



# Proposed Plan Change 3 - Rule Clarifications, Improvements & Corrections - Phase 2

## **TAIRĀWHITI RESOURCE MANAGEMENT PLAN**

**Evaluation Under Section 32  
of the Resource Management Act 1991**

June 2017



## Contents

<b>1. INTRODUCTION.....</b>	<b>1</b>
1.1 PLAN CHANGE PROCESS .....	1
1.2 REPORT LAYOUT .....	2
<b>2 PROPOSED CHANGES .....</b>	<b>2</b>
2.1 AMENDMENTS TO C2 RULES – BUILT ENVIRONMENT, INFRASTRUCTURE AND ENERGY .....	2
2.2 AMENDMENTS TO C3 RULES – COASTAL ENVIRONMENT OVERLAY.....	8
2.3 AMENDMENTS TO C9 RULES – NATURAL HERITAGE.....	9
2.4 AMENDMENTS TO C11.5 RULES: SPECIAL RULES FOR SPECIAL RURAL RESIDENTIAL ZONES .....	11
2.5 AMENDMENTS TO DD2 RULES – COMMERCIAL ZONES.....	12
2.6 AMENDMENTS TO DD3 RULES – INDUSTRIAL ZONES .....	13
2.7 AMENDMENTS TO DD4 – RURAL ZONE.....	20
2.8 AMENDMENTS TO PART E - DEFINITIONS.....	22
<b>3. STATUTORY AND POLICY FRAMEWORK .....</b>	<b>24</b>
3.1 RESOURCE MANAGEMENT ACT 1991 .....	24
3.2 NATIONAL POLICY STATEMENTS .....	24
3.4 REGIONAL POLICY STATEMENT .....	25
<b>4. SECTION 32 EVALUATION .....</b>	<b>26</b>
4.1 SECTION 32 REQUIREMENTS.....	26
4.2 APPROPRIATENESS OF POLICIES & METHODS FOR ACHIEVING THE OBJECTIVES.....	26
<b>5. CONCLUSION .....</b>	<b>32</b>
<b>APPENDIX 1: TESTING OF MINOR PLAN CHANGE FOR GISBORNE DISTRICT COUNCIL .....</b>	<b>33</b>
<b>SUMMARY FOR TABLE 2 .....</b>	<b>48</b>
<b>CHANGE IN DEFINITIONS. ....</b>	<b>49</b>

## 1. Introduction

This report presents proposed changes (Plan Change 3) to the Tairāwhiti Resource Management Plan and an evaluation in accordance with Section 32 of the Resource Management Act 1991 (RMA).

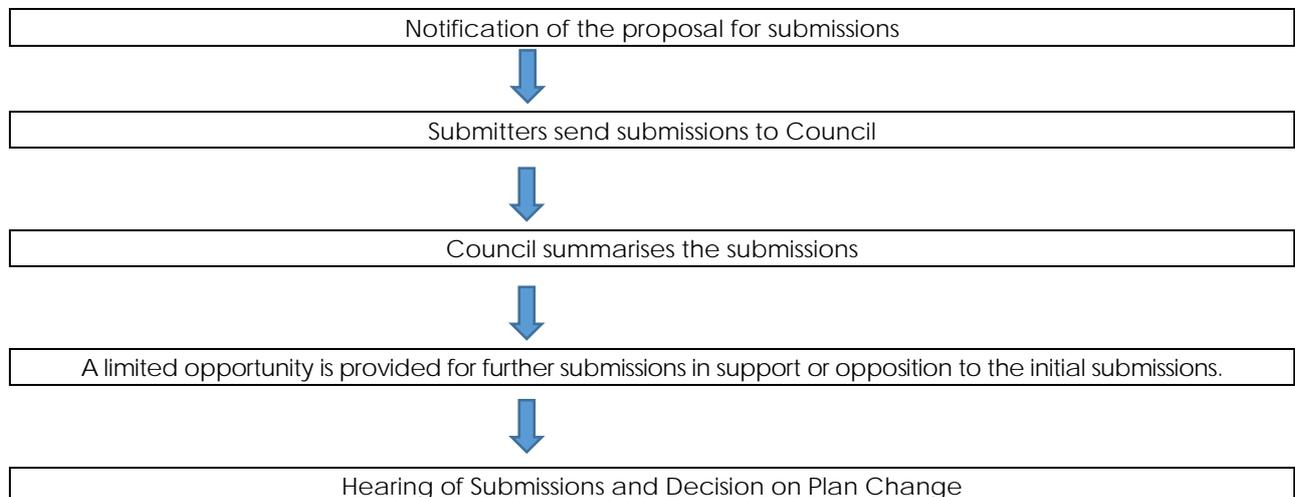
The proposed plan change (seeks to correct a number of plan errors and ambiguous rules that result in interpretation difficulties and uncertainty for the public and the Council. The proposed changes are outlined in Section 2 below. The matters included in this plan change were identified through consultation with local consultants that frequently use resource management plans as well as through consultation with Council's Consent Planners.

The most notable changes proposed relate to the former Chapter 8 (Network Utility Activities), now contained in Part C2 of the Tairāwhiti Resource Management Plan. Parts of this chapter cause uncertainty and confusion for plan users and have resulted in several unnecessary resource consent applications due to difficulties with interpretation. The proposed plan change seeks to rectify these issues. We have undertaken testing to ensure that the outcomes of the changes are consistent with that originally intended when the rules were conceived (refer to Appendix 1).

The amendments to the National Environmental Standards for Telecommunication Facilities 2008 took effect on 1 January 2017 (NESTC). The regulation has rules relating to telecommunications infrastructure which take precedence over the rules for the same activities in C2 of the Plan. If a telecommunication structure or facility is permitted under the NESTC, the rules in C2 of the Plan do not apply. If a telecommunication structure or facility is not permitted under the NESTC, the plan rules in C2 apply. The changes proposed through these minor plan changes do not conflict with the NESTC.

### 1.1 Plan Change Process

The First Schedule of the RMA outlines the plan change process that Council is required to follow. Essentially the process involves:



## 1.2 Report Layout

This report on Plan Change 3 includes:

- Details of the proposed changes;
- A description of the statutory and policy framework and assessment of the consistency with the policy framework;
- An evaluation of alternatives and costs and benefits pursuant to Section 32 of the RMA;
- Conclusions.

## 2 Proposed Changes

**Note: In relation to the changes proposed, all deletions are ~~struck~~ through and additional text is **bold and underlined**.**

### 2.1 Amendments to C2 Rules – Built Environment, Infrastructure and Energy

#### 2.1.1 Amend the Introduction to C2

This chapter sets out how Council will manage the infrastructure resources of the Gisborne District. It is divided into two main parts:

- Network Utility Operations.
- Works and Services.

#### Explanation:

Removals to Network Utility Operations was a minor change to remain consistent with the exact wording of the definition.

#### 2.1.2 Amend Permitted Rules C2.1.6

2.1.6(1)	<p>Unless otherwise specified in this Plan, the following network utility activities shall be permitted activities provided they comply with the General Standards in C2.1.6.1:</p> <ul style="list-style-type: none"> <li>• Network utility activities <del>(excluding those listed in C2.6.1.4 – C2.1.6.7 as Restricted Discretionary and C2.1.6.8 – C2.1.6.13 as Discretionary activities)</del></li> <li>• Installation and construction of structures associated with network utility activities <del>(excluding activities listed in C2.1.6.4 – C2.1.6.7 as Restricted Discretionary and</del></li> </ul>	All zones	Permitted	General standards A to F; and Specific standard A	N/A
----------	---	-----------	-----------	---	-----

	<p><del>C2.1.6.8 — C2.1.6.13 as Discretionary activities</del><sup>1</sup></p> <ul style="list-style-type: none"> <li>Alteration, minor upgrading, removal and maintenance of structures associated with network utility activities (except that General Standards C2.1.6.1(D) and C11.3.1 shall not apply)</li> </ul>				
--	--	--	--	--	--

**Explanation:**

Specifically referring to Restricted Discretionary and Discretionary activities is unnecessary as the plan intends to work that way anyway.

**2.1.3 Amend General Standards C2.1.6.1 B**

**B Zoning of Roads and Railway Reserve for the purpose of the rules in C2**

- a) Where a road or railway reserve is surrounded by one zone, the zone of the road or railway reserve shall be that of the surrounding zone; and
- b) Where a road or railway reserve is adjacent to two or more zones, the zone of the road or railway reserve shall be that of the highest adjoining zone ranked in the following order of priority:
  - i. Residential Zones (**highest**)
  - ii. Reserve Zones
  - iii. Rural Zones
  - iv. Commercial Zones
  - v. Port Management Zones
  - vi. Industrial Zones (**lowest**).

**Explanation:**

At present it could be interpreted that C2.1.6.1B means that the rules in the zone chapter of the District Plan apply, but this is not the intention of the rule.

**2.1.4 Amend introductory notes for General Standard C2.1.6.1D**

Note:

- 1. To clarify, lines, cables, aerials, antennas, ~~masts, pylons, poles, streetlights and other~~ **their** support structures ~~which are excluded from the definition of "utility structures" (Chapter 24)~~ are not subject to any restrictions on height and recession planes, ~~yard distances or building length~~ except in the case of Rules 8.10, 8.11.7.1(b) and 8.12.1.4.

---

<sup>1</sup> Plan Change 3

2. Where a ~~lines, cables, aerials, antennas, masts, pylons and poles~~ structure, which is specifically excluded from the definition of "utility structure" is **are** affixed to a building or structure, the affixed structure shall not be included when determining the total height of the building or structure.

**Explanation:**

Lines, cables, aerials, antennas, masts, pylons, poles, streetlights are no longer to be excluded from the definition on utility structures and instead the above note has been revised to provide clarity as to which rules are not applicable to these structures. The current situation is very confusing.

**2.1.5 Amend terminology General Standard C2.1.6.1 D**

**a) Residential and Rural zones**

**Network u**Utility structures shall be contained within recession planes commencing 2.75 metres above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.

**b) Reserve zones**

On any reserve zone having a common boundary with a residential or rural zone, **network** utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75 metres above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

**c) Commercial zones**

**Network u**Utility structures shall comply with the following height limits:

- i. Inner Commercial zone (Gladstone Rd/Peel St marked as continuous street facade): Maximum: 14 metres
- ii. Inner Commercial zone (area not marked as continuous street facade): Maximum 10 metres
- iii. Outer Fringe, Aviation & Amenity Commercial zone Maximum: 12 metres
- iv. Suburban & Rural Commercial zones Maximum 10 metres

**PROVIDED THAT** any site having a common boundary with any residential or reserve land, **network** utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

**d) Industrial zones**

- i. Maximum height for network utility structures: 20 metres
- ii. Where any site has a common boundary with or is separated from land zoned residential, rural or reserve by any road or railway, then network utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75 m above the boundary facing the residential, rural or reserve zoned site. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

**e) Port zones (~~for network utility structures~~)**

- i. Maximum height for any network utility structure in Zone A: 12m

**PROVIDED THAT**

- ~~i) structures do not include antennas and their supporting structures and network utility poles and streetlights;~~
- ii) i) on any site having a common boundary with any land zoned residential or reserve, network utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

**Explanation:**

The definition of 'utility structures' has now been renamed 'network utility structures' to reduce interpretation issues. As such in text reference to this has also been changed through this chapter to match the definition term.

C2.1.6.1 D Port Zones is already in the network utility activities section so there is no need to specifically note 'for network utility structures' in the heading. The definition of network utility structures refers to structures associated with network utility activities and does not exclude antennas and their supporting structure or poles or streetlights as the definition has been amended. In addition Note 2 covers the fact that antennas and their supporting structures are not included within the maximum height rule in this case. Therefore, 'i' is redundant. The change is made for clarity and to avoid repetition.

## 2.1.6 Amend General Standards C2.1.6.1E and F

### E Yard Distances (excluding activities within road reserve and sites of 50m<sup>2</sup> or less)

**Note: To clarify, lines, cables, aerials, antennas and their support structures are not subject to any yards except in the case of Rules C2.1.6.1Ea)ii.**

#### a) Residential Zone

- i. Canopies and verandahs may intrude into the street when determining compliance with yard requirements; and
- ii. All network utility structures (including support structures): All yards: 4.5 metres.

**PROVIDED THAT** any structure may be erected a minimum of 2 metres from any boundary, excluding front boundaries, if the written consent of the adjoining property owners is obtained and submitted to the Consent Authority at the stage a building consent is sought.

#### b) Commercial Zone

- i. Inner Commercial Zone:

A continuous building edge is required along Gladstone Road, Peel Street, Lowe Street between Gladstone Road and Reads Quay and any other areas marked on the planning maps as continuous street façade;

- ii. Awapuni Road Area zoned Outer Commercial between Grey Street, Awapuni, Customhouse St and Waikanae Stream:

Front yard: (on Awapuni Rd and Customhouse St): 7.5m

Rear yard on Waikanae Stream: 20m from MHW; and

- iii. All other zones:

- yards are required only where a site adjoins a residential zone.
- side yards: 3.0m
- rear yards for service areas & outdoor storage areas: 4.5m
- street boundaries of car parks: 3.0m.

#### c) Industrial Zone

- i. Yards are only required where the site adjoins a site which is zoned residential, rural, or reserve:
  - General Industrial zone: 4.5 metres
  - Rural Industrial zone: 10 metres.

d) **Rural Zones (~~utility structures~~)**

- i. All yards: 4.5 metres;

**PROVIDED THAT network** utility structures may be erected on any side or rear yard if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority at the time a building consent is sought, or prior to the commencement of the activity.

