells, including pump stations.
INF-R6	Pipes for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure not exceeding 2000kPa including any necessary ancillary equipment such as household connections and compressor stations.
INF-R7	The construction, operation, maintenance, <i>replacement</i> and upgrading of any new electricity lines up to and including 110kV and associated transformers and switchgear.
INF-R8	Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of the Manawātū Wanganui <i>Regional Council</i> .

INF-R9	Land drainage, stormwater control or irrigation works including pump stations.
INF-R10	Railway crossing warning devices and barrier arms.
INF-R11	Trig stations and survey marks
INF-R12	Navigational aids, lighthouses and beacons.
INF-R13	Meteorological instruments and facilities.
INF-R14	Decommissioning and removal of utilities.
INF-R15	Electric vehicle charging stations.
INF-R16	The trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the <i>telecommunication</i> or electricity line.

Guidance Notes:

1. The provisions of the National Environmental Standard for Telecommunications Facilities (2016) apply and resource consent may be required under those Standards. In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.
2. Water takes, diversions, new tracks, drilling of bores, offal pits, farm dumps and *earthworks* are also regulated by the Manawatū-Wanganui *Regional Council* and a resource consent may be required under the rules of the One Plan.
3. The National Environmental Standard for Electricity Transmission Activities (2010) (NESETA) sets out a national framework of permission and consent requirements for activities on *National Grid* lines existing at 14 January 2010. Activities include the operation, maintenance and upgrading of existing lines but exclude the development of new lines (post 14 January 2010) and substations. The District Plan must not be in conflict with nor duplicate the provisions of the NESETA.
4. Vegetation and planting around lines (including the *National Grid*) shall comply with the Electricity (Hazards from Trees) Regulations 2003.
5. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines, and must be complied with.

6. Early consultation with Heritage New Zealand Pouhere Taonga is encouraged where a development may adversely affect an item listed on the New Zealand Heritage List/Rarangi Korero. Works near or within areas of historic heritage may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence to modify or destroy an archaeological *site* or demolish/destroy a whole *building* if the person knows or reasonably suspects it to be an archaeological *site*. An archaeological *site* is any place, including any *building* or structure (or part of), that:
 - a. was associated with human activity or the *site* of a wreck of a vessel that occurred before 1900; and
 - b. provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.
7. The Electricity Act 1992 outlines the regulatory process for the electricity *industry* and the supply of electricity. This includes responsibilities between the electricity *industry* and landowners. The provisions of the Electricity Act 1992 are separate from the regulation of activities under the District Plan and Resource Management Act 1991.

Standards for Permitted Activities

The *permitted activities* specified in INF-R1 to INF-R16 must comply with the following standards and the relevant standards in those chapters and zones that have not been reviewed and made operative as part of the Sectional District Plan Review. The *permitted activities* specified in INF-R1 to INF-R16 do not need to comply with the *height* and setback rules in the *zone* chapter:

INF-ST1	New network utilities must not exceed a maximum <i>height</i> of:	
	INF-ST1.1	9m within the General Residential or Settlement <i>Zones</i> , or
	INF-ST1.2	25m within the General Rural <i>Zone</i> , or
	INF-ST1.3	22m for all other zones.
<p>Guidance Note: <i>antennas</i> (including any ancillary equipment) that do not extend 3m above the <i>height</i> of the <i>building</i> or <i>mast</i> are excluded from the 9m, 22m or 25m limit above. The <i>mast heights</i> provided in i), ii) and iii) above can be increased by 5m if the <i>mast</i> is used by more than one telecommunications provider. Lightning rods may exceed the maximum <i>height</i>. Refer also to INF-ST6 relating to transmission line requirements.</p>		

INF-ST2	Any <i>mast</i> with a <i>height</i> of more than 9m must not be located within 20m of any <i>site</i> zoned General Residential or Settlement.	
INF-ST3	All masts must be set back 20m from a <i>road</i> reserve on any <i>site</i> zoned General Rural or Flood Channel.	
INF-ST4	No <i>mast</i> , <i>building</i> or structure may be located closer than 5m to any <i>site</i> boundary. This 5m <i>yard</i> does not apply to <i>buildings</i> with a floor area of less than 10m ² , or to overhead lines and cables.	
INF-ST5	<i>Telecommunication</i> cabinets must not exceed 10 m ² in area in all zones, except in Flood Channel <i>Zone</i> where cabinets must not exceed 5 m ² in area.	
INF-ST6	Electricity transmission and distribution must not, with the exception of <i>minor upgrading</i> activities, exceed a <i>height</i> of:	
	INF-ST6.1	12m in the General Residential and Town Centre <i>Zones</i> , or
	INF-ST6.2	25m in all other <i>zones</i> .
INF-ST7	<i>Buildings</i> and structures within an electricity transmission corridor, including the <i>National Grid Yard</i> must:	
	INF-ST7.1	Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001). (Note: compliance with the permitted activity standard of the Plan does not ensure compliance with NZECP34:2001); and
	INF-ST7.2	With the exception of electricity lines associated with the electricity transmission or distribution, not exceed a maximum <i>height</i> of 2.5m and an area of 10 m ² .
INF-ST8	No <i>antenna</i> will exceed the following dimensions:	
	INF-ST8.1	2.5 metres in diameter (dish <i>antenna</i>), or a face area of 1.5 m ² (other <i>antenna</i>) in the General Residential <i>Zone</i> , or
	INF-ST8.2	5 metres in diameter (dish <i>antenna</i>), or a face area of 2.5 m ² (other <i>antenna</i>) in all other <i>zones</i> .

