



## NETWORK UTILITIES - RULES

### NU3.1 Rule Statement

The following rules shall apply to Network Utilities across the District. Compliance with the relevant zone rules, is required where specific reference is made to them in the following provisions. Compliance with the relevant Heritage Rules will also be required.

Regard shall be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to the Network Utility - Policy section, the applicable zone policy section, and policy sections relating to specific characteristics, for example, the Outstanding Natural Features and Landscapes – Policy.

For the purposes of this section “Urban Zones” shall include the Residential Zone, Commercial Zone, Industrial Zone and Urban Settlement Zone. The “Protected Areas Zone” shall include all of the various areas listed within the Protected Areas Zone sections of the Plan and the Active Reserve Zone. All legal roads shall have the same zoning as the land directly adjoining them. Where a road has land with two different zones on either side, the centreline of the road, shall mark the boundary of the two zones.

#### **National Environmental Standards**

There are two relevant National Environmental Standards (NES) which affect Network Utilities, these are the:

- (a) NES for Electricity Transmission Activities; and
- (b) NES for Telecommunications Facilities.

#### **NES for Telecommunications**

The Ministry for the Environment website summarises the Permitted Activities allowed by the NES for Telecommunications, as follows:

- (a) An activity (such as a mobile phone transmitter) that emits radio-frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS 2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz-300GHz).
- (b) The installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.
- (c) Noise from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.
- (d) The installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.

#### **Advice Note:**

This is only a summary noted here for information purposes only. Please see: [www.mfe.govt.nz](http://www.mfe.govt.nz) for the complete rules.

#### **NES for Electricity Transmission Activities**

*The NES for Electricity Transmission Activities relates to the ‘effective operation, maintenance and upgrading of the existing electricity transmission network’. Specifically the provisions relate to existing high voltage electricity transmission lines owned and operated by Transpower. The NES does not apply to the construction of new transmission lines, or substations, or to electricity lines not owned and operated by Transpower New Zealand Limited or to distribution lines– these are the lines carrying electricity from regional substations to electricity users.*



The NES applies to existing lines that are relocated or upgraded under these regulations. It does not apply to lines built after 14 January 2010.

The NES covers access tracks to existing transmission lines – both existing formed tracks and the construction of new tracks. However, the NES does not provide for the clearance of vegetation within areas identified as Outstanding Natural Features and Landscapes.

The RMA states that a District Plan can not duplicate the provisions of an NES thus the actual provisions of the NES have not been included in the District Plan. However, the Council is responsible for enforcing these standards. The National Environmental Standards are available at: [www.mfe.govt.nz](http://www.mfe.govt.nz) and at Ruapehu District Council offices.

Should the provisions of the District Plan conflict with either of the National Environmental Standards then the provisions of the NESs will override the provisions of the District Plan.

~~The following rules shall apply to Network Utilities across the District. Consideration shall be given to the relevant rules and conditions for the Zone in which the Network Utility is to be located, along with the Heritage Rules.~~

~~Regard shall be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to the Network Utility – Policy section, the applicable zone policy section, and policy sections relating to specific characteristics, for example, the Outstanding Natural Features and Landscapes – Policy.~~

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~~Advice Note:~~

## NU3.2 Rules

Table 1 below lists the network utility activities anticipated within the District. All activities provided for as Permitted Activities are subject to the General Conditions outlined in Section NU3.3 and Specific Conditions outlined in section NU3.4 below.

[Applications for Restricted Discretionary Activities will be assessed against the relevant Assessment Criteria in section NU3.5 below.](#)

Applications for Discretionary or Non-Complying Activities will be assessed against but not limited to; the relevant Assessment Criteria noted in section NU3.5 below.

~~Advice Please nNote~~

~~†The NES for Electricity Transmission Activities may override these provisions in relation to the National Grid and the NES for Telecommunication Facilities may override these provisions in relation to Telecommunications.~~