- ii. No crib or fence shall be erected where it obstructs traffic sight lines; and  
iii. Eaves of buildings may not encroach by more than 0.6m on any yard.

e) **Port Zones (~~utility structures~~)**

- i. Yards are only required where the site adjoins:  
- a road adjacent to a residential zone: 4.5m  
- the Hirini Street Cemetery: 3.0m.

f) **Reserves Zone (~~utility structures~~)**

- i. Network uUtility structures shall be set back a minimum of 4.5 metres from road boundaries; 3.0 metres from residential and rural residential zone boundaries unless otherwise stated in the relevant zone.

**F Building Length**

- a) No **network** utility structure where it adjoins a residential or reserve zone shall be more than 15 metres long without:
- having a vertical or horizontal offset in plan of at least 2 metres, or
  - being confined within the arms of a 150° angle formed by two lines intersecting at a common point on all site boundaries such that each line forms an angle of 15° with the boundary (see Figure (1)), or
  - being offset from each other unit by not less than 25 per cent of the width of the unit nearest the road, with a minimum offset of 2m (see Figure (2)); or
  - the written consent of the adjoining property owners, shall be obtained and submitted to the Consent Authority at the time a building consent is sought, or prior to the commencement of the activity.
  - No **network** utility structure (excluding roads, rail and buildings) shall exceed 30m<sup>2</sup> gross floor area in or adjoining a residential or commercial zone.

**Explanation:**

The note for E was added because content has been deleted from Note 1 in section C2.1.6.1D that related to yard distances.

The above Rules are all within the Rules for Network Utility Activities and therefore do not need to be specifically highlighted. This change is to avoid unnecessary labelling. In addition, the definition of 'utility structure' has been amended to 'network utility structure'. Thus, the wording throughout this chapter has been changed to remain consistent with the definition.

**2.2 Amendments to C3 Rules – Coastal Environment Overlay**

**2.2.1 Amend Permitted Activities Rule C3.14.3**

The following permitted activities are for the avoidance of doubt. The list is not exhaustive. ~~(General Rule C9.1.6.1A refers)~~ **states that activities are permitted activities unless listed as Controlled, Restricted Discretionary, Discretionary, Non-Complying, or Prohibited in this chapter or any other chapter of the plan.**

**Explanation:**

The proposed change seeks to ensure that the plan user is aware that if an activity is not listed, then it is a permitted activity.

**2.2.2 Additional Restricted Discretionary Rule C3.14.3(12)**

3.14.3(12) <sup>2</sup>	<u>Subject to Rule C3.4.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2 metres in width.</u>	<u>Coastal Environment Overlay</u>	<u>Restricted Discretionary</u>	<u>N/A</u>	<u>Matters a)-f) in 3.14.3.3(D) below</u>
-------------------------	---	------------------------------------	---------------------------------	------------	---

<sup>2</sup> Plan Change 3

### **3.14.3.3 D Matters of Discretion**

...

#### **H. Council shall restrict its discretion to the matters a)- j) specified below:**

- a) The timing and duration of the activity;
- b) The area, location and size of the structure with particular regard to conforming with existing landforms;
- c) Proximity to prominent ridgelines;
- d) The cumulative effect of the activity;
- e) Proximity to existing structures;
- f) Conformity with the nature and extent of existing structures;
- g) The structure's visual dominance in the landscape;
- h) Any vegetation screening and backdrop;
- i) The means necessary to maintain values associated with natural character, biodiversity, amenity and landscape;
- j) Heritage values in the heritage alert layer.

#### **Explanation:**

At present there is no rule that is triggered in the event that the construction corridor exceeds 2 metres in width (see permitted activities).

## **2.3 Amendments to C9 Rules – Natural Heritage**

### **2.3.1 Amend Permitted Activities Rule C9.1.6**

The following permitted activities are for the avoidance of doubt. The list is not exhaustive, ~~(General Rule C9.1.6.1A refers)~~ **states that activities are permitted activities unless listed as Controlled, Restricted Discretionary, Discretionary, Non-Complying, or Prohibited in this chapter or any other chapter of the plan.**

#### **Explanation:**

The proposed change seeks to ensure that the plan user is aware that if an activity is not listed, then it is a permitted activity.

### 2.3.2 Additional Restricted Discretionary Rule C9.1.6(53)

9.1.6(53)	Subject to Rule C3.4.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2 metres in width.	Outstanding Landscape, Protection Management Area Overlay, Riparian Management Area Overlay, Indigenous Vegetation Clearance Outside the Protection Management Area Overlay, Gisborne Urban Ridgeline Overlay	Restricted Discretionary	N/A	Matters a)-f) in 9.1.6.4(l)
-----------	--	---	--------------------------	-----	-----------------------------

#### 9.1.6.4 Matters of Discretion

...

#### l. Council shall restrict its discretion to the matters a)- j) specified below:

- a) The timing and duration of the activity;
- b) The area, location and size of the structure with particular regard to conforming with existing landforms;
- c) Proximity to prominent ridgelines;
- d) The cumulative effect of the activity;
- e) Proximity to existing structures;
- f) Conformity with the nature and extent of existing structures;
- g) The structure's visual dominance in the landscape;
- h) Any vegetation screening and backdrop;
- i) The means necessary to maintain values associated with natural character, biodiversity, amenity and landscape;
- j) Heritage values in the heritage alert layer.

**Explanation:**

At present there is no rule that is triggered in the event that the construction corridor exceeds 2 metres in width (see permitted activities).

## 2.4 Amendments to C11.5 Rules: Special Rules for Special Rural Residential Zones

### ~~C11.5—Special Rules for Specific Rural Residential Zones~~

- ~~1. The land marked as “RR1 App 25”, being Lot Pt Lot 3 DP 961, Lot 21 DP 371 and Pt Lot 13 DP 371 held in the one Certificate of Title, (as at 20 November, 1997), may be subdivided into no more than three new allotments. One dwelling unit plus one self contained unit not containing more than two habitable rooms attached to or in close proximity to the dwelling unit may be erected:~~

~~Provided That:~~

- ~~a) All other relevant rules in the Plan are complied with, excluding rule 12.6.2(a) and 21.12.1.~~
- ~~b) The dwelling unit and the self contained unit shall be held together on the same Certificate of Title.~~
- ~~c) To comply with this clause a site may comprise separate parcels of contiguous land, or land separated only by a road, railway, drain, water race, river or stream, and held in one Certificate of Title or by other means which ensure that the owner of those parcels of land cannot, without the consent of the Council, transfer or lease any such parcel of land or any part thereof except in conjunction with the other or others.~~

- ~~2. The land marked as “RR2 App 25”, being Lot 1 DP 4003 and Lot 1 DP 7007 371 held in the one Certificate of Title, (as at 20 November, 1997), may be subdivided into no more than two new allotments. One dwelling unit plus one self contained unit not containing more than two habitable rooms attached to or in close proximity to the dwelling unit may be erected:~~

~~Provided That:~~

- ~~a) All other relevant rules in the Plan are complied with, excluding rule 12.6.2(a) and 21.12.1.~~
- ~~b) The dwelling unit and the self contained unit shall be held together on the same Certificate of Title.~~

- ~~e) To comply with this clause a site may comprise separate parcels of contiguous land, or land separated only by a road, railway, drain, water race, river or stream, and held in one Certificate of Title or by other means which ensure that the owner of those parcels of land cannot, without the consent of the Council, transfer or lease any such parcel of land or any part thereof except in conjunction with the other or others.~~

**Explanation:**

C11.5 has been deleted as the special rules relating to the Certificate of Title has now been subdivided. Thus a new rule has been inserted into the rural zone relating to the new addresses.

## 2.5 Amendments to DD2 Rules – Commercial Zones

### 2.5.1 Rule 2.6.1(1) and (19A)

**Rule Table DD2.6.1**

Rule Number	Rule	Standards	Status	Zone	Matters of Control or Discretion
<b>Permitted Activities</b>					
2.6.1(1)	Residential accommodation both visitor and permanent	General standards A to I below; and Accommodation is not situated on the ground floor	Permitted	Inner Commercial Zone, <u>Outer Commercial Zone</u>	N/A
<del>2.6.1(19A)</del>	<del>Residential accommodation both visitor and permanent</del>	<del>General standards A to I below; and</del> <del>a) The activity complies with the rules for the Inner Residential Zone.</del>	<del>Permitted</del>	<del>Outer Commercial Zone</del>	<del>N/A</del>

**Explanation:**

The amendment clarifies the cross referencing reducing ambiguity.

## 2.6 Amendments to DD3 Rules – Industrial Zones

### 2.6.1 Amend Permitted Activities and Controlled Activities Rules 3.6.1

#### Rule Table DD3.6.1

Rule Number	Rule	Standards	Status	Zone	Matters of Control or Discretion
<i>Permitted Activities</i>					
3.6.1(1)	Industries	General standards A to J below	Permitted	General Industrial Zone	N/A
3.6.1(2)	Warehouses	General standards A to J below Shall not apply to Pt Awapuni 1J2B ML 1954, 1 Commerce Place (Lot 5 DP 405928), 51 Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road); <sup>3</sup>	Permitted	General Industrial Zone, Rural Industrial A zone	N/A
3.6.1(3)	Activities and structures ancillary to industry	General standards A to J below	Permitted	General Industrial Zone	N/A
3.6.1(4)	Recreational activities and structures	General standards A to J below	Permitted	General Industrial Zone	N/A
3.6.1(5)	Residential accommodation in association with any activity listed above provided that the activity does not occur within the Noise Impact Overlay	General standards A to J below	Permitted	General Industrial Zone	N/A

<sup>3</sup> Plan Change 3

Evaluation Under Section 32  
of the Resource Management Act 1991

3.6.1(6)	Parking areas	General standards A to J below	Permitted	General Industrial Zone	N/A
3.6.1(7)	Service stations and the storage and sale of liquid petroleum gas	General standards A to J below	Permitted	General Industrial Zone	N/A
3.6.1(8)	Meteorological activities	General standards A to J below a) Associated structures shall have a ground coverage of 50m <sup>2</sup> or less; and have a height not exceeding 15 metres; b) Site area shall be 500m <sup>2</sup> or less. Shall not apply to <del>Part</del> <u>Awapuni 1J2B-ML-1954 1 Commerce Place (Lot 5 DP 405928), 51 Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road);</u>	Permitted	General Industrial Zone, Rural Industrial A Zone, Rural Industrial B Zone	N/A
3.6.1(9)	Installation or alteration of antennas and support structures (other than network utility activities)	General standards A to J below Shall not apply to <del>Part</del> <u>Awapuni 1J2B-ML-1954 1 Commerce Place (Lot 5 DP 405928), 51 Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road);</u>	Permitted	General Industrial Zone, Rural Industrial A Zone, Rural Industrial B Zone	N/A
3.6.1(10)	Temporary activities	General standards A to J below a) The activity shall be exempt from all the General Rules except noise.	Permitted	General Industrial Zone, Rural Industrial A Zone, Rural Industrial B Zone	N/A

		<p>b) The activity shall comply with rules for noise specified in Rule C11.2.15.2(3) (Figure C11.9).</p> <p>c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.</p> <p>d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.</p> <p>e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.</p> <p>Shall not apply to <del>Pt</del> <u>Awapuni 1J2B-ML 1954 1</u> <u>Commerce Place (Lot 5 DP 405928), 51</u> <u>Commerce Place (Lot 3 DP 405928), Commerce</u> <u>Place (Lot 4 DP 405928)</u> <u>(Awapuni Road);</u></p>			
3.6.1(11)	Transfer stations and recycling depots	General standards A to J below	Permitted	General Industrial Zone	N/A
3.6.1(12)	Alterations and additions to existing dwelling units Note:	<p>General standards A to J below</p> <p>Shall not apply to <del>Pt</del> <u>Awapuni 1J2B-ML 1954 1</u> <u>Commerce Place (Lot 5 DP 405928), 51</u></p>	Permitted	General Industrial Zone, Rural Industrial A Zone	N/A

	Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.	<u>Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road);</u>			
3.6.1(13)	Farming excluding the erection of residential buildings	General standards A to J below Shall not apply to Pt <del>Awapuni 1J2B ML 1954 1</del> <u>Commerce Place (Lot 5 DP 405928), 51</u> <u>Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road);</u>	N/A	Rural Industrial A Zone, Rural Industrial B Zone	N/A
3.6.1(14)	Additions to or alterations of existing industrial or ancillary buildings	General standards A to J below; and a) The addition or alteration does not exceed 500 square metres gross floor area (gfa). Shall not apply to Pt <del>Awapuni 1J2B ML 1954 1</del> <u>Commerce Place (Lot 5 DP 405928), 51</u> <u>Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road);</u> Note:	N/A	Rural Industrial A Zone, Rural Industrial B Zone	N/A

		Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety can be obtained from the Environmental Health and Building Inspectorates of Council.			
3.6.1(15)	Lunchbars and Dairies	General standards A to J below  Shall not apply to <del>the</del> <u>Awapuni 1J2B-ML 1954 1 Commerce Place (Lot 5 DP 405928), 51 Commerce Place (Lot 3 DP 405928), Commerce Place (Lot 4 DP 405928) (Awapuni Road);</u>	N/A	Rural Industrial A Zone	N/A
3.6.1(17)	Geological and geophysical prospecting activities in the Rural G, Rural P and Industrial Zones	a) Notice shall be given to landowners within 100 metres of any prospecting activities, to the District Council and to tangata whenua at least 30 days prior to commencement of operations. The notice is to include information on the nature, location, timing and effects of the activity.  b) Public notice in a newspaper circulating in the prospecting area shall be printed 7 days prior to commencement of operations.	N/A	N/A (Petrochemical exploration and production mining)	N/A