INF-ST9	<p>Where network utilities are located underground, any disturbance of the ground surface and any vegetation (apart from vegetation compromising the operational integrity of the <i>network utility</i>) must be reinstated or replaced upon completion of the works within the first available planting season.</p> <p>Guidance Note: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to <i>earthworks</i> and a resource consent may be required under those provisions.</p>
INF-ST10	<p>Works that are undertaken outside of an existing <i>road</i> corridor carriageway, or that are not operation, maintenance, <i>replacement</i> or <i>minor upgrading</i> works must not be located within the areas scheduled in HH-APP1, HH-APP2, TREE-SCHED1, HH-SCHED2 and HH-SCHED3 and HH-SCHED4, Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan. [PC65]</p>
INF-ST11	<p>Exterior lighting must be directed away from public places and adjoining <i>sites</i>, and must avoid any spill of light that may result in safety concerns for <i>road</i> users.</p>
INF-ST12	<p>Metal cladding or fences must be painted or otherwise treated to mitigate reflection.</p>
INF-ST13	<p>All <i>road/rail</i> level crossings must be kept clear of <i>buildings</i> and other obstructions which might block sight lines in accordance with TR-APP5.</p>
INF-ST14	<p>All network utilities must meet the noise standards relevant to the <i>zone</i> they are located in.</p>
INF-ST15	<p>All activities that result in vibration must be managed in accordance with the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration guide (August 2013) to manage vibration beyond <i>site</i> boundaries.</p>
INF-ST16	<p>Electric vehicle charging stations must not exceed 1.5 m² in area and 1.8m in <i>height</i> per charging station in all zones.</p>

Guidance Notes:

1. Vegetation planted within an electricity transmission corridor, including the *National Grid Yard* and distribution lines should be selected and managed to ensure that it will

not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

2. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines.
3. *Buildings*, structures and other activities near transmission gas lines should be managed according to the Operating Code Standard for Pipelines – Gas and Petroleum (NZS/AS 2885) and the Gas Distribution Networks (NZS 5258:2003).
4. Compliance with the permitted activity standards in INF-ST1 to INF-ST16 does not necessarily ensure compliance with the relevant code of practice identified above.
5. Sounds generated by construction, maintenance and demolition activities will be assessed, predicted, measured, managed and controlled by reference to NZS6803:1999 Acoustics – Construction Noise.
6. For any construction work associated with any infrastructure that is undertaken in the legal *road*, the person responsible for that work must be able to demonstrate compliance with the National Code of Practice for Utility Operators Access to Transport Corridors (2011).
7. *Radiocommunication and/or telecommunication facilities* that emit radiofrequency fields are required to comply with the radiofrequency regulations in the NESTF 2016.

Restricted Discretionary Activities (RDIS)

The following activities are *Restricted Discretionary Activities* in respect to *network utilities*:

INF-R17

Any *permitted activity* that does not comply with any of the relevant standards in INF-ST1 to INF-ST16. This rule does not apply to activities that do not meet standard INF-ST10 unless it meets the definition of *minor upgrading*, maintenance or *replacement*.

Matters of Discretion (MD)

For INF-R17 the *Council* has restricted its discretion to considering the following matters, only to the extent that they are relevant to the standard that is not met:

	INF-MD1	Scale of built form and location on <i>site</i> , including <i>height</i>
	INF-MD2	Screening, storage and landscaping
	INF-MD3	Traffic generation, <i>site</i> access and parking
	INF-MD4	Noise and vibration
	INF-MD5	Signage
	INF-MD6	Lighting
	INF-MD7	Effects on heritage
	INF-MD8	Known effects on the health and safety of nearby residents.
	Assessment Criteria (AC)	
	In determining whether to grant a resource consent and what conditions to impose, the <i>Council</i> will, in addition to the objectives and policies of the Infrastructure section and the relevant <i>zone</i> , assess any application in terms of the following assessment criteria:	
	INF-AC1	The proposed benefits of the <i>network utility</i> proposal to the wider community and beyond.
	INF-AC2	Whether the activity will result in any adverse effects on amenity values of neighbouring properties or the character of the <i>zone</i> in which the activity is proposed.
	INF-AC3	Whether the application remains consistent with the intention of the standard(s) it infringes.
	INF-AC4	The degree to which the non-compliance can be mitigated to ensure the effects are internalised to the <i>site</i> .
	INF-AC5	The degree to which co-location has been considered and is practicable.
	INF-AC6	Whether the activity impacts on the scheduled heritage values in HH-APP1, HH-APP2, TREE-SCHED1, HH-SCHED2, HH-SCHED3, HH-SCHED4, Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan and, if so, how such impacts are remedied or mitigated. [PC65]

	INF-AC7	The degree to which the alternative locations, <i>sites</i> , or routes have been assessed and any operational, locational or technical constraints considered.
	INF-AC8	The degree to which the proposed facility may affect the performance of other utilities nearby.
	INF-AC9	The technical and operational needs for the efficient functioning of the <i>network utility</i> .

Discretionary Activities (DIS)

The following activities shall be a Discretionary Activity:

INF-R18	Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as identified in Appendix NFL-APP1 or Significant Amenity Feature identified in Appendix NFL-APP2. [PC65]
INF-R19	Any <i>network utility</i> not otherwise specified as <i>Permitted</i> , <i>Restricted</i> , <i>Discretionary</i> or <i>Non-Complying Activity</i> , or is not specifically provided for in this Plan. [PC65]
INF-R20	Any new <i>National Grid transmission line</i> within an Outstanding Natural Landscape identified in NFL-APP1. [PC65]

Non-Complying Activities (NC)

INF-R21	Any new <i>network utility</i> , including windfarms and new distribution electricity lines located within an Outstanding Natural Landscape identified in NFL-APP1 is a <i>Non-Complying Activity</i> . [PC65]
----------------	--