**Table 1: Activity Status for Network Utilities**



	Activity Status  P – Permitted Activity D – Discretionary Activity N – Non-Complying Activity	Rural Zone	Urban Zones	Protected Areas Zone
.1	<p><u>Transformers, switch gear, lines and incidental equipment for the conveying of electricity up to and including 110KV, and lines defined in Section 5 of the Telecommunications Act 2001, including all support structures for the lines</u>  <del>where: Transformers, switch gear, lines and incidental equipment for the conveying of electricity up to and including 110KV with a capacity of 100MVA per circuit, and lines defined in Section 2 (1A) of the Telecommunications Act 1987, including all support structures for the lines where:</del></p> <p>(i) Lines are to be located underground                      (ii) Lines are to be located overhead                      (iii) Existing reticulation is located overhead and additional <u>overhead</u> connection or extension of the network is required <del>overhead</del>.</p> <p>Advice Note: In assessing whether lines are 'required' overhead consideration will be given to whether it is technically practical to place the lines underground, for example, whether there is a natural or physical feature which prevents the lines being located underground.</p>	P P P	P D P	P D P
.2	<p>Transformers, switch gear, lines and incidental equipment for the conveying of electricity over 110KV <del>with a capacity of 100MVA per circuit.</del>  <i>Please note the NES for Electricity may override these provisions in relation to the National Grid.</i></p>	D	D	D
.3	Substations less than 400m <sup>2</sup> in gross floor area	P	D	D
.4	Substations greater than 400m <sup>2</sup> in gross floor area	D	D	D
.5	Pipes for the conveyance or drainage of water or sewage and any ancillary equipment where the pipes are laid underground.	P	P	P
.6	Water and irrigation races, drains, channels, and pipes and necessary incidental equipment for the conveyance of water, not including the conveyance of water for the purpose of hydro electric power generation.	P	P	P
.7	Navigation aids and beacons	P	D	D
.8	<p>All masts, antennas, and microwave dishes associated with utilities <del>that are no greater than 20 metres in height.</del></p> <p>* Commercial and Industrial Zones = Permitted                      ** Residential and Urban Settlement Zones = Discretionary</p> <p><u>Please Note: This Rule does not apply to building mounted antennas. Please see rule NU3.2.15. Except where the building, mast, antenna or microwave dish is located within 500m of identified Conservation Land (see below), or is within an area identified as being an Outstanding Natural Feature or Landscape where the activity will be classed as Discretionary.</u></p> <p><del>The following areas of Conservation Land have been identified:</del></p> <ul style="list-style-type: none"> <li><del>• Otamarautara Stream Scenic Reserve</del></li> <li><del>• Pukepoto Ecological Area</del></li> <li><del>• Erua Forest Sanctuary</del></li> <li><del>• Waimarino Scientific Reserve</del></li> <li><del>• Tongariro National Park</del></li> <li><del>• Pokaka Scenic Reserve</del></li> <li><del>• Rangataua No.2 Conservation Area</del></li> <li><del>• Mangamingi Stream Conservation Area</del></li> <li><del>• Tongariro Conservation Area</del></li> <li><del>• Rangataua Conservation Area</del></li> <li><del>• Erua Conservation Area</del></li> <li><del>• Pureora Forest Park (and public conservation land contiguous with the park)</del></li> </ul> <p><i>Please note: The NES for Network Utilities will over ride these provisions in certain circumstances where the mast or antenna is within the road reserve.</i></p>	P	P* or D**	N
.9	All masts, antennas, and microwave dishes associated with utilities which do not comply with NU3.2.8 (above).	D	N	N
.109	Cabinets associated with <u>network</u> utilities <del>where the cabinet complies with the</del>	P	P	P