		<p>c) The minimum distance between a shot hole and any dwelling shall be 100m unless the written approval of the owner and occupier has been obtained.</p> <p>d) Restoration and rehabilitation of disturbed areas including access tracks, shot holes, drainage areas, vegetation and gates and fences shall be carried out.</p> <p>e) All activities must comply with the General Rules specified in C2 – Built Environment, Infrastructure and Energy and C11.2 - Noise and Vibration.</p>			
<b>Controlled Activities</b>					
3.6.1(18)	Additions to or alterations of existing industrial or ancillary buildings with gross floor area greater than 500m <sup>2</sup> (but less than or equal to 1000m <sup>2</sup> )	N/A	Controlled	Rural Industrial A Zone	Matters a) to e) in 3.6.1.2(A) below
3.6.1(19)	Industry and ancillary services	a) The ancillary services activities shall be secondary to the principal use of the site for industrial activities.	Controlled	Rural Industrial A Zone, Rural Industrial B Zone	Matters a) to e) in 3.6.1.2(A) below for Rural Industrial A Zone and matter a) in

Evaluation Under Section 32  
of the Resource Management Act 1991

		b) Ancillary retail activities, including restaurants, shall not exceed 100m2 gross floor area.			3.6.1.2(D) for Rural Industrial B Zone.
3.6.1(20)	Erection of new buildings or structures visible from any road, public place or land zoned rural	N/A	Controlled	Rural Industrial A Zone	Matters a) to e) in 3.6.1.2(A) below
3.6.1(21)	Activities in listed as permitted or controlled in the Rural Industrial A Zone and located on Pt Awapuni 1J2B ML (Awapuni Road) 1 Commerce Place (Lot 5 DP 405928, 51 Commerce Place (Lot 3 DP 405928, Commerce Place (lot 4 DP 405928 (Awapuni Road).	a) the boundary between the Rural Industrial A Zone and the Heritage Reserve Zone is fenced with post and wire prior to commencement of any rural industrial activity; and b) a memorial stone is erected on the site of the urupa in the "Heritage Reserve" zone prior to the commencement of any rural industrial activity	Controlled	Rural Industrial A Zone	Matters a) to d) in 3.6.1.2(A) below and a) and b) in 3.6.1.2(B)
3.6.1(22)	Carriers and transport operators depots	N/A	Controlled	Rural Industrial A Zone	Matters a) to e) in 3.6.1.2(A) below
3.6.1(23)	Activities listed as permitted or controlled in the Rural Industrial A zone in respect of Pt Awapuni 1J2B ML 1954.	a) The boundary between the Rural Industrial Zone and the Heritage Reserve Zone is fenced with post and wire prior to commencement of any rural industrial activity; and	Controlled	Rural Industrial B Zone	Matters a) to e) in 3.6.1.2(C)

		<del>b) A memorial stone is erected on the site of the urupa in the "Heritage Reserve" Zone prior to the commencement of any rural industrial activity.</del>			
3.6.1(24)	Residential accommodation in association with any industry or ancillary service provided that the activity does not occur within the Noise Impact Overlay	N/A	Controlled	Rural Industrial B Zone	Matter a) in 3.6.1.2(D) below
3.6.1(25)	Transfer stations and recycling depots	N/A	Controlled	Rural Industrial B Zone	Matter a) in 3.6.1.2(D) below

**Explanation:**

The legal description 'Pt Awapuni 1J2B ML' does not exist anymore and has since been subdivided to which the inserted legal titles and corresponding street address have been updated.

The site that the existing rule is referring to is located within the Rural Industrial A Zone but some rules refer to Rural Industrial B Zone.

## 2.7 Amendments to DD4 – Rural Zone

### 2.7.1 Amend Permitted Activity Rule 4.6.1(18)

4.6.1(18)	One dwelling unit, plus one self contained unit not containing more than two habitable rooms attached to or in close proximity to the dwelling unit, <del>on a site which contains not less than one hectare of land</del> that is not	General standards A to D below; and a) the site shall contain not less than one hectare of land, subject to e) b) A dwelling unit may be erected on any smaller site in existence at the date of notification of the plan.	Permitted	Rural Residential Zone	N/A
-----------	--	--	-----------	------------------------	-----

	<p>located in the Airport Protection Overlay Area</p>	<p>b) The dwelling unit and the self-contained unit shall be held together on the same Certificate of Title.</p> <p>c) To comply with this clause a site may comprise separate parcels of contiguous land, or land separated only by a road, railway, drain, water race, river or stream, and held in one Certificate of Title or by other means which ensure that the owner of those parcels of land cannot, without the consent of the Council, transfer or lease any such parcel of land or any part thereof except in conjunction with the other or others.</p> <p>d) For a site which is shown to be capable of subdivision to provide further sites which would qualify for a dwelling unit to be established thereon, such additional number of dwelling units may be compatible with future subdivision of the site in accordance with the provisions of the Plan.</p> <p>e) <u>For 11 Makaraka Road (Lot 1 DP 307921), 11a Makaraka Road (Lot 2 DP 307921), 13 Makaraka Road (Lot 1 DP 461294), and 13b Makaraka Road (Lot 3 DP 461294) a) does not apply.</u></p>			
--	---	---	--	--	--

**Explanation:**

C11.5, which outlines special rules for these properties, has been deleted as the special rules relating to the Certificate of Title has now been subdivided. Thus a new rule has been inserted into the rural zone relating to the new addresses.

**2.7.2 Delete reference to rr1 App 25 and rr2 App25 from Maps U46a and U47a.**

**Explanation:**

As Appendix 25 will be deleted, the reference to rr1 App 25 and rr2 App 25 on Map U46a and U47a become redundant.

**2.8 Amendments to Part E - Definitions**

**2.8.1 Amend Definition Network utility Operation**

<p>Network utility Operation/ <u>Activities</u></p>	<p>any activity relating to:</p> <p><i>The distribution or transmission by pipeline of natural or manufactured gas, petroleum product or geothermal energy; or</i></p> <p><i>Telecommunication activities including telecommunication or radio communication as defined in Section 2 (1) of the Telecommunications Act 1987; or</i></p> <p><i>The generation, transformation, transmission, or distribution of electricity; or</i></p> <p><i>The distribution of water for supply, including irrigation; or</i></p> <p><i>Drainage or sewage reticulation; or</i></p> <p><i>The construction, maintenance or operation of roads and railway lines <u>(For the purpose of clarification, road network utility structures on roadways and railways are included as network utility structures)</u>; or</i></p> <p><i>The construction, maintenance or operation of heliports, helipads or airports as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or</i></p> <p><i>Undertaking a major project or work described as a "network utility operation" by regulations made under the Resource Management Act 1991 and subsequent amendments; or</i></p> <p><i>Lighthouses, navigation aids and beacons, meteorological services and ancillary structures.</i></p>
---	--

**Explanation:**

The word 'activities' has been added to the network utility term as it is often referenced this way in Chapter 8 of the plan. The point of clarification that structures on roadway and railways are included in the definition of network utility operations was necessary because various structures have not be specifically listed in the definition, to which plan users sometime mistook some activities as requiring a resource consent because they were not defined as a network utility activity.

**2.8.2 Delete definition of Utility Structure in Glossary and Insert Definition for Network Utility Structure. Insert definition for Support Structure.**

Utility structure	<del>means any structure associated with a network utility which receives or transmits to or from any part of a utility network operation and includes transformers, substations, compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths and similar structures, whether for private or public purposes. It does not include lines, cables, aerials, antennas, masts, pylons, poles, streetlights and other support structures and the generation of matter or energy transmitted by the network utility operation. It does not include roadways or railways but does include structures erected on them. It does not include retail, commercial, warehouse or service facilities or activities.</del>
<u>Network Utility Structure</u>	<b><u>Means any structure associated with a network utility activity.</u></b> <b><u>A structure in this context means any building, equipment, device, or other facility made by people and which is fixed to land and includes any raft.</u></b>
<u>Support Structure</u>	<b><u>means a pole, pylon or mast on which antennas, dishes, aerials or network utility structures are located.</u></b>

**Explanation:**

The current definitions in for Utility Structures and Network Utility Operation cause a lot of problems for plan users as they are ambiguous. The above amendments clarify the intention behind the rules and should reduce confusion. The use of the word support structure in the plan is not currently defined resulting in uncertainty.

### 3. Statutory and Policy Framework

#### 3.1 Resource Management Act 1991

The key legislation for environmental management in New Zealand is the Resource Management Act 1991 (RMA). The purpose of the RMA is *to promote the sustainable management of natural and physical resources*.

Council has the following relevant functions under the RMA:

- *The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*
- *The control of any actual or potential effects of the use, development, or protection of land.*

This evaluation recommends amendments to District Plan Rules in order to control actual or potential effects from the use and development of land.

#### 3.2 National Policy Statements

A district plan must give effect to any National Environmental Policy Statement.

##### **National Policy Statement on Electricity Transmission 2008**

The National Policy Statement on Electricity Transmission 2008 (NPS ET) sets out the objectives and policies to ensure consistency throughout the country in the effective management of electricity transmission network. Plan change 2 is not inconsistent with the NPS ET.

##### **New Zealand Coastal Policy Statement 2010**

The New Zealand Coastal Policy Statement (NZCPS) has the purpose of providing guidance for decision-makers in relation to the coastal environment. The NZCPS recognises that activities relating to infrastructure such as utility operations will be established near to and within coastal environments that must be managed with care in order to promote sustainable management. In particular the following policies are of relevance to Proposed Plan Change 2:

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;

The proposed changes sought through this plan change do not conflict with the NZCPS.

### 3.3 National Environmental Standard

The Tairāwhiti Plan must give effect to any National Environmental Standard.

#### **National Environmental Standards for Telecommunication Facilities 2016**

The National Environmental Standards for Telecommunication Facilities 2008 (NES ET) has been recently amended and which took effect on 1 January 2017 – National Environmental Standards for Telecommunication Facilities 2016 (NESTC 2016). The regulation provides rules for the deployment of telecommunications infrastructure that relate to Part C2. The NESTC 2016 allows for greater consistency and provides for a wider range of telecommunications infrastructure as permitted activities. However, the current plan rules are still relevant in the event that an activity does not comply with the permitted activity standards in NESTC 2016. The changes proposed through these minor plan changes are not inconsistent with the NESTC 2016 and only seek to provide greater clarity and readability for plan users relating to Network Utility Activities.

It is recommended that a note be inserted into Chapter 8 advising plan users of the existence of NESTC 2016.

#### **National Environmental Standards for Electricity Transmission Activities 2009**

The National Environmental Standards for Electricity Transmission Activities 2009 (NES ET) ensures that planning requirements are nationally consistent and that appropriate guidance is provided for the adequate maintenance and upgrade of transmission lines. Plan rules may not be more lenient than a NES, nor can a plan rule be more stringent than the NES.

Plan Change 2 does not conflict with the NES ET and its related rules.

### 3.4 Regional Policy Statement

The district plan component of the Tairāwhiti Plan must give effect to any operative regional policy statement (RPS). A district plan must also have regard to any proposed regional policy statement (PRPS) and must not be inconsistent with a regional plan. Part B of the Tairāwhiti Plan comprises the core parts of the RPS and is the main vehicle for interpreting and applying the sustainable management requirements of the RMA in a local context in relation to natural resources and guides the development of lower tier plans, including the District Plans in relation to natural resources.

In particular objective B3.5.1(2) *'The provision of the efficient development, operation and maintenance of network utilities by the relevant organisations throughout the Region in a way that avoids remedies or mitigates adverse effects on the natural and physical environment'* is relevant to Infrastructure provided by Network Utility Operators.

Furthermore, the plan changes recommended will not conflict with objectives to protect highly fertile or versatile soils and avoid effects of natural hazards provided for in the RPS:

The proposed provisions remain consistent with the Regional Policy Statement.

## 4. Section 32 Evaluation

### 4.1 Section 32 Requirements

In achieving the purpose of the RMA section 32 requires an evaluation of alternatives and costs and benefits before a proposed plan change or variation is publicly notified.

Undertaking a section 32 evaluation assists in determining why changes to existing plan provisions may be needed and formalises a process for working out how best to deal with resource management issues.

In accordance with Section 32, Proposed Plan Change 2 must be accompanied by an evaluation that:

- Examines the appropriateness of the provisions (policies and methods) in achieving the objectives, in terms of their efficiency and effectiveness, risks, and other reasonably practicable options
- Contains a level of detail that corresponds to the scale and significance of the effects anticipated from the proposal.

Section 32(2) requires that the benefits and costs be assessed in terms of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practical, these benefits and costs should be quantified.

A section 32 summary evaluation report is required to accompany the proposed change at the time of public notification (s32(5)).

### 4.2 Appropriateness of Policies & Methods for Achieving the Objectives

In order to efficiently and effectively achieve the district plan objectives, the evaluation below recommends changes to the rules as outlined in Section 2 of this report.

Section 32(3)(b) requires an examination of whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- Identifying other reasonable practical options for achieving the objectives; and*
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- Summarising the reasons for deciding on the provisions*

The assessment must:

- 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:*
  - 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; and*
- c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

The assessment of the appropriateness of the methods for achieving the Objectives is included in Table 4.2 below.

