

SECTION 11 – UTILITIES

INTRODUCTION

Utilities provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their cultural, social and economic wellbeing, health and safety. There are various categories of utilities and a number of providers. They are physical resources which are used to generate energy, provide water and electricity, sewage reticulation, roads, railway lines, airports, telecommunications, radiocommunications and waste disposal.

The main providers of utilities are Local Authorities, the Crown, Regional Councils and State Owned Enterprises. However, recent developments have seen a number of trading enterprises and private companies enter the utilities sector.

Utilities of local and national significance found within Waimate District include the Benmore, Aviemore and Waitaki power stations that generate energy for supply to the national grid. These power stations and their associated canals, reservoirs and control structures are utilities of national importance supplying a significant proportion of New Zealand's energy needs. Further opportunities exist in the district for energy development, including from renewable energy resources, both large and small scale. The National Policy Statement for Renewable Electricity Generation reinforces the significance of maintaining and further developing New Zealand's renewable energy potential.

Allied to the production of energy are the electricity substations, switchyards towers, poles and lines used for the distribution of electricity as part of the national grid. The National Policy Statement on Electricity Transmission 2008 highlights the national significance of the electricity transmission network. However, the continued operation, maintenance, development and upgrading of this network must be provided for in a sustainable manner, recognising the impact of electricity transmission on other land uses.

Other utilities of national significance within Waimate District include State Highways 1 and 82 and microwave VHF stations required for telecommunication and radiocommunication purposes.

National Environment Standards may address the operation and effects of some utilities. These Standards take precedence over the provisions within the District Plan, unless specifically stated otherwise.

Within the District, the Council is a major provider of utilities and services supplying water, sewage reticulation, waste disposal and roads. Of the other organisations, some are included within the meaning of a Network Utility Operator as defined under Section 166 of the Act. Other utilities located within the District, but not falling within the range of activities which can be undertaken by Network Utility Operators include the provision of flood and coastal protection works.

Not all utilities are provided for the benefit of the wider community, for example individuals may have aerials on their properties for telecommunication purposes, such as television aerials or for radio communications (radio ham operators).

Legislative Context

A number of the organisations that provide and operate utilities have status as requiring authorities under the Act and are able to provide for their utility by designation. Requiring authorities include a Minister of the Crown, a local authority or an approved Network Utility Operator undertaking one of the range of activities listed above.

Where a utility is provided for by way of designation, the General and Zone rules of the Plan do not apply to that activity, however, there may be specific conditions in the Plan relating to the operation or design of the work or project which will have the effect of rules. Once a site is designated it may not be used for any other activity (including permitted activities within the underlying zone) without the consent of the requiring authority. Land uses that existed prior to the notification of a requirement for a designation maintain an existing use right under Section 10 of the Resource Management Act.

There is recognition by in Section 7 of the Act of both the importance of the use and development of renewable energy and the need to address climate change. This is reinforced by the National Policy Statement on Renewable Electricity Generation. In addition the National Policy Statement on Electricity Transmission requires decision makers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission.

OBJECTIVES AND POLICIES

Objective 1 - Effect on the Environment

Utilities whose efficient functioning and operation avoid, remedy or mitigate adverse effects on the surrounding environment.

Policies

- 1A. To avoid, remedy or mitigate adverse effects on the environment created by the operation of utilities through the application of performance standards to separate incompatible activities, maintain visual amenities, safety, and the quality of the environment.
- 1B. To recognise the importance of utilities by making specific provision for certain utilities within the District, which are land extensive and/or which have specific locational needs, while avoiding, remedying and mitigating adverse effects on the environment.
- 1C. To manage any potential adverse effects of utilities through the resource consent and designation processes as appropriate.
- 1D. To protect areas identified as significant indigenous vegetation or significant habitats of indigenous fauna from utilities which are environmentally incompatible.
- 1E. To protect areas identified as outstanding natural landscapes and features from inappropriate development of utilities which are visually incompatible.
- 1F. To encourage utility operators to adopt their own monitoring systems to ensure that the effects of utilities and their operation is regularly evaluated to minimise the occurrence of adverse effects.
- 1G. To require where practicable, the undergrounding of services in most new areas of development and to encourage the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services on specified roads within the Waimate Urban Area.
- 1H. To take account of economic and operational needs and constraints in assessing the location, design and appearance of utilities.
- 1I. When considering the environmental effects of development of utilities infrastructure or upgrades of existing infrastructure to take into account technical and operational constraints and the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.
- 1J. To encourage early engagement with the community, including Maori in the planning stages for large scale utility projects.
- 1K. When considering substantial upgrades of transmission infrastructure to take into account the opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

Explanation and Reasons

Utilities have a variety of impacts depending on their diverse nature. The impact of utilities is greater in areas used for residential, conservation or recreation purposes. There is little justification for regulating utilities which do not have major impacts. Utilities have quite distinctive and varied characteristics. Large facilities are zoned or scheduled with particular rules according to the scale of effects generated. Environmental effects are also balanced against the local, regional and national benefits and the operational requirements and costs. This approach reflects the need to make provision for those services and developing technologies which consumers and businesses expect.

Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. The policy recognises that overhead lines and structures associated with services can detract from visual amenity and whilst adverse effects of overhead lines and associated structures can be mitigated to a certain degree, for most properties in the Residential, and Business

Zones, provision of new development reticulation is required to be by way of underground reticulation. The higher cost of underground reticulation is recognised, and underground reticulation is not required in rural areas where environmental and economic considerations may be differently balanced. Some exceptions to undergrounding of services will exist, such as high voltage lines, as it is not practical to underground these in terms of cost. It also recognises the need for access for maintenance purposes.

The policy further recognises that for some areas of the District, currently supplied by overhead services and particularly the urban areas, services, visual amenity could be enhanced by the systematic replacement or upgrading of existing overhead services. Setting back poles and lamp standards from the kerb line, or outside the road reserve, will often be desirable for both amenity and safety reasons. In addition, a proliferation of infrastructure can be avoided by network utility operators negotiating the joint use of existing facilities and sites and sharing new infrastructure.

Communication facilities, including towers and dish antennae, can have a visual impact depending on the scale and nature of the structures. Structures associated with radiocommunication include slimline masts which may incorporate lightning rods, antennas, aerials and their mounting structures. However, the visual impact of these structures are generally minor due to their slimline nature. Some utilities require larger ancillary buildings or structures (tanks, pumping stations) while others such as telecommunications have tended to become less conspicuous with changing technology.

For many structures or facilities where undergrounding is not an option, control over location, design and appearance is emphasised in the more sensitive environments.

The location of utilities is often dictated by operational requirements which, if consumers expectations are to be met, must be distributed throughout the District and in particular the settlements. Similarly, while alternative provision (for example underground and overhead reticulation of power) is technically possible, the costs to the provider and consumer could be prohibitive.

Facilities such as cellular telecommunications, need to be located throughout the District to serve residential as well as commercial users. The provision of high voltage power distribution may also be unavoidable in built up areas in some cases. Accordingly, the Plan does not preclude such facilities, but will require account to be taken of location and design to mitigate rather than avoid adverse effects. Any major upgrades to transmission infrastructure will be used as an opportunity to reduce existing adverse effects of the utility, particularly effects on sensitive areas and activities as appropriate.

There are a number of larger scale utilities within the District and to protect the adjoining activities and the ongoing operation of the utilities various degrees of control will be implemented, particularly when these utilities seek to expand or upgrade in or near more sensitive rural or residential environments.

Objective 2 - Enabling the Establishment, Use and Maintenance of Utilities

The establishment, efficient use and maintenance of utilities, necessary for the economic, social and environmental well-being of the community.

Policies

- 2A. To recognise the need for the operation, maintenance or upgrading of a utility to ensure its ongoing use and efficiency, and in particular to provide for existing hydro-electricity facilities in the District.
- 2B. To take economic costs and locational constraints into account when considering the alternative locations or sites in the District for establishment or alteration of a utility.
- 2C. To take into account the long-term needs of a utility when considering possible alternative locations in the District for establishment.
- 2D. To make specific provision for certain utilities within the District, which are land extensive and/or which have specific locational needs, to ensure that the presence and function of the utility is recognised.
- 2E. To encourage the co-location of telecommunication and radiocommunication facilities where operationally and technically feasible, and where land tenure permits, when Council consent is required for their establishment.

- 2F. To give due regard to the importance of a utility and potential reverse sensitivity effects when assessing the establishment of a proposed utility or the suitability of a neighbouring activity.
- 2G. To encourage development in areas which are already serviced and have the capacity for additional development, taking into account economic costs.
- 2H. To achieve sustainability of the District's water supplies by:
 - ensuring that development is able to be serviced by the water supply system
 - assessing the impact of development on water quality and quantity
 - having regard to the Canterbury Water Management Strategy.
- 2I. To take into account the effects on existing land uses when considering the establishment or alteration of a utility.
- 2J. To encourage early engagement with the community, including Maori, in the planning stages for large scale projects.