	Activity Status  P – Permitted Activity D – Discretionary Activity N – Non-Complying Activity	Rural Zone	Urban Zones	Protected Areas Zone
	<del>standards in Rule NU 3.4.3. Note: Telecommunications cabinets within the Road Reserve are generally exempt from this rule as they come under the NES for Telecommunications.</del>			
<del>.12</del>	<del>Cabinets associated with utilities where the cabinet does not comply with the standards in Rule NU 3.4.3.</del>	<del>D</del>	<del>D</del>	<del>D</del>
<del>.13</del> <u>10</u>	Pipes for the distribution (but not transmission) of natural and manufactured gas at a gauge pressure not exceeding 2,000 kilopascals and necessary incidental equipment.	P	P	P
<del>.14</del> <u>11</u>	Pipes for the distribution (but not transmission) of natural and manufactured gas at a gauge pressure exceeding 2,000 kilopascals and necessary incidental equipment.	D	D	D
<del>.15</del> <u>12</u>	The establishment and operation of facilities and installations or equipment to measure, collect and distribute <del>meteorologica</del> <u>meteorological and hydrological</u> information, including telecommunication, radio and satellite links.	P	P	P
<del>.16</del> <u>13</u>	<u>Temporary structures necessary for the investigation of the potential use of a site for renewable electricity generation including wind monitoring masts.</u> <del>Structures necessary for the investigation of the potential use of a site for renewable electricity generation.</del>	P	D	D
<del>.17</del> <u>14</u>	<u>Minor upgrading, operation and maintenance of existing electricity and telecommunication lines.</u>  “Minor upgrading” means:  The modification of electricity and telecommunication lines, utilising the existing support structures or structures of the same scale and similar character. In terms of electricity lines, minor upgrading includes: (i) the addition of circuits and conductors; (ii) the reconductoring of the line with high capacity conductors; (iii) the resagging of conductors; (iv) the addition of longer or more efficient insulators; (v) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods; (vi) the addition of electrical fittings; (vii) tower replacement to be of the same height and in the same location as existing towers; (viii) strengthening of towers and foundations, and earthworks for this purpose; (ix) the replacement of existing cross arms with cross arms of an alternative design; and (x) The bonding of conductors and alignments. Minor upgrading of electricity lines shall not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage. <del>Minor upgrading, operation and maintenance of existing electricity and telecommunications lines.</del> For the purposes of this rule, “minor upgrading” means: “Subject to the provisions of the National Environmental Standard for Telecommunications Facilities 2008, the modification of electricity and associated telecommunication lines, utilising the existing support structures or structures of the same scale and similar character, and comprises: the resagging of conductors; the addition of longer or more efficient insulators; the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods; the addition of electrical fittings; tower replacement in the same location as existing towers; strengthening of towers and foundations, and earthworks for this purpose; and the replacement of existing cross arms with cross arms of an alternative design”.	P	P	P
<u>15</u>	<u>Building mounted antennas and their support structures</u> * Commercial and Industrial Zones = Permitted ** Residential and Urban Settlement Zones = Discretionary	P	P* Or D**	PD
<del>.18</del> <u>16</u>	Any activity that is provided for as a Permitted Activity in this table, but is unable to comply with the General Conditions outlined in section NU3.3 and the Specific Conditions outlined in section NU3.4, <del>and is not a Non-Complying Activity under Rule NU3.2.11.</del>	<del>RD</del>	<del>DR</del>	<del>DR</del>



	Activity Status P – Permitted Activity D – Discretionary Activity N – Non-Complying Activity	Rural Zone	Urban Zones	Protected Areas Zone
<del>19167</del>	All network utilities located; (i) within the dripline of a heritage tree identified in Appendix <del>6</del> 5 of the District Plan, (ii) <del>On a site, or on the same side of the road as and next to land or items that are identified as a Group A or B heritage building or site within Appendix 4 of the District Plan;</del> <del>on the same side of the road as and next to land or items that are identified as a Group A or B heritage building or site within Appendix 4 of the District Plan;</del> (iii) <del>On sites n the same side of the road as and next to land or items</del> that are identified as a <del>Heritage Character Area</del> <u>Heritage Conservation Area</u> within the District Plan (for example the Railway Row Character Area); and/or (iv) within <del>or adjoining land or</del> sites that are identified as being Outstanding Natural Features of Landscapes (see District Plan Maps).	D D D	D D D	D D D
<del>20178</del>	Any other activity meeting the definition of a network utility, but not specifically provided for in this section of the Plan.	N	N	N

Relevant Objectives and Policies – NU2.2.2(a) and NU2.2.3(a) - (c)

**NU3.3 General Conditions**

Compliance with the following General Conditions is required for all Permitted Activities as outlined in Table 1 of Rule NU3.2 above.

**NU3.3.1 Notice**

- (a) ~~Council shall be provided within twenty working days notice of the installation of any Network Utility~~Council shall be provided with a minimum of twenty working days notice of the installation of any Network Utility.-

Relevant Assessment Criteria: NU3.5.1(e) - (f).

**NU3.3.2 Reinstatement**

- (a) All ground surfaces shall be restored to the same condition as they were prior to installation and immediately following installation, with the exception of the restoration of vegetation that will compromise the maintenance and operation of the utility.

Relevant Assessment Criteria: NU3.5.1(a)

**NU3.3.3 Bulk and Location**

- (a) All network utility structures shall comply with the bulk and location conditions for the zone in which they are located except that:
  - (i) There shall be no yard setbacks applicable to:
    - (1) Above ground network utility structures located within legal road reserve;



- (2) Above ground network utility structures located outside legal road reserve where the structure does not exceed 10m<sup>2</sup> in area.
- (ii) The maximum height for the zone shall not apply to additional connections or extensions to lines for the conveyance of electricity as outlined in Rule NU3.2.1(iii)
- (iii) The maximum height of any temporary wind monitoring mast shall be 80m.
- (iv) Any structure(s) necessary for the investigation of the potential use of a site for renewable energy generation located within the Rural Zone shall not be located within 500m of the Residential Zone, Urban Settlement Zone or Protected Areas Zone, ~~or within 500m of identified Conservation Land,~~ or within an identified Outstanding Natural Landscape (see District Plan Maps).
- (v) Activities undertaken as per the definition of “minor upgrading” under rule NU3.2.X14 for existing electricity lines and existing telecommunication lines shall not be subject to the maximum height or yard setback requirements for the zone .}

Advice Note:

With respect to this condition, the relevant “bulk and location conditions for the zone” refers to the yard setback conditions, height conditions and coverage conditions.