**Table 4.2: Evaluation of Methods**

OBJECTIVES	PROPOSED METHODS	APPROPRIATENESS - Efficiency, Effectiveness, Costs, Benefits, Risks
<p><b>Objective C9.1.3</b></p> <p>1. The maintenance and, where appropriate, enhancement of the abundance, distribution range and diversity of the Gisborne District's indigenous flora and fauna.</p> <p>2. Protection of areas of significant indigenous vegetation, significant habitats and outstanding natural features and landscapes.</p>	<p><b>The proposed changes can be summarised as follows:</b></p> <ul style="list-style-type: none"> <li>- A new description is proposed at the start C9 clarifying that if an activity is not listed, then it is a permitted activity</li> <li>- Inserting new restricted discretionary rules for non-compliance with permitted activity conditions related to vegetation clearance and soil disturbance associated with network utility activities. At present there is no default rule for non-compliance with the permitted activity conditions.</li> </ul>	<p>The proposed change seeks to ensure that the plan user is aware that if an activity is not listed, then it is a permitted activity. Additionally, with respect to the rules for vegetation clearance and soil disturbance there is currently no activity status cascade if you do not comply with these rules. Thus, a Restricted Discretionary rule is proposed to ensure that consent is required if the construction corridor of vegetation clearance and land disturbance exceeds 2 metres in width.</p> <p><u>ADMINISTRATIVE COSTS</u></p> <p>The proposal will not affect the administration costs for Council or the community other than to lessen the likelihood of unnecessary resource consent applications.</p> <p><u>ECONOMIC COSTS and BENEFITS</u></p> <p>There are no broader economic costs from the proposal. The amended rules will benefit the plan user by reducing the time spent interpreting the rules. The clarification at the beginning will remove the need to apply for resource consent in some instances, resulting in economic benefit.</p> <p><u>SOCIAL COSTS and BENEFITS</u></p> <p>There are no social costs associated with the proposal. The amendment simply improves the plan interpretation for user benefit. The proposed amendments to the rule will have no broader social benefits.</p> <p><u>ENVIRONMENTAL COSTS and BENEFITS</u></p> <p>There are no to be environmental costs associated with the proposal. The environmental benefits from the amended rule may occur through improved legibility about what is a permitted activity.</p> <p><u>EFFICIENCY</u></p> <p>The efficiency of the rule will be improved with respect to reducing administrative uncertainty and time spent interpreting the rules.</p> <p><u>EFFECTIVENESS</u></p> <p>The amended changes to rules in Chapter C9 provide clarification of activities that are permitted with the aim of making Chapter C9 more effective.</p> <p><u>ALTERNATIVE METHODS</u></p> <p>Option 1 – Status Quo</p> <p>At present the existing rules result in confusion and ambiguity. The option to keep the status quo is therefore not an effective or efficient method to achieve the objectives of the District Plan.</p>

<p><b>Objective C2.1.3</b></p> <ol style="list-style-type: none"> <li>1. Infrastructure that enables people and communities to provide for, and enhance their environmental, social, cultural and economic wellbeing.</li> <li>2. Infrastructure that is designed, located, constructed, operated and maintained to ensure:           <ul style="list-style-type: none"> <li>• A safe and healthy environment.</li> <li>• The efficient use of energy and resources.</li> <li>• Adverse effects are avoided, remedied or mitigated.</li> </ul> </li> <li>3. That the infrastructure associated with subdivision, use and development be provided in an integrated and co-ordinated manner to ensure:           <ul style="list-style-type: none"> <li>• Compatibility with existing infrastructure networks.</li> <li>• Adequate capacity for the anticipated land use.</li> <li>• Ongoing management and lifecycle costs are taken into account.</li> <li>• Unanticipated costs to the community are avoided.</li> <li>• The requirements of infrastructure providers are taken into account.</li> </ul> </li> <li>4. To enable and promote subdivision and development of infrastructure that:           <ul style="list-style-type: none"> <li>• Allows the implementation of good urban design practice.</li> <li>• Allows the implementation of low impact design principles.</li> <li>• Reflects the environmental and social context of the location.</li> </ul> </li> <li>5. That the efficient and effective provision of network utility operations, including investment in that infrastructure, is not adversely affected by inappropriate land use, development and subdivision activities.</li> </ol>	<p><b>The proposed changes can be summarised as follows:</b></p> <ul style="list-style-type: none"> <li>• Clarification of the wording of General Standard C2.1.6.1B.</li> <li>• Clarifying the rules in C2 by:           <ul style="list-style-type: none"> <li>- amending the definitions of Network Utility Activities and Support Structures and renaming Utility Structures.</li> <li>- making it clear which permitted activity conditions apply in which circumstances.</li> <li>- minor amendments to confusing and unnecessary wording in permitted activity</li> </ul> </li> </ul>	<p><u>ADMINISTRATIVE COSTS</u></p> <p>The proposal will not affect the administration costs for Council or the community.</p> <p><u>BROADER ECONOMIC COSTS</u></p> <p>There are no broader economic costs from the proposed amendments. The amended rule will not result in any notable economic benefits. However, the resource consent application, processing and monitoring costs for the community and Council will be avoided.</p> <p><u>SOCIAL COSTS and BENEFITS</u></p> <p>There are no social costs associated with the proposed amendments. Scenario testing was undertaken to ensure that the proposed changes do not result in unintended social costs. The proposed amendment to the rule will have no broader social benefits, other than to allow for easier plan use.</p> <p><u>ENVIRONMENTAL COSTS and BENEFITS</u></p> <p>There are no environmental costs associated with the proposed amendments. Scenario testing was undertaken to ensure that changes made did not result in unintended environmental costs.</p> <p>The proposed amendments will have no environmental benefits.</p> <p><u>EFFICIENCY</u></p> <p>Having considered the costs and benefits of the revised rules, they are considered to be more efficient at achieving Objective 8.3. This is because the proposed amendments achieve the same outcome as the current rule intended, but reduce ambiguity. The proposed changes may also reduce the number of resource consent applications that are incorrectly triggered through interpretation issues.</p> <p><u>EFFECTIVENESS</u></p> <p>The effectiveness of the rules in terms of achieving the objectives remains unchanged. The amendments only seek to make the plan easier to read and understand.</p> <p><u>ALTERNATIVE METHODS</u></p> <p>Option 1 – Do nothing</p> <p>The current rules are cumbersome and unclear to the plan user and have resulted in unnecessary resource consents in the past. Keeping the status-quo is not an inefficient or effective approach.</p>
---	--	---

<p><b>Objective DD2.3.2</b></p> <ol style="list-style-type: none"> <li>1. Maintain and enhance the amenity values of the commercial zones.</li> <li>2. Maintain and enhance the amenity values of land uses adjoining the commercial zones.</li> <li>3. Maintain a vibrant and sustainable Inner Commercial zone, where the quality and functioning of the environment and the amenity values are maintained and enhanced.</li> <li>4. Promote an intensive and integrated city centre, thereby maintaining the sense of 'place' and 'identify' this centre offers.</li> </ol>	<p><b>The proposed changes can be summarised as follows:</b></p> <ul style="list-style-type: none"> <li>- Simplification of Rule 2.6.1(19A) by incorporation into 2.6.1(1)</li> <li>- Fixing the rules that relate to a site on Commerce Place</li> </ul>	<p><u>ADMINISTRATIVE COSTS</u></p> <p>The proposal will not affect the administration costs for Council or the community.</p> <p><u>BROADER ECONOMIC COSTS</u></p> <p>There are no broader economic costs from the proposal.</p> <p><u>SOCIAL COSTS and BENEFITS</u></p> <p>There are unlikely to be social costs associated with the proposal. The proposed amendment to the rule will have no broader social benefits.</p> <p><u>ENVIRONMENTAL COSTS and BENEFITS</u></p> <p>There are unlikely to be environmental costs associated with the proposal. There will be no environmental benefits from the proposed amendment.</p> <p><u>EFFICIENCY AND EFFECTIVENESS</u></p> <p>Having considered the costs and benefits of the amended rule, the proposal is considered to be more efficient for the plan user as it eliminates doubt about which standard the rule refers to.</p> <p><u>ALTERNATIVE METHODS</u></p> <p>Option 1 – Do nothing</p> <p>The current rule has resulted in some uncertainty about which zone it is meant to refer to. For example either the Outer Commercial Zone or the Inner Residential Zone. Leaving the rule as is will only continue confusion.</p> <p>The current rules relating to the site in Commerce Place are out of date as the legal title in the plan 'Pt Awapuni 1J2B ML 1954 has been subdivided into new titles. The title is also referenced within the wrong zone. Leaving the rule will not resolve these issues</p>
<p><b>Objectives DD4</b></p> <ol style="list-style-type: none"> <li>1. Enable subdivision, use and development in all rural zones provided that adverse environmental effects can be avoided, remedied or mitigated.</li> <li>2. Maintain rural amenity values.</li> <li>3. Sustainable management of the life supporting capacity of the soils on the Poverty Bay Flats.</li> <li>4. Enable peri-urban living in appropriate areas, and at densities where the adverse effects of this activity can be avoided, remedied or mitigated.</li> <li>5. Locate structures and plant trees in such a manner as not to cause adverse environmental effects across property boundaries.</li> </ol>	<p><b>The proposed changes can be summarised as follows:</b></p> <ul style="list-style-type: none"> <li>- Delete special rules in C11 and amend Rule DD4.6.1(18)</li> <li>- Delete from Map U46a and U47a marked reference to rr1 App 25 and rr2 App25</li> </ul>	<p>The special rules in C11 have been deleted as the Certificate of Title referred to has now been subdivided. Thus DD4.6.1(18)a new rule has been inserted into the rural zone relating to the new addresses.</p> <p><u>ADMINISTRATIVE COSTS</u></p> <p>The proposal will not affect the administration costs for Council or the community.</p> <p><u>BROADER ECONOMIC COSTS</u></p> <p>There are no broader economic costs from the proposal.</p> <p><u>SOCIAL COSTS</u></p> <p>There are unlikely to be social costs associated with the proposal.</p> <p><u>ENVIRONMENTAL COSTS</u></p> <p>There are unlikely to be environmental costs associated with the proposal.</p> <p><u>SOCIAL BENEFITS</u></p> <p>The proposed insert of the rule will have no broader social benefits other than to make the plan easier to use.</p> <p><u>ENVIRONMENTAL BENEFITS</u></p> <p>The proposed inserted to the rule will have no environmental benefits.</p> <p><u>ECONOMIC BENEFITS</u></p> <p>The inserted rule will not result in any notable economic benefits.</p> <p><u>EFFICIENCY</u></p> <p>The inserted rule proposed is more efficient than the previous rule as it improves plan usability deleting the special rules in C11 and inserting the rules into the relevant chapter.</p>

		<p><u>EFFECTIVENESS</u>          The effectiveness of this rule will remain the same.</p> <p><u>ALTERNATIVE METHODS</u>          Option 1 – Do nothing          At present the rules in C11 are largely redundant with the exception of that part now proposed in Rule 21.11.1.4. As such, the status-quo is not efficient at achieving the objectives.</p>
--	--	---

## 5. Conclusion

In achieving the purpose of the Resource Management Act 1991 (RMA), Section 32 requires an evaluation of alternatives and costs and benefits before a proposed plan change or variation is publicly notified.

Proposed Plan Change 2 seeks to clarify a number of ambiguous rules as well as correcting several rules that contain errors.

An assessment of the efficiency and effectiveness of the proposed changes has been undertaken and the revised rules are considered to be appropriate methods of achieving the District Plan Objectives, therefore satisfying the requirements of Section 32.

## Appendix 1: Testing Of Minor Plan Change for Gisborne District Council

The following report highlights a number of minor problems that have been raised by Gisborne District Council (GDC) regarding the function of Chapter 8 - Infrastructure, Works and Services. Proposed minor plan changes have been indicated in Table 1 below (note these were drafted for the former location of the rules in the Combined Regional Land and District Plan).

Table 2 provides a series of scenario's, testing potential activities that require the use of Chapter 8. Each grey row in Table 2 proposes a scenario through suggesting various activities in different zones to indicate whether they would require resource consent or not. Each scenario has been tested against both the current and proposed amended plan to understand how the minor plan changes would affect the operation of the Gisborne District Plan.

**Table 1.** Changes to Chapter 8 – Infrastructure, Works and Services

Page No.	Change No.	Current Plan	Proposed Changes	Rational
1.	1.	It is divided into two main parts: <ul style="list-style-type: none"> <li>• Network Utility Operations.</li> <li>• Works and Services.</li> </ul>	It is divided into two main parts: <ul style="list-style-type: none"> <li>• Network Utility Operations.</li> <li>• Works and Services.</li> </ul>	The 's' on Operations has been removed to remain consistent with the definition in the RMA and the term in Chapter 24 – 'Glossary' of this Plan.
17.	2.	8.11.3 Zoning of Roads and Railway a) Where a road or railway reserve is surrounded by one zone, the zone of the road or railway reserve shall be that of the surrounding zone.	8.11.3 Zoning of Roads and Railway a) <b>For the purpose of rules 8.11.7 to 8.12.4 only</b> Where a road or railway reserve is surrounded by one zone, the zone of the road or railway reserve shall be that of the surrounding zone.	Confusion around which rules to use for the 'surrounding zone' has meant that depending on how you read the rule, some plan users have been referring to the different zone chapters that that activity is in. However, the intent was to refer only to Chapter 8 and then to the particular zone that it refers to within Chapter 8 rules.