Explanation and Reasons

Due to the importance of the role of utilities in providing essential services to the community; their often high capital cost to establish; and their long life expectancy; it is important that the Plan acknowledges the need for the establishment and on-going functioning, maintenance and upgrading of the utilities. The on-going operation, maintenance and upgrading of the existing Waitaki HEPS infrastructure, is specifically provided for in the rules of this Plan subject to controls aimed at managing adverse effects. In addition, some utilities have specific locational needs that need to be accommodated for their operation. Co-location may reduce capital investment and also environmental effects.

It is also may be appropriate in some instances to protect the operation of utilities from incompatible activities on adjacent sites. In some cases the community will need to balance its need for the utility against likely environmental effects and the cost of mitigating measures.

To minimise the costs of providing services, development and redevelopment of areas which are already serviced and have capacity for additional development is encouraged. However, this must be balanced against other considerations, such as the type, character and density of living areas sought by the community and the style and density of development in the town centres. Where new areas of the District are to be developed, the economic costs of servicing an area are to be assessed including the demand on resources (e.g. the water resource). This will promote efficient use of services, sustainable management of resources and minimise costs to the community. Better utilisation of services within existing and new built up areas of activity is a factor encouraging a consolidation strategy for urban growth.

Objective 3 – Benefits of Transmission Network

Recognition of the importance of the high voltage transmission network to the district's, region's and nation's social and economic well-being.

Policies

- 3A. To take into account the national, regional and local benefits of a sustainable, secure and efficient national grid electricity transmission network.
- 3B. To provide, through setback rules, for a buffer between existing high voltage transmission lines and sensitive activities and between existing lines and activities which could interfere with their operation and/or endanger people or property.
- 3C. When considering the environmental effects of transmission infrastructure and activities to take into account technical and operational constraints and the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection
- 3D. Identification of high voltage lines on the Planning Maps to inform, landowners, developers and the public of their location.

Explanation and Reasons

The efficient transmission of electricity on the national electricity transmission grid plays a vital role in the well-being of New Zealand, its people and the environment. The 2008 National Policy Statement on Electricity Transmission sets out an objective and policies to enable management of the effects of the national grid under the Resource Management Act 1991. All local authorities are required to give effect to this Policy Statement.

Electricity transmission has a number of characteristics that create challenges for its management under the Act including:

- The facilities and structures required to transmit electricity can create effects of a local, regional and national scale, some of which can be significant.
- The transmission network is an extensive and linear system that makes it important that there is consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the network can be constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the network are often local, but the benefits may be in a different locality or be regional or national benefits.

The social and economic well-being accrued to the District, region and nation from the sustainable and efficient management of the electricity transmission network needs to be taken into consideration when projects for the upgrade and/or replacement of the electricity transmission network are considered. Whilst the national significance of the transmission network must be recognised, any upgrading and/or replacement of the network will involve assessment of the impact of the works on the environment. In addition the potential impact of activities on the transmission network needs to be avoided or mitigated through the provision of a buffer between transmission lines and other activities.

While recognizing the national importance of the National Grid, Council are aware that the existence of the transmission lines across private property is at best an inconvenience. In many cases the lines impose significant costs on local communities for which there is no form of reparation.

Objective 4 – Renewable Electricity Generation

Recognition of the national significance of renewable electricity generation to the district's, region's and nation's environmental, social and economic well-being.

Policies

- 4A. To facilitate the use and development of renewable electricity generation activities in locations where significant adverse effects on the environment can be avoided, remedied or mitigated.
- 4B. To recognise the local, regional and national benefits (particularly any local benefits) and positive effects associated with renewable electricity generation as detailed in the National Policy Statement on Renewable Electricity Generation 2011.
- 4C. When considering the environmental effects of renewable electricity generation activities to take into account any locational, technical and operational constraints as detailed in Policy C1 of the National Policy Statement on Renewable Electricity Generation 2011.
- 4D. That the Council encourages early consultation and working supportively with applicants in the planning stages for large scale developments with the aim of identifying all of the benefits and issues so that they can be considered early in the proposal's development.
- 4E. To encourage domestic and community scale renewable energy use and development, including electricity generation throughout the District where any adverse effects are avoided, remedied or mitigated.
- 4F. To encourage early engagement with the community, including Maori in the planning stages for energy developments.
- 4G. To recognise the importance of the investigation, identification, and assessment of potential sites and energy sources for renewable electricity generation.
- 4H. To recognise the national significance of the existing Waitaki hydro-electricity infrastructure and provide for its continued operation, maintenance and upgrading.
- 4I. To take into account any offsetting or environmental compensation measures in accordance with Policy C2 of the National Policy Statement for Renewable Electricity Generation 2011.