Relevant Assessment Criteria: NU3.5.1(a) – (g)



~~All buildings shall comply with the bulk and location conditions for the zone in which they are located except that:~~

~~There shall be no yard setbacks applicable to:~~

~~above ground network utility structures located within legal road reserve;~~

~~above ground network utility structures located outside legal road reserve where the structure does not exceed 10m<sup>2</sup> in area.~~

~~The maximum height for the zone shall not apply to masts and antennas.~~

~~The maximum height of any wind monitoring mast shall be 80m.~~

~~Any microwave dish or antenna associated with a network utility shall not exceed 5m<sup>2</sup> in area.~~

~~Any structure(s) necessary for the investigation of the potential use of a site for renewable energy generation located within the Rural Zone shall not be located within 500m of any Urban or Protected Areas Zone site, or within 500m of identified Conservation Land (see NU3.2.8 above), or within an identified Outstanding Natural Landscape (see District Plan Maps).~~

**NU3.3.4 Transportation**

- (a) All activities shall demonstrate compliance with the relevant provisions of the ~~“Road Transport – Rules”~~ [Transport Infrastructure and Car Parking - Rules](#) section of the District Plan.

Relevant Assessment Criteria: Refer ~~“Road Transport – Rules”~~ [Transport Infrastructure and Car Parking - Rules](#) section

**NU3.4 Specific Conditions**

The following Specific Conditions shall apply to the Permitted Activities specified by in Table ~~e~~[One](#) of ~~f~~[Rule NU3.2](#).

**NU3.4.1 Substations**

- (a) Substation buildings shall be designed, screened, landscaped and maintained in a manner that maintains the amenity values of the area.

[Relevant Assessment Criteria: NU3.5.1\(a\) – \(d\)](#)

**NU3.4.2 Masts, Antennas and Microwave Dishes**

- (a) All masts and antennas and microwave dishes located in the Commercial Zone and Industrial Zone shall be no greater than 20 metres in height.
- (b) All masts and antennas and microwave dishes located in the Rural Zone shall be no greater than 25 metres in height.
- (c) Any microwave dish or antenna associated with a network utility shall not exceed 5m<sup>2</sup> in area.

Relevant Assessment Criteria: NU3.5.1(a) – (g)

~~**NU3.4.2 Renewable Electricity Generation Investigation**~~

- ~~(a) For structures necessary for the investigation of the potential use of a site for renewable electricity generation, Council is provided with at least 20 working days notice in writing of the location and detail of the installation of any structure under this rule, including evidence of any written approval required for any wind monitoring structure from the relevant aviation authority and how any aviation safety requirements have been incorporated into the design of the structure.~~

**NU3.4.3 Telecommunication Cabinets**

- (a) The footprint of telecommunication cabinets located outside of the road reserve must be no more than 10m<sup>2</sup> per site.
- (b) There shall be no yard setbacks applicable to telecommunication cabinets, with a footprint of no more than 10m<sup>2</sup>.
- (c) Any power supply required is located either below ground or within the cabinet.

Relevant Assessment Criteria: NU3.5.1(a) – (g)

~~For telecommunication cabinets within the Protected Areas Zone, Residential Zone or Urban Settlement Zone:~~

~~the cabinet's footprint must be no more than 1.4m<sup>2</sup> and the cabinet must be no higher than the height of the concrete foundation plinth (if there is one) plus 1.8m.~~

~~where two or more cabinets are located at the same site, each cabinet's footprint must be no more than 1.4m<sup>2</sup> and the total footprint of all the cabinets must be no more than 1.8m<sup>2</sup>. The distance between each cabinet and the cabinet or cabinets closest to it must be no more than 500mm. The cabinets must be no higher than the height of the concrete foundation plinths (if there are any) plus 900mm, with the exception that 1 cabinet may be as high as the height of the concrete foundation plinth (if there is one) plus 1.8m.~~

~~Any power supply required is located either below ground or within the cabinet.~~

~~For telecommunication cabinets located within the Rural, Commercial or Industrial Zone:~~

~~The total footprint of the cabinet must be no more than 2m<sup>2</sup>. The cabinet must be no higher than the height of the concrete foundation plinth (if there is one) plus 2m.~~

~~Any power supply required is located either below ground or within the cabinet.~~

**NU3.4.4 Building Mounted Antennas**

- (a) For building mounted antennas located in any zone except the Protected Areas Zone, Residential Zone or Urban Settlement Zone:
  - (i) The antenna may extend up to a maximum of 5m above the part of the building they are attached to;
  - (ii) The antenna must comply with the maximum height rule for the zone where adjacent to an Urban Zone or Protected Area Zone; and



- (iii) The antenna shall not exceed 5m<sup>2</sup> in area.