Page No.	Change No.	Current Plan	Proposed Changes	Rational
18.	3.	<p><b>8.11.7 Height and Recession Planes</b></p> <p>Note:</p> <p>1. To clarify, lines, cables, aerials, antennas, masts, pylons, poles, streetlights and other support structures which are excluded from the definition of “utility structures” (Chapter 24) are not subject to any restrictions on height and recession planes, yard distances or building length except in the case of Rules 8.10, 8.11.7.1(b) and 8.12.1.4.</p> <p>2. Where a structure, which is specifically excluded from the definition of “utility structure” is affixed to a building or structure, the affixed structure shall not be included when determining the total height of the building or structure.</p> <p><b>8.11.7.1 Residential and Rural zones</b></p> <p>a) Utility structures shall be contained within recession planes commencing 2.75 metres above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.</p> <p><b>PROVIDED THAT</b> in the residential zones a building or structure may be erected where it exceeds the boundary of the recession plane by not more than one metre if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority.</p>	<p><b>8.11.7 Height and Recession Planes</b></p> <p><u>Note:</u></p> <p>3. To clarify, lines, cables, aerials, antennas, masts, pylons, poles, streetlights and <del>other</del> <b>their</b> support structures <del>which are excluded from the definition of “utility structures” (Chapter 24)</del> are not subject to any restrictions on height and recession planes, yard distances or building length except in the case of Rules 8.10, <del>8.11.7.1(b)</del> and 8.12.1.4.</p> <p>4. Where a <b>lines, cables, aerials, antennas, masts, pylons and poles</b> structure, which is specifically excluded from the definition of “utility structure” is <b>are</b> affixed to a building or structure, the affixed structure shall not be included when determining the total height of the building or structure.</p> <p><b>8.11.7.1 Residential and Rural zones</b></p> <p><b>Network u</b>Utility structures shall be contained within recession planes commencing 2.75 metres above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.</p> <p><b>PROVIDED THAT</b> in the residential zones a building or structure may be erected where it exceeds the boundary of the recession plane by not more than</p>	<p>The plan change now states that lines, cables, aerials, antennas, masts, pylons, poles, streetlights are not excluded from the definition of network utility structures.</p> <p>The definition of Utility structures has now been renamed ‘Network Utility Structures’, as such all in text reference to this has also been updated to match the definition term.</p>

Page No.	Change No.	Current Plan	Proposed Changes	Rational
			<p>one metre if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority.</p> <p><i>Note: Elsewhere in the chapter that made reference to 'Utility structures' has now been replaced with <b>Network u</b>Utility structures'.</i></p>	
19.	4.	<p><b>8.11.7.5 Port zones (for utility structures)</b></p> <p>a) Maximum height for any structure in Zone A: 12m</p> <p><b>PROVIDED THAT</b></p> <p>i) structures do not include antennas and their supporting structures and network utility poles and streetlights;</p> <p>ii) on any site having a common boundary with any land zoned residential or reserve, structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.</p>	<p>8.11.7.5 Port zones (for <del>network</del> utility structures)</p> <p>a) Maximum height for any structure in Zone A: 12m</p> <p><b>PROVIDED THAT</b></p> <p>iii) <del>structures do not include antennas and their supporting structures and network utility poles and streetlights;</del></p> <p>iv) <b>i)</b> on any site having a common boundary with any land zoned residential or reserve, structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.</p>	<p>8.11.7.5 is already in the network utility activities section so there is no need to specifically note 'for network utility structures'. Similarly, strike outs have occurred where this reference is made in other zones as well (for example Commercial, Industrial, Rural, Reserve zones).</p> <p>The definition of network utility structures refers to structures associated with network utility activities and does not exclude antennas and their supporting structure or poles or streetlights. '8.11.7 Note 2.' covers the fact that antennas and their supporting structures are not included within the maximum height rule in this case. Therefore, 'i' is redundant.</p>
20.	5.	<p><b>8.11.8 Yard Distances (excluding activities within road reserve and sites of 50m<sup>2</sup> or less)</b></p>	<p><b>8.11.8 Yard Distances (excluding activities within road reserve and sites of 50m<sup>2</sup> or less)</b></p> <p><b>Note:</b></p>	<p>This addition was to ensure that Note 1 that has been changed in 8.11.7, is continued through to be read with 8.11.8 Yard Distances.</p>

Page No.	Change No.	Current Plan	Proposed Changes	Rational
			<p><b>5. <u>To clarify, lines, cables, aerials, antennas, masts, pylons, poles, streetlights and their support structures are not subject to any yards except in the case of Rules 8.11.8.1(b).</u></b></p>	
23.	6.	<p><b>8.12.1 Permitted Activities</b></p> <p>Unless otherwise specified in this Plan, the following network utility activities shall be permitted activities provided they comply with the General Rules 8.11.1 – 8.11.9 and Rule 8.10:</p> <p>8.12.1.1 Network utility activities (excluding those listed in 8.12.2 as Restricted Discretionary and 8.12.3 as Discretionary activities)</p> <p>8.12.1.2 Installation and construction of structures associated with network utility activities (excluding activities listed in 8.12.2 as Restricted Discretionary and 8.12.3 as Discretionary activities)</p> <p><b>PROVIDED THAT:</b></p> <p>a) Where overhead reticulation of services exists on legal road, additional connections may be made overhead to individual properties. All other lines and cables shall be placed underground (except in rural zones and for sub-</p>	<p><b>8.12.1 Permitted Activities</b></p> <p>Unless otherwise specified in this Plan, the following network utility activities shall be permitted activities provided they comply with the General Rules 8.11.1 – 8.11.9 and Rule 8.10:</p> <p><b><u>Network Utility Activities</u></b></p> <p>8.12.1.1 Network utility activities (<del>excluding those listed in 8.12.2 as Restricted Discretionary and 8.12.3 as Discretionary activities</del>)</p> <p>8.12.1.2 Installation and construction of structures associated with network utility activities (<del>excluding activities listed in 8.12.2 as Restricted Discretionary and 8.12.3 as Discretionary activities</del>)</p> <p><b>PROVIDED THAT:</b></p> <p>a) Where overhead reticulation of services exists on legal road, additional connections may be made overhead to individual properties. All other lines and cables shall be placed underground (except in rural</p>	<p>Specifying the points in brackets are not necessary as those activities that are restricted discretionary and discretionary are listed under the subsequent rules anyway.</p> <p>Inserting heading for 'Network Utility Activities' and 'Antennas and Associated Support Structures' were included to help with readability and to show specifically what the rule related to.</p>

Page No.	Change No.	Current Plan	Proposed Changes	Rational
		<p>transmission line extensions (50kV) and except that General Rule 8.11.7 shall not apply).</p> <p>8.12.1.3 Alteration, minor upgrading, removal and maintenance of structures associated with network utility activities (except that General Rules 8.11.6 and 8.11.7 shall not apply)</p> <p>8.12.1.4 Installation, alteration or removal of antennas and associated support structures</p>	<p>zones and for sub-transmission line extensions (50kV) and except that General Rule 8.11.7 shall not apply).</p> <p>8.12.1.3 Alteration, minor upgrading, removal and maintenance of structures associated with network utility activities (except that General Rules 8.11.6 and 8.11.7 shall not apply)</p> <p><b><u>Antennas and Associated Support Structures</u></b></p> <p>8.12.1.4 Installation, alteration or removal of antennas and associated support structures</p>	

(Note: The 'Page No.' column refers to which page in the Gisborne District Plan the proposed change is referring to and the 'Change No.' is to simply list each of the changes).

Below:

- Column 1 states the activity status then sets out an explanation of how the current plan is functioning and what the issue is.
- Column 2 states the activity status then sets out and explains what the change is and indicates the new activity status if any.
- Column 3 highlights any implications and comments regarding the proposed change, the definition or rule in the District Plan.

**Table 2.** Testing of minor plan changes for Gisborne District Council.

1. Current Plan	2. Amended Plan	3. Implications
<b>Bus Stop in a Road Reserve (General Residential Zone)</b>		
<p><b><u>8.12.1.2 PERMITTED ACTIVITY</u></b></p> <p>In the past, it has been advised by council consent processing officers that bus shelters require resource consent. It appears that this conclusion has been reached through a number of ways.</p> <p>Firstly, it was considered by the consent officers that bus shelters are not defined as a network utility operation under its definition in Chapter 24 which makes reference only to “The construction, maintenance or operation of roads and railway lines”. On the surface, this appears to be correct because it does not specifically reference bus shelters. However, the RMA’s definition of Network Utility Operation intended that the construct of roading activities are likely to include relating structures.</p> <p>In addition, it was considered by consent officers that bus shelters were not a network utility structure. However, our view is that this is incorrect as it has come to our attention through further investigation that, a bus shelter would be considered as a Utility structure under the definition provided below.</p> <p><u>Utility structure:</u></p> <p><i>means any structure associated with a network utility which receives or transmits to or from any part of a utility network operation and includes transformers, substations, compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths and similar structures, whether for private or public purposes. It does not include lines, cables, aerials,</i></p>	<p><b><u>8.12.1.2 PERMITTED ACTIVITY</u></b></p> <p>Addition to the definition of ‘Network Utility Operation/ Activities’ in Chapter 24, with reference to roading structures now includes the sentence as follows:</p> <p><i>(For the purpose of clarification, structures on roadways and railways are included as network utility structures)</i></p> <p>As such, clarification as to what was intended to be included within Network Utility Structures have been specified.</p> <p>The Amended plan intends to more easily show that structures relating to roads such as bus shelters are a permitted activity.</p> <p>Thus, the activity status of a Bus Stop in a Road Reserve remains to be a <b>PERMITTED ACTIVITY</b> pursuant to rule <b>8.12.1.2</b> – so long as it complies with General Rules specified in 8.11.1-8.11.9 and Rules 8.10. as Bus Stop included in Network Utility structure: as shown below.</p>	<p>NO CHANGE.</p> <p>However, the definition of ‘Network Utility Operation/ Activities’ has been clarified further to ensure for clarity of interpretation for structures or activities relating to roadways and railways.</p>

1. Current Plan	2. Amended Plan	3. Implications
<p><i>antennas, masts, pylons, poles, streetlights and other support structures and the generation of matter or energy transmitted by the network utility operation. It does not include roadways or railways but does include structures erected on them.</i> It does not include retail, commercial, warehouse or service facilities or activities.</p> <p>Although roadways and railways are not included as Utility structures, it “does include structures erected on them”. It would therefore be considered that for the purpose of the Utility structures definition, a bus shelter is a structure erected ‘for roading purposes’ as stated in the definition of a road reserve below:</p> <p><u>Road Reserve:</u></p> <p><i>any land designated for <u>roading purposes</u>, (including service lanes); or any land owned by a roading authority that <u>is vested as road</u>.</i></p> <p>Secondly, Rule 8.11.3 (Infrastructure, works and services) states that in a road reserve “the zone of the road or railway reserve shall be that of the surrounding zone”. Thus, it has been interpreted in the past that the plan reader must look to the appropriate zone chapter. In this case, it would be processed through Chapter 17 – Residential.</p> <p>However, it is our view that the intent of the rule within Chapter 8 was not for plan users to look to other zone chapters, but rather to apply the appropriate zone reference where indicated in Chapter 8’s rules. For example, Chapter 8 refers to different measures for different zones in Rule 8.11.8. ‘Yard Distances’.</p> <p>Nevertheless, Chapter 17 does not make mention of bus shelters. This has been concluded that there is no rule in the General Residential rules that allow for this type of structure. Bus shelters are not a network utilities operation and were not seen to be provided for as Permitted, Restricted Discretionary or Prohibited</p>		

1. Current Plan	2. Amended Plan	3. Implications
<p>activities in Chapter 8 – Infrastructure, works and services. As a result, it has been interpreted as a <b>Discretionary Activity</b> pursuant to Rule 8.12.3.6.</p> <p>Another interpretation of a bus shelters activity status is that because this activity is not provided for within the General Residential Zone at all, it requires resource consent as a <b>Non-Complying Activity</b> pursuant to Rule 17.21.01.</p> <p>As stated above, it is our view that 8.11.3 did not intend for plan users to look into difference chapters of the plan (other than chapter 8). It is our view that bus shelters are included in the definition of Utility structure and are associated with the intended definition of Network utility Operation. Thus, in our view, a bus shelter is a <b>PERMITTED ACTIVITY</b> pursuant to:</p> <p><b>8.12.1.2</b> Installation and construction of structures associated with network utility activities (excluding activities listed in 8.12.2 as Restricted Discretionary and 8.12.3 as Discretionary activities)</p> <p><b>PROVIDED THAT:</b></p> <p>a) Where overhead reticulation of services exists on legal road, additional connections may be made overhead to individual properties. All other lines and cables shall be placed underground (except in rural zones and for sub-transmission line extensions (50kV) and except that General Rule 8.11.7 shall not apply).</p>		
<b>Streetlights in a Residential Zone</b>		
<p><b>8.12.3.6 DISCRETIONARY ACTIVITY</b></p> <p>A streetlight is specifically excluded from the definition of network utility structure as stated in the definition below:</p>	<p><b>8.12.1.2 PERMITTED ACTIVITY</b></p> <p>Streetlight is now included, rather than excluded from the definition of a Network Utility Structure under the amended definition in Chapter 24 – Glossary which states:</p>	<p>The activity status has <b>changed</b> from a Discretionary Activity to a Permitted Activity</p>