Explanation and Reasons

The National Policy Statement for Renewable Electricity Generation 2011, requires district plans to include objectives, policies and methods (including rules in plans) to provide for the operation, maintenance and upgrading of new and existing renewable electricity generation activities using:

- solar, biomass, tidal, wave and ocean current energy resources
- hydro-electricity resources
- wind resources
- small and community-scale distributed renewable electricity generation from any renewable source

to the extent applicable to the District.

The sources of renewable energy are constantly being developed and becoming more prominent within New Zealand's infrastructure. Renewable energy has the potential to provide security of supply and greater reliability through diversification of supply as well as reducing greenhouse gas emissions. When considering applications for renewable electricity generation, regard is to be had to the benefits to be derived from the use and development of renewable energy. Such benefits need to be considered when considering potential adverse effects.

RULES - UTILITIES

The rules contained in this part of Section 11 take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary.

The District Wide rules in Sections 7 – 12 of the Plan apply to utilities.

The National Environment Standard for Telecommunication Facilities 2008 takes precedence over any rules in the District Plan relating to telecommunication or radiocommunication facilities located within a road reserve, with the exception of rules in the Plan relating to sites over 900m in altitude, protected trees and historic heritage. Clause 4 of the National Environment Standard relating to radio frequency applies regardless of where the facility is located.

The National Environmental Standard for Electricity Transmission Activities 2009 applies and takes precedence over any rules in the District Plan relating to the operation, maintenance, upgrading, relocation and removal of high-voltage transmission network that forms part of the national grid that existed on 14 January 2010. This applies to all zones and overlays in the Waimate District Plan.

1. PERMITTED ACTIVITIES AND SITE STANDARDS

The following activities shall be Permitted Activities throughout the District, provided that they comply with the following standards and the Site Standards in Rule 5, unless otherwise specified:

- 1.1** Lines for conveying electricity at a voltage up to and including 110kV, telecommunications lines and associated support structures, subject to compliance with the following standards:
- a. the lines shall be underground on Timaru Road, Queen Street, Gorge Road, Parsonage Road, High Street (Upper and Lower) and Mill Road, except in the following circumstances:
 - where the new overhead lines are on existing support structures,
 - where the lines are telecommunication service lines from existing support structures connecting to adjoining sites, or
 - where the extension of overhead services involves no more than three poles.
 - b. the lines are on support structures up to a maximum height of 25m in Rural zones only;
 - c. any multiple-pole support structure for lines within Rural zones to be setback a minimum of 15m from any intersection; measured parallel from the centreline of the carriageways, at the point where the roads intersect;
 - d. are located outside areas identified as being a significant natural feature or area, an outstanding natural landscape or feature or over 900m in altitude.
- 1.2** Telecommunication and radiocommunication facilities which shall include aerials, antennae, dish antennae, wires and associated support structures including towers, masts and poles, subject to compliance with the following standards:
- a. a maximum height above ground level of:
 - 8m in Residential zones
 - 25m in Rural zones.
 - 15m in Business 1 and 2 Zones.
 - 20m in Business 3 Zone.
 - b. a dish antenna located in a Residential Zone shall not exceed 1.5m in diameter.
 - c. dish antennas other than in Residential Zones shall not exceed 3m in diameter, **except** that dish antenna between 3m and 5m in diameter located in Rural Zones shall be a Controlled Activity, with matters over which the Council may exercise its control limited to the location of the antenna, visual effects and shading.

- d. the facilities must not be located within or on significant natural areas or features, outstanding natural landscapes or feature or above 900m in altitude.
- e. No antenna or aerial owned or operated by a network utility operator shall be located on any building or site in the Business 1 zones.

1.3 Utility buildings and buildings ancillary to utilities in all zones **excluding** those facilities referred to in Rule 1.2 of Section 11.

and

Depots except on sites within Rural or Residential zones or sites adjoining to a Residential zone;

and

Helicopter landing pads;

subject to compliance with the following standards:

- a. the building does not exceed 50m² in gross floor area and 3.5m in height within a Residential zone or when facing a Residential zone.
- b. buildings more than 10m² in ground floor area and/or over 2m in height shall be setback from the road boundary by a distance not less than half the height of the structure except in Residential zones where buildings more than 10m² in ground floor area and/or 2m in height shall be setback from all boundaries by a distance not less than half the height of the structure.
- c. all outdoor storage shall be screened from public view by landscaping or solid fencing at least 1.8m in height.
- d. no activity shall result in greater than a 2.5 lux spill (horizontal and vertical) of light onto any adjoining Residential, zoned property, measured 2m inside the boundary of the adjoining property.
- e. the storage, use and disposal of all hazardous and dangerous chemicals or pollutants