Relevant Assessment Criteria: NU3.5.1(a) – (g)

Advice Note:

If it is possible that archaeological sites may be affected by the proposed work then the site is subject to a consenting process under the Historic Places Act 1993.

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

If any activity associated with this proposal, such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site(s) an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information

**NU3.5 Assessment Criteria**

**NU3.5.1 Restricted Discretionary, Discretionary and Non-Complying Activities**

Restricted Discretionary Activities will be assessed only in respect of the Relevant Assessment Criteria applicable to the Conditions with which the activity was unable to comply.

Discretionary and Non-Complying Activities will be assessed against, but not limited to, the assessment criteria below. Reference to relevant assessment criteria in other sections of the District Plan may be required as stated for the General and Specific Conditions above.

(a)

~~**NU3.5.1 — Discretionary and Non-Complying Activities**~~

~~Discretionary and Non-Complying Activities will be assessed against, but not limited to, the assessment criteria below. Reference to relevant assessment criteria in other sections of the District Plan may be required as stated for the General and Specific Conditions above.~~

Visual Impact

- (l) Whether the network utility will have an adverse visual impact on the natural and built environment, having regard to:
  - (1) The design and scale of the facility and earthworks.
  - (2) The bulk and location of structures and compatibility with the surrounding landscape.
  - (3) Effect on existing landform particularly ridgelines and view planes from public places, including roads.
  - (4) The degree to which it may disturb natural landforms or vegetation.
  - (5) Site location - in terms of locality, topography, geographical features, adjoining land uses.
  - (6) Planting, fencing and other amenity treatment (including minimising visual impact through design and colours).
  - (7) Effects on existing heritage resources such as sites, buildings, places or areas of heritage and archaeological value.



- (8) Effects on the landscape values of outstanding natural features and landscapes, and identified Conservation Lands (see NU3.2.8 above).
  
- (b) Amenity
  - (i) Whether the network utility will result in any adverse impact on the existing character of the area in which it is proposed to be located, considering issues such as:
    - (1) The scale of the work.
    - (2) The intensity of the proposed activity, including hours of use, the number of people involved, and the volume of traffic generated.
  
- (c) Availability of Alternative Locations or Options
  - (i) Whether alternative locations, routes or other options are physically or technically practicable.
  
- (d) Public Health and Safety
  - (i) The extent to which public health and safety can be achieved. In assessing the proposal regard will be had to the degree of risk it poses to residents in the vicinity of the activity, the sensitivity of surrounding uses, and methods or options available to avoid, remedy or mitigate that risk. Regard will also be had to the ability of telecommunication or radiocommunication facilities to comply with New Zealand Standard NZS 6609.1 and 2:1990 (Radio frequency Radiation) and the ability of the transmission network to comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz).  
~~The extent to which public health and safety can be achieved. In assessing the proposal regard will be had to the degree of risk it poses to residents in the vicinity of the activity, the sensitivity of surrounding uses, and methods or options available to avoid, remedy or mitigate that risk. Regard will also be had to the ability of telecommunication or radiocommunication facilities to comply with New Zealand Standard NZS 6609.1 and 2:1990 (Radio frequency Radiation).~~
  
- (e) The benefits of the proposed facility to the local, regional and national community.
  
- (f) Special technical requirements and constraints of Network Utilities including those associated with their scale, location, design or operation.
  
- (g) Effects on other Network Utilities and Land Uses.
  - (i) The extent to which the proposed Network Utility may adversely affect or interfere with the operation of other Network Utilities or land uses in the vicinity. For example, the potential effects of wind farms and individual turbines on radio, television and microwave transmission.
  
- (h) Road Safety and Access
  - (i) Whether the utility will result in an adverse impact on, or a reduction in, road safety, by obstructing vision for motorists and pedestrians and through the unnecessary siting of structures near intersections and on bends of roads.
  - (ii) Whether the vehicular access to the site provides for safe and convenient access without detrimentally affecting the safety and efficiency of the road network or pedestrian safety.