1. Current Plan	2. Amended Plan	3. Implications
<p><u>Utility structure:</u></p> <p><i>means any structure associated with a network utility which receives or transmits to or from any part of a utility network operation and includes transformers, substations, compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths and similar structures, whether for private or public purposes. It does not include lines, cables, aerials, antennas, masts, pylons, poles, streetlights and other support structures and the generation of matter or energy transmitted by the network utility operation. It does not include roadways or railways but does include structures erected on them. It does not include retail, commercial, warehouse or service facilities or activities.</i></p> <p>Although a streetlight is excluded from the definition of 'Utility structure', it is our view that a streetlight is a structure <i>relating to</i> "The construction, maintenance or operation of roads" under the definition of Network utility Operation. For example, in a residential zone, a streetlight could be considered a structure relating to road proposes.</p> <p>Thus, activities relating to a streetlight in a residential zone under the current plan is a <b>DISCRETIONARY ACTIVITY</b> under Rule 8.12.3.6: <i>Network utility activities which are not provided for as Permitted, Restricted Discretionary or Prohibited activities.</i></p>	<p><i>means any structure associated with a network utility activity.</i></p> <p>As such, a streetlight is a structure associated with roads.</p> <p>A streetlight in a Residential Zone, provided it complies with the General Rules 8.11.1-8.11.9 and Rule 8.10 is a <b>PERMITTED ACTIVITY</b> pursuant to:</p> <p><b>8.12.1.2</b> Installation and construction of structures associated with network utility activities</p> <p><b>PROVIDED THAT:</b></p> <p>a) Where overhead reticulation of services exists on legal road, additional connections may be made overhead to individual properties. All other lines and cables shall be placed underground (except in rural zones and for sub-transmission line extensions (50kV) and except that General Rule 8.11.7 shall not apply).</p> <p>Provided it complies with general rules 8.11.1-8.11.9.</p>	<p>as a result of a change in the definition of Utility structure.</p>
<b>Antenna attached to a streetlight in an Industrial Zone</b>		
<p><b>8.12.4.1 d) PERMITTED ACTIVITY</b></p>	<p>No Change as will still be <b>permitted</b> pursuant to 8.12.4.1 d).</p>	<p>NO CHANGE.</p>

1. Current Plan	2. Amended Plan	3. Implications
<p>An antennae is excluded from the definition of Utility structure. It is also excluded from General Rule 8.11.7 Height and Recession Planes “except in the case of Rules 8.10, 8.11.7.1(b) and 8.12.1.4”.</p> <p>Definition of Antennae - <i>that part of a radio communication facility or telecommunication facility used for transmission or reception including dish antennas and antenna mountings but not any supporting mast or similar structure.</i></p> <p>8.10 is ‘RULES FOR ACTIVITIES WITHIN AND ADJACENT TO THE AIRPORT’ and does not apply in this instance. 8.11.7.1(b) does not exist currently in this plan and therefore is redundant. 8.12.1.4 is the “Installation, alteration or removal of antennas and associated support structures</p> <p><b>PROVIDES THAT:</b></p> <p>d) The maximum diameter of antennas and associated support structures in <u>industrial</u>, commercial and port management zones (including irregular shaped support structures), above 3.4 metres vertical height from ground level, shall not exceed 5m;</p> <p>It is our view that a streetlight is a support structure as there is no definite definition of a support structure and it would seem logical that if an antenna was fixed on top of a streetlight, that the streetlight would become the ‘support structure’.</p> <p>Thus, provided the activity complies with the General Rules 8.11.1 – 8.11.9 and Rule 8.10 and Rule 8.12.4.1 d) it is a <b>PERMITTED ACTIVITY</b> pursuant to Rule 8.12.4.1 d) stated above.</p>		
<p><b>Streetlight with antenna / Pole with antenna in Residential Zone</b></p>		

1. Current Plan	2. Amended Plan	3. Implications
<p><b><u>8.12.1.4 PERMITTED ACTIVITY</u></b></p> <p>An antennae is excluded from the definition of Utility structure. It is also excluded from General Rule 8.11.7 Height and Recession Planes “except in the case of Rules 8.10, 8.11.7.1(b) and 8.12.1.4”.</p> <p>Definition of Antennae - <i>that part of a radio communication facility or telecommunication facility used for transmission or reception including dish antennas and antenna mountings but not any supporting mast or similar structure.</i></p> <p>8.10 is ‘RULES FOR ACTIVITIES WITHIN AND ADJACENT TO THE AIRPORT’ and does not apply in this instance. 8.11.7.1(b) does not exist currently in this plan and therefore is redundant. 8.12.1.4 is the “Installation, alteration or removal of antennas and associated support structures</p> <p><b>PROVIDES THAT:</b></p> <ul style="list-style-type: none"> <li>a) in a residential zone antennas shall not extend more than 3.5m above the highest point of any building they are attached to.</li> <li>c) In residential and rural zones the maximum height of support structures (including fixtures except lightning rods) shall not exceed 20 metres.</li> <li>f) In residential zones only one support structure may be erected per site (excluding accessways and roads).</li> <li>g) In residential zones antennas and associated support structures shall not exceed 1.4 metres in diameter.</li> </ul>	<p><b><u>8.12.1.4 PERMITTED ACTIVITY</u></b></p> <p>No changes. These are still permitted under the same rules.</p>	<p>NO CHANGES.</p>

1. Current Plan	2. Amended Plan	3. Implications
<p>As a pole and streetlight are considered to be a support structure (as there is no definition of the term support structure) the antenna is restricted to a height that does not exceed 20 metres.</p> <p>Thus, provided the activity complies with the General Rules 8.11.1 – 8.11.9 and Rule 8.10 and Rule 8.12.4.1 a), c), f), g) it is a <b>PERMITTED ACTIVITY</b> pursuant to Rule 8.12.4.1 stated above.</p> <ul style="list-style-type: none"> <li>• If pole or streetlight in road reserve then excluded from 8.11.8.8 – yard setback.</li> <li>• Otherwise must comply with 8.11.8.1 = All network utility structures 4.5m.</li> </ul>		
<b>Aerial attached to a house in a Residential Zone</b>		
<p><b><u>8.12.3.6 DISCRETIONARY ACTIVITY</u></b></p> <p>Aerial excluded from the definition of “Utility structures” and are not subject to any restrictions of General Rules for height and recession planes, yard distances or building length except in the case of Rules 8.10, 8.11.7 (b) and 8.12.1.4.</p> <p>8.10 is ‘RULES FOR ACTIVITIES WITHIN AND ADJACENT TO THE AIRPORT’ and does not apply in this instance. 8.11.7.1(b) does not exist currently in this plan and therefore is redundant. 8.12.1.4 makes reference to “installation, alteration or removal and maintenance of <b>antennas</b> and associated support structures. Aerial is not considered as an antenna so 8.12.1.4 does not apply either.</p> <p>Thus, this activity becomes a <b>Discretionary Activity</b> pursuant to Rule <b>8.12.3.6 Network Utility Activities which are not provided for as P, RD, or Prohibited.</b></p>	<p><b><u>8.12.1.2 PERMITTED ACTIVITY</u></b></p> <p>Aerial is now included, rather than excluded from the definition of a Network Utility Structure under the amended definition in Chapter 24 – Glossary which states:</p> <p><i>means any structure associated with a network utility activity.</i></p> <p>An aerial in a Residential Zone, provided it complies with the General Rules 8.11.1-8.11.9 and Rule 8.10 is a <b>PERMITTED ACTIVITY</b> pursuant to:</p> <p><b><u>8.12.1.2</u></b> Installation and construction of structures associated with network utility activities</p> <p><b>PROVIDED THAT:</b></p> <p>a) Where overhead reticulation of services exists on legal road, additional connections may be made overhead to individual properties. All other</p>	<p><b>CHANGE</b> from Discretionary to Permitted Activity as a result of a change in the definition of Utility structure.</p> <p>For the purpose of NUO, it is unlikely that this activity would happen on a house in a residential zone anyway because chapter 8 only applies to activities undertaken by NUO not a private person.</p>

1. Current Plan	2. Amended Plan	3. Implications
	lines and cables shall be placed underground (except in rural zones and for sub-transmission line extensions (50kV) and except that General Rule 8.11.7 shall not apply).	
<b>Aerial attached to a house in a Rural Lifestyle Zone</b>		
Same as above.	Same as above.	Same as above.
<b>Antenna attached to a building in a Port Zone</b>		
<p><b><u>8.12.1.4 PERMITTED ACTIVITY</u></b></p> <p>8.10 is 'RULES FOR ACTIVITIES WITHIN AND ADJACENT TO THE AIRPORT' and does not apply in this instance. 8.11.7.1(b) does not exist currently in this plan and therefore is redundant. 8.12.1.4 is the "Installation, alteration or removal of antennas and associated support structures</p> <p><b>PROVIDES THAT:</b></p> <p>d) The maximum diameter of antennas and associated support structures in industrial, commercial and <u>port management zones</u> (including irregular shaped support structures), above 3.4 metres vertical height from ground level, shall not exceed 5m;</p> <p>It is our view that a streetlight is a support structure as there is no definite definition of a support structure and it would seem logical that if an antenna was fixed on top of a streetlight, that the streetlight would become the 'support structure'.</p>	No Change as will still be <b>permitted</b> pursuant to 8.12.4.1 d).	NO CHANGE.

1. Current Plan	2. Amended Plan	3. Implications
Thus, provided the activity complies with the General Rules 8.11.1 – 8.11.9 and Rule 8.10 and Rule 8.12.4.1 d) it is a <b>PERMITTED ACTIVITY</b> pursuant to Rule 8.12.4.1 d) stated above.		
<b>Lines and cables above ground in a Commercial Zone</b>		
These are <b>permitted</b> provided that Rule 8.12.1.2 states all cables and lines shall be placed underground except where overhead reticulation exists on the road, overhead connections to individual properties may be made overhead. Otherwise they become <b>restricted discretionary</b> as per Rule 8.12.2.1 (h).  The general rules do not apply as per the note got 8.11.7.	No change. These are still permitted under the same rules.	NO CHANGE
<b>Lines and cables in a residential Zone</b>		
Same as the row above.	Same as above.	NO CHANGE
<b>Power Transformer in the Road Reserve – in a reserve zone</b>		
<p><b><u>8.12.1.1 PERMITTED ACTIVITY</u></b></p> <p>Power Transformer defined as a Network Utility Operation.</p> <p>General Rules; must comply with General Rules 8.11.1 – 8.11.9.</p> <p>This 8.12.1.1 Permitted Activity as power transformer is a Network Utility Activity.</p> <p>The zone rules in Chapter 22 apply as Road Reserve takes on the rules of the zone it is set within.</p>	NO CHANGE.	Should clarify 8.11.3 – zoning on the roads only applies to reference of zone specific rules in CHP 8.

1. Current Plan	2. Amended Plan	3. Implications
<b>Electricity cables, pylons and poles in a residential zone private property above ground.</b>		
<p><b><u>If undertaken by NUO</u></b></p> <p>These are <b>permitted</b> provided that Rule 8.12.1.2 states all cables and lines shall be placed underground except where overhead reticulation exists on the road, overhead connections to individual properties may be made overhead. Otherwise they become <b>restricted discretionary</b> as per Rule 8.12.2.1 (h).</p> <p>The general rules do not apply as per the note got 8.11.7.</p> <p><b><u>If undertaken by non -NUO</u></b></p> <p>The zone rules in Chapter 17 apply. i.e 17.17.8.1.</p>	<p>No Change.</p>	
<b>Telecommunications cables, pylons and poles in a residential Zone private property above ground.</b>		
<p>These are <b>permitted</b> provided that Rule 8.12.1.2 states all cables and lines shall be placed underground except where overhead reticulation exists on the road, overhead connections to individual properties may be made overhead. Otherwise they become <b>restricted discretionary</b> as per Rule 8.12.2.1 (h).</p> <p>The general rules do not apply as per the note got 8.11.7.</p> <p><b><u>If undertaken by non-NUO</u></b></p> <p>There a no rules in Chapter 17 apply.</p>	<p>No Change.</p>	

## **SUMMARY FOR TABLE 2**

- The changes made to Chapter 8 intend to make the Gisborne District Plan easier to use and understand.
- The aim was to eliminate the unnecessary requirement for resource consent as a result of either misunderstanding or misinterpretation of Plan rules, or to correct a definition that prevented activities that were intended for Network Utility Operators to be carried out easily.
- The testing found that most activities were permitted, however, there were a number of rules and definitions in the Plan that made it confusing to understand the intent of the rule which meant that time was often spent trying to understand what activities were or were not permitted under a certain rule. In particular, rule 8.11.3 and 8.11.7 along with the definition of Network Utility Structure (formerly Utility structure) resulted in confusion before the intended purpose was understood.
- The changes to the plan were tested and to our knowledge, expect for one or two changes in activity status, there were no unintended consequences to the outcome of the Plan.

## **CHANGE IN DEFINITIONS.**

Network utility Operation / **Activities** any activity relating to:

The distribution or transmission by pipeline of natural or manufactured gas, petroleum product or geothermal energy; or

Telecommunication activities including telecommunication or radio communication as defined in Section 2 (1) of the Telecommunications Act 1987; or

The generation, transformation, transmission, or distribution of electricity; or

The distribution of water for supply, including irrigation; or

Drainage or sewage reticulation; or

The construction, maintenance or operation of roads and railway lines. **(For the purpose of clarification, structures on roadways and railways are included as network utility structures)**; or

The construction, maintenance or operation of heliports, helipads or airports as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or

Undertaking a major project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991 and subsequent amendments; or

Lighthouses, navigation aids and beacons, meteorological services and ancillary structures.

**The definition above has been taken from the definition of network utility operator in the Resource Management Act 1991 and any subsequent amendments and should be read subject to, and including any future amendments to the definition in that Act.**

**Network Utility Structure** means any structure associated with a network utility ~~activity which receives or transmits to or from any part of a utility network operation and includes transformers, substations, compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths and similar structures, whether for private or public purposes. It does not include lines, cables, aerials, antennas, masts, pylons, poles, streetlights and other support structures and the generation of matter or energy transmitted by the network utility operation. It does not include roadways or railways but does include structures erected on them. It does not include retail, commercial, warehouse or service facilities or activities.~~

A structure in this context means any building, equipment, device, or other facility made by people and which is fixed to land and includes any raft.

**Support Structure** Means a pole, pylon or mast on which antennas, lines, cables, dishes, aerials or network utility structures are located.

**Table 3.** Test as to whether a change in the three definitions specified above would change the meaning of it in any other chapter in the plan.

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
1 - Introduction	Not in chapter	Not in chapter	Not in chapter
1A – Tangata Whenua	Not in chapter	Not in chapter	Not in chapter
2 – Monitoring	Not in chapter	Not in chapter	Not in chapter
3 – Cultural Heritage	Not in chapter	Not in chapter	Not in chapter
4 – Natural Heritage	- 4.10.1.1 Installation and operation of lines and cables (including associated structures) for <u>network</u>	- 4.7.1.1 Minor upgrading and maintenance of lawfully <u>established structures for network utility purposes</u>	- 4.7.1.6 Overhead connections to individual properties from existing overhead lines and cables,

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p><u>utility purposes</u>, and associated clearance of vegetation and land disturbance.</p> <p><i>Provided that:</i></p> <p>a) Lines are installed and operated within roads, lawfully established tracks or river crossing access points where these exist within a practical distance.</p> <p>- b) Where lines and cables are not located within roads, tracks or river crossing access points, any vegetation clearance and land disturbance does not exceed 2 metres per contiguous 100 metres of riparian management area frontage, or 2 metres in width. (Riparian Management Area Overlay (not mapped) = <b>Permitted</b>.)</p> <p>- 4.12.1.3 Indigenous vegetation clearance which is necessary for the maintenance and repair of lawfully established:</p> <ol style="list-style-type: none"> <li>1. Structures (including <u>structures for network utility purposes</u>); or</li> <li>2. Roads; or</li> <li>3. Tracks; or</li> <li>4. Firebreaks; or</li> <li>5. Earth dams; or</li> </ol>	<p>(excluding roads, tracks or earth dams) = (Outstanding Landscape Area Overlay = <b>Permitted</b>.)</p> <p>- 4.7.1.3 Maintenance and repair of lawfully established structures excluding <u>network utility structures</u> = (Outstanding Landscape Area Overlay = <b>Permitted</b>.)</p> <p>- 4.8.1.1 Minor upgrading and maintenance of lawfully <u>established structures for network utility purposes</u> (excluding roads, tracks or earth dams) (Coastal Environment Overlay) = <b>Permitted</b>.)</p> <p>- 4.8.1.3 Maintenance and repair of lawfully established structures excluding <u>network utility structures</u> = <b>Permitted</b>.)</p> <p>- 4.9.1.1 Minor upgrading and maintenance of lawfully established <u>structures for network utility purposes</u> (excluding roads, tracks or earth dams) (Protection Management Area Overlay – <b>Permitted</b>.)</p> <p>- 4.9.1.3 Maintenance and repair of lawfully established structures excluding <u>network utility structures</u> (Protection Management Area Overlay) = <b>permitted</b>.)</p> <p>- 4.10.1.2 Minor upgrading and maintenance of lawfully established <u>structures for network utility purposes</u> (excluding roads, tracks or earth dams) (Riparian Management Area Overlay (not mapped) = <b>Permitted</b>.)</p>	<p>limited to one extra <u>support structure</u>. (Outstanding Landscape area Overlay). = <b>Permitted</b>.)</p> <p>- 4.8.1.6 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra <u>support structure</u>. (Coastal Environment Overlay) = <b>Permitted</b>.)</p> <p>- 4.9.1.6 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra <u>support structure</u>. (Protection Management Area Overlay). = <b>Permitted</b>.)</p> <p>- 4.13.1.5 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra <u>support structure</u>. (GISBORNE Urban Ridgeline Overlay) = <b>Permitted</b>.)</p> <p><i>Addition of definition of Support Structure does not affect the intent of these rules as they are still limited to one extra support structure.</i></p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>6. Fences (provided that, in the case of fences, the clearance is not more than 4 metres in overall width and is confined to the extent necessary to maintain a stable fenceline). (Indigenous Vegetation clearance outside of the protection management area overlay) – <b>Permitted.</b></p> <p>- 4.12.1.5 Indigenous vegetation clearance which is necessary for the minor upgrading of:</p> <p>1. Lawfully established <u>structures for network utility purposes</u> (excluding roads, tracks and earth dams);</p> <p>- 4.13.1.1 Minor upgrading and maintenance of lawfully established <u>structures for network utility purposes</u> (excluding roads, tracks or earth dams) (Gisborne Urban Ridgeline Overlay) = <b>Permitted.</b></p> <p>Changes to the definition of Network Utility Operation/ Activities does not affect these rules. The definition now includes specific reference to roadway structures, however, the rules above specifically exclude roads and so the intent and purpose of the rule does not change.</p>	<p>- 4.10.1.4 Maintenance and repair of lawfully established structures excluding <u>network utility structures</u> (Riparian Management Area Overlay (not mapped) = <b>Permitted.</b></p> <p>- 4.13.1.3 Maintenance and repair of lawfully established structures excluding <u>network utility structures</u> (Gisborne Urban Ridgeline Overlay) = <b>Permitted.</b></p> <p>Changes to the definition to Network Utility Structure does not affect the intent of these rules. In rules that network utility structures are excluded, the rule remains the same. In rules that are establishing structures for network utility activities, those specified activities of roads, tracks or earth dams are specifically excluded from this rule regardless of the new definition for Network Utility Structures.</p>	
5 – Natural Hazards	<p>- 5.20.3.5 Erection of buildings or solid objects (including fences) which will obstruct 33 percent or more of the F4 floodway width on a site</p>	<p>- 5.18.1.7 Construction or installation of new structures associated with <u>network utility activities</u>. (Regional Rules for Flood Hazard Overlay 1) (River and Floodway – F1) = <b>Restricted Discretionary.</b></p>	Not in chapter

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>Council will restrict its discretion to the matters a) – e) specified below:</p> <p>a) Enhancement of amenity values</p> <p>b) Provision of landscaping and signage</p> <p>c) Site layout particularly building design and location on site</p> <p>d) Mitigation of flood risk</p> <p>e) Provision of <u>network utility services</u></p> <p>(REGIONAL RULES FOR FLOOD HAZARD OVERLAY 3 (Flood Ponding Areas-F3)</p> <p>REGIONAL RULES FOR FLOOD HAZARD OVERLAY 4 (Liable to Flooding-F4)</p> <p>REGIONAL RULES FOR FLOOD HAZARD OVERLAY 5 (Flood Fringe Areas-F5) = <b>Restricted Discretionary</b>.</p> <p>- 5.20.3.6 Erection of buildings or solid objects (including fences) within the area hatched blue in Appendix 34</p> <p>Council will restrict its discretion to the matters a) – e) specified below:</p> <p>a) Enhancement of amenity values</p> <p>b) Provision of landscaping and signage</p>	<p>- 5.19.2.7 Construction or installation of <u>network utility structures</u>.</p> <p>Council shall restrict its discretion with regard to 5.19.2.1 - 5.19.2.7 to the matters a) - c) specified below:</p> <p>a) Restriction or diversion of the passage of floodwaters</p> <p>b) Aggradation of the bed or berms of the rivers</p> <p>c) Endangering of lives or property in the event of flooding</p> <p>(REGIONAL RULES FOR FLOOD HAZARD OVERLAY 2 (HighHazard Areas –F2)</p> <p>REGIONAL RULES FOR FLOOD HAZARD OVERLAY 2A (Moderate/High Hazard Areas –F2A) = <b>Restricted Discretionary</b>.</p> <p>- 5.23.1.6 Construction or installation of new <u>network utility structures</u>.</p> <p>Council shall restrict its discretion with regard to 5.23.1.1 - 5.23.1.6 to the matter a) specified below:</p> <p>a) Avoiding, remedying or mitigating any effects of flooding. This includes ensuring that activities will not restrict or divert the passage of floodwaters. REGIONAL RULES FOR FLOOD HAZARD OVERLAY 8 (Urban Ponding Areas -F8) = <b>Restricted Discretionary</b>.</p> <p>- 5.24.1.3 Construction or installation of <u>network utility structures</u>.</p>	

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>c) Site layout particularly building design and location on site</p> <p>d Mitigation of flood risk</p> <p>e) Provision of <u>network utility services</u></p> <p>(REGIONAL RULES FOR FLOOD HAZARD OVERLAY 3 (Flood Ponding Areas-F3)</p> <p>REGIONAL RULES FOR FLOOD HAZARD OVERLAY 4 (Liable to Flooding-F4)</p> <p>REGIONAL RULES FOR FLOOD HAZARD OVERLAY 5 (Flood Fringe Areas-F5) = <b>Restricted discretionary.</b></p> <p>Council will still have discretion over the provisions of network utility services. No change to these rules.</p>	<p>Council shall restrict its discretion with regard to 5.24.1.1 - 5.24.1.3 to the matters a) - d) specified below:</p> <p>a) Avoiding, remedying or mitigating any effects of flooding</p> <p>b) Restriction or diversion of the passage of floodwaters</p> <p>c) Aggradation or erosion of the banks and berms of rivers, streams or watercourses</p> <p>d) Access for machinery</p> <p>= <b>Restricted Discretionary.</b></p> <p>Council will still have discretion over the provisions of network utility services. No change to these rules.</p>	
6 – Soil Conservation	Not in chapter.	<ul style="list-style-type: none"> <li>- 6.7.1.3 Minor upgrading and maintenance of lawfully established <u>structures for network utility purposes</u> (excluding roads, tracks or earth dams) (Land Overlay 1 (Regional Rules) = <b>Permitted.</b></li> <li>- 6.7.1.5 Maintenance and repair of lawfully established <u>structures excluding network</u> utility structures (Land Overlay 1 (Regional Rules) = <b>Permitted.</b></li> <li>- 6.7.3.1 That part of any vegetation clearance (including plantation forest clearance, and selective tree felling) in the Rural General Zone</li> </ul>	Not in chapter.

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
		<p><i>Provided that:</i></p> <p>1. It exceeds 2000m<sup>2</sup>, in any 12 month period, and</p> <ul style="list-style-type: none"> <li>• adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and</li> <li>• has an average slope greater than 35°; and</li> <li>• has less than 75mm of topsoil present over at least 25% of the area</li> </ul> <p>Or</p> <p>2. It exceeds 2000m<sup>2</sup>, in any 12 month period, and</p> <ul style="list-style-type: none"> <li>• has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a <u>network utility structure</u> (Land Overlay 1 (Regional Rules) = <b>Restricted Discretionary</b>.</li> </ul> <p>Changes to the definition of Network Utility Operation/ Activities does not affect these rules. The definition now includes specific reference to roadway structures, however, rule 6.7.1.3 above specifically exclude road and so the intent and purpose of the rule does not change. The two following rules to no change in effect either.</p>	
7 – Beds of lakes and rivers	Chapter removed	Chapter removed	Chapter removed

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
8 – Infrastructure	See table above	See table above	See table above
9. Contaminated Sites	Not in chapter	Not in chapter	Not in chapter
9A Hazardous substances	Not in chapter	Not in chapter	Not in chapter
10 - Signs	Not in chapter	Not in chapter	Not in chapter
11 – Noise and Vibration	Not in chapter	Not in chapter	Not in chapter
12 – Subdivision	<p><i>Rules for Subdivision – General Rules</i></p> <p><i>12.6.2 – Allotment Sizes and Dimensions</i></p> <p>Provision of sites for <u>network utility operators</u></p> <p>All zones</p>	<p>Not in chapter</p> <p>Nil</p> <p>No minimum site area for the site accommodating the <u>network utility</u>, provided that:</p> <ul style="list-style-type: none"> <li>The site is used exclusively for <u>network utility activities</u>; and</li> <li>The site / activity complies with the rules</li> </ul>	Not in chapter

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p style="text-align: center;">of Chapter 8 (Utilities); and</p> <ul style="list-style-type: none"> <li>- 12.6.5 Boundary Adjustment               <ul style="list-style-type: none"> <li>a) Boundary adjustments shall not create any additional sites or reduce any site below the minimum subdivision size for the zone except where a single site is being created exclusively for a <u>network utility service</u>. This provision shall not apply where sites are to be amalgamated.</li> </ul> <p style="margin-left: 20px;">(Rules for Subdivision –  <b>General Rules</b> 12.6.2 – Allotment Sizes and Dimensions).</p> </li> <li>- 12.7.1 Any subdivision (excluding subdivision in the Coastal Environment Overlay and Protection Management Area Overlay), which complies with the General Rules in this chapter               <p style="margin-left: 20px;">In the case of subdivisions to create sites of 250m<sup>2</sup> or less, for the purpose of exclusively accommodating <u>network utility activities</u>, Council shall limit its control to the matter (iv) below:</p> <p style="margin-left: 20px;">In all other cases, Council shall limit its control to the matter a) – f) specified below:</p> <ul style="list-style-type: none"> <li>a) Suitability of building platform.</li> </ul> </li> </ul>		

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>b) Suitability</p> <ul style="list-style-type: none"> <li>• Infrastructure, works and services.</li> </ul> <p>c) The extent to which the amenity values of the surrounding areas are affected.</p> <p>d) Financial contributions.</p> <p>e) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter 4 - Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay).</p> <p>f) In respect of any subdivision in the Rural Lifestyle Zone (Nelson Road) Council may exercise control over the reverse sensitivity effects of any rural lifestyle development in respect of any lawfully established agricultural activities and dog pound and cattery activities. This control may include the use of anti complaint instruments and the requirement of planting trees acting as a buffer. = <b>Controlled</b></p> <p>- <b>12.8.1 Any subdivision, (excluding subdivision in the Coastal Environment Overlay and Protection Management Area Overlay), which does not comply with the General Rules with respect to:</b></p> <ul style="list-style-type: none"> <li>a) Allotment dimensions</li> <li>b) Street frontages</li> </ul>		

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>c) Existing buildings</p> <p>d) Boundary adjustment</p> <p>e) Easements</p> <p>f) Financial contributions</p> <p>Council shall restrict its discretion to the matters a) – k) specified below:</p> <p>i) Any consequential impacts on <u>network utility services</u> = <b>(Restricted Discretionary)</b>.</p> <p>- <b>12.8.2 Any subdivision in the Rural Industrial A zone which does not comply as a Controlled Activity in respect of:</b></p> <p>a) Allotment dimensions (including allotment site size)</p> <p>b) Street frontages</p> <p>c) Existing buildings</p> <p>d) Boundary adjustment</p> <p>e) Easements</p> <p>f) Financial contributions</p> <p>g) Landscaping provision</p> <p>Council shall restrict its discretion to the matters a) – g) specified below:</p>		

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>f) Provision of <u>network utility services</u> and any cumulative impact on such provision</p> <p><b>(Restricted Discretionary).</b></p> <ul style="list-style-type: none"> <li>- <b>12.8.3 Subdivision of land in Waimata Riverbank Erosion Hazard Overlay</b></li> </ul> <p>Council shall restrict its discretion to the matters a) – e) specified below:</p> <p>d) Any consequential impacts on <u>network utility services</u>, including safe access to and from roads</p> <p><b>Restricted Discretionary).</b></p> <ul style="list-style-type: none"> <li>- <b>12.8.4 Subdivision of land in Site Caution Layer</b></li> </ul> <p>Council shall restrict its discretion to the matters a) – e) specified below:</p> <p>d) Any consequential impacts on <u>network utility services</u>; including safe access to and from roads</p> <p><b>Restricted Discretionary).</b></p> <p>The rules above are not effected by the change in definition to Network Utility Operations/ activities as the definition addition to specify roadway and railway structures are relevant in these cases.</p>		
13. Esplanade Reserves/ Strips –	Not in chapter	Not in chapter	Not in chapter

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
Conservation Protection and Public Access			
14 – Financial Contribution	Chapter deleted	Chapter deleted	Chapter deleted
15. Roads, Accessways and Parking	Chapter deleted	Chapter deleted	Chapter deleted
16. Papakainga and marae Settlements	Not in chapter	Not in chapter	<p><b>- 16.8.6 Recession Planes</b></p> <p>a) Buildings, parts of buildings, and structures (excluding chimneys, antennas and <u>support structures</u>) within a papakainga or marae complex shall be contained within recession planes commencing 2.75 metres above the external boundaries of the site. The angles of the recession plane at each external boundary shall be determined using the recession plane indicator:</p> <p><b>PROVIDED THAT</b> a building or structure may exceed the boundary of the recession plane by not more than one metre if the written consent of the adjoining property owners is obtained and submitted to the Consent Authority at the time a building consent is sought or prior to the commencement of the activity.</p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
			<p><b>General Rule</b></p> <p>The definition excludes all antennas and support structures – now that there is a definition of ‘support structures’ and this includes network utility structures located on them, then associated activities are exempt from this rule also.</p>
17. Residential	<p>- 17.17.8 Installation or alteration of, antennas and supporting structures (other than <u>network utility activities</u>)</p> <p><i>Provided that</i></p> <p>17.17.8.1 Height</p> <p>a) Aerials shall not extend more than 3.5m above the highest point of any building they are attached to.</p> <p>b) Maximum height of support structures (including fixtures): 20 metres</p> <p>c) Above 3.4m vertical height from ground level, any supporting structures shall be a single pole not exceeding 115mm in diameter in the case of a round section structure, or 102mm across the widest face in the case of a triangular, square or rectangular structure.</p> <p><b>(Permitted)</b></p>	Not in chapter	<p>- 17.16.4 Recession Planes</p> <p>a) Buildings, parts of buildings, and structures (excluding chimneys, antennas and <u>support structures</u>.) shall be contained within recession planes commencing 2.75 metres above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.</p> <p>PROVIDED THAT a building or structure may be erected where it exceeds the boundary of the recession plane by not more than one metre if the written consent of the adjoining neighbour is obtained and submitted to the Consent Authority.</p> <p><b>(General Rules).</b></p> <p>The rules above exclude all antennas and support structures – now that there is a definition of ‘support structures’ and this includes network utility structures located on them, then associated activities are exempt from this rule also.</p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>- <b>17.19.6 Installation or alteration of, antennas, or their support structures (<u>other than network utility activities</u>) that do not comply with rules for Permitted activities with respect to:</b></p> <p><b>a) Amenity values</b></p> <p><b>b) Height</b></p> <p><b>c) Location</b></p> <p><b>d) Screening</b></p> <p>Council shall restrict its discretion to the matters a) – d) specified above.</p> <p><b>(Restricted Discretionary).</b></p> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>		<p>- 17.17.8 Installation or alteration of, antennas and <u>supporting structures (other than network utility activities)</u> (Permitted)</p> <p><i>Provided that</i></p> <p>17.17.8.1 Height</p> <p>a) Aerials shall not extend more than 3.5m above the highest point of any building they are attached to. This is the same rule as 8.12.1.4 a). for residential</p> <p>b) Maximum height of <u>support structures</u> (including fixtures): 20 metres</p> <p>c) Above 3.4m vertical height from ground level, any <u>supporting structures</u> shall be a single pole not exceeding 115mm in diameter in the case of a round section structure, or 102mm across the widest face in the case of a triangular, square or rectangular structure.</p> <p>d) Only one <u>support structure</u> may be erected per site.</p> <p>e) Dish antenna shall not exceed 1.2 metres in diameter.</p> <p><b>(Permitted)</b></p> <p>- 17.19.6 Installation or alteration of, antennas, or their <u>support structures (other than network utility</u></p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
			<p><u>activities</u>) that do not comply with rules for Permitted activities with respect to:</p> <ul style="list-style-type: none"> <li>a) Amenity values</li> <li>b) Height</li> <li>c) Location</li> <li>d) Screening</li> </ul> <p>Council shall restrict its discretion to the matters a) – d) specified above. <b>(Restricted Discretionary)</b></p> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>
18 – Commercial Zone	<ul style="list-style-type: none"> <li>- 18.11.1.4 Installation or alteration of antennas, or support structures (other than <u>network utility activities</u>) (Inner Commercial Zone) = <b>Permitted.</b></li> <li>- 18.12.1.11 Installation or alteration of antennas and support structures (other than <u>network utility activities</u>) (Fringe Commercial Zone) = <b>Permitted.</b></li> <li>- 18.13.1.12 Installation or alteration of antennas and support structures (other than <u>network utility activities</u>) (Outer Commercial Zone) = <b>Permitted.</b></li> <li>- 18.14.1.12 Installation or alteration of antennas and support structures (other than <u>network utility activities</u>) (Outer Commercial Zone) = <b>Permitted.</b></li> </ul>		<p>General Rules:</p> <p><b>18.10.3 Height and Recession plane</b></p> <p>a) Structures (excluding poles, streetlights or aerials and dish antennas <u>and their supporting structures</u>) shall comply with the following height limits: ...</p> <p>18.11.1.4 Installation or alteration of antennas, or <u>support structures (other than network utility activities)</u> = Inner commercial zone/ <b>permitted</b></p> <p>18.12.1.11 Installation or alteration of antennas, <u>or support structures (other than network utility activities)</u> = Fringe Commercial Zone/ <b>permitted</b></p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p><u>activities</u>) (Suburban Commercial Zone) = <b>Permitted.</b></p> <ul style="list-style-type: none"> <li>- 18.15.1.12 Installation or alteration of antennas and support structures (other than <u>network utility activities</u>) (Rural Commercial Zone) = <b>Permitted.</b></li> <li>- 18.16.1.7 Installation or alteration of antennas, or support structures (other than <u>network utility activities</u>) (Amenity Commercial Zone) = <b>Permitted.</b></li> <li>- 18.17.1.6 Installation or alteration of antennas and support structures (other than <u>network utility activities</u>) (Aviation Commercial Zone) = <b>Permitted.</b></li> </ul> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>		<p>18.13.1.12 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Outer Commercial Zone/ <b>permitted</b></p> <p>18.14.1.12 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Suburban Commercial Zone/ <b>permitted</b></p> <p>18.15.1.12 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Rural Commercial Zone/ <b>permitted</b></p> <p>18.16.1.7 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Amenity Commercial Zone/ <b>permitted</b></p> <p>18.17.1.6 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Aviation Commercial Zone/ <b>permitted</b></p> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>
19. Industrial Zone	<p>19.15.1.9 Installation or alteration of antennas, or support structures (other than <u>network utility activities</u>) = General Industrial/ <b>permitted</b></p>	Not in chapter	<p>19.15.1.9 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = General Industrial/ <b>permitted</b></p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>19.16.1.5 Installation or alteration of antennas, or support structures (other than <u>network utility activities</u>) = Rural Industrial A Zone/ <b>permitted</b>.</p> <p>19.17.1.3 Installation or alteration of antennas, or support structures (other than <u>network utility activities</u>) = Rural Industrial B Zone/ <b>Permitted</b>.</p> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>		<p>19.16.1.5 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Rural Industrial A Zone/ <b>permitted</b>.</p> <p>19.17.1.3 Installation or alteration of antennas, or <u>support structures</u> (other than network utility activities) = Rural Industrial B Zone/ <b>Permitted</b>.</p> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>
20. Port Management Zones	<p><b>20.10.7 Radiofrequency Radiation</b></p> <p>a) All activities shall comply with the New Zealand Standard NZS2772.1 (1999) Radiofrequency Fields: Part 1 Maximum Exposure Levels - 3KHz - 300GHz and with NZS 6609.2:1990 - Radiofrequency radiation: Part 2: Principles and Methods of Measurements 300khz to 100ghz or any subsequent replacement national standard for either of these standards.</p> <p>b) All <u>network utility activities</u> shall comply with the International Commission on Non-ionizing Radiation Protection (ICNIRP) Guidelines (1990) and any subsequent replacement guidelines or standards</p> <p><b>(General Rules).</b></p> <p>Does not change the rule above.</p>	<p><b>20.10.3 Height and Recession plane</b></p> <p>a) Maximum height for any structure in Zone A: 12m</p> <p><b>PROVIDED THAT</b></p> <p>i) structures do not include antennas and their supporting structures and <u>network utility poles and streetlights</u>;</p> <p><b>(General Rules)</b></p> <p>Rule still restricts support structures so the rule does not change.</p>	<p><b>20.10.3 Height and Recession plane</b></p> <p>a) Maximum height for any structure in Zone A: 12m</p> <p><b>PROVIDED THAT</b></p> <p>i) structures do not include antennas and their <u>supporting structures</u> and network utility poles and streetlights;</p> <p><b>(General Rules).</b></p> <p>Rule still restricts support structures so the rule does not change.</p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>- <b>20.11.1.12 Installation or alteration of, antennas and supporting structures (other than <u>network utility activities</u>) (Port Management Zone A) = Permitted.</b></p> <p>-<b>20.12.1.2 Installation or alteration of antennas and supporting structures (other than <u>network utility activities</u>)</b></p> <p><i>Provided that:</i></p> <p>a) Structures adjoining land zoned reserve, constructed adjacent to the edge of the “cone of vision” shall not project beyond a recession plane comprising a vertical height on the boundary of 6m; and an inclined plane extending from 6m above the ground away from the cone of vision at an angle of 45 degrees.</p> <p><b>(Port Management Zone B (excluding the Cook “Cone of Vision”) = Permitted.</b></p> <p><b>Rules still excludes Network Utility Activities so does not change the intent of the rules.</b></p>		
21. Rural Zone	<p>- <b>21.9.1.6 Installation or alteration of antennas and supporting structures (other than <u>network utility activities</u>)</b></p> <p><i>Provided that:</i></p> <p>a) Aerials do not extend more than 3.5m above any building (it is attached to) on the site.</p>		<p>21.8.3 Recession Plane</p> <p>a) Buildings, parts of buildings, and structures (excluding chimneys, antennas and <u>their support structures</u>) shall be contained within recession planes commencing 2.75 metres above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.</p>

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
	<p>b) The maximum height of support structures (including fixtures) does not exceed 20m.</p> <p><b>(Permitted)</b></p> <p>Rules still excludes Network Utility Activities so does not change the intent of the rules.</p>		<p><i>(General Rules – refers to 8.10 and Appendix 14 for height controls relating to the airport.</i></p> <p>This rule is different from CHP 8 (8.12.1.4 b) – which provides for antennas in a rural zone – maximum height of 5.0m above the height of building. The rule above only refers to support structures in relation to antennas so excludes ALL support structures definition. Thus NO CHANGE.</p> <p><b>21.9.1.6 Installation or alteration of antennas and supporting structures (other than network utility activities)</b> (refer to CHP 24 – definition of Network Utility and utility Structure. Refer to CHP 8 for rules relating to network utilities)</p> <p><i>Provided that:</i></p> <p>a) Aerials do not extend more than 3.5m above any building (it is attached to) on the site.</p> <p>b) The maximum height of <u>support structures</u> (including fixtures) does not exceed 20m. = All Zones/ <b>permitted</b>.</p> <p>No Change.</p> <p><i>Note – reference will have to be updated to ‘Network Utility Operation/ Activities’.</i></p>
22. Reserve Zone		<b>22.6.3 Recession plane</b>	

Chapter No.	Network Utility Operation/ activities	Network Utility Structure	Support Structure
		<p>a) On any reserve site having a common boundary with any residential or rural land, buildings, structures or any part thereof excluding chimneys, antennas and their <u>supporting structures</u> and <u>network utility structures</u> shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.</p> <p><b>(General Rules).</b></p> <p>No Change as still states that both support structures and network utility structures shall not project beyond a building envelope.</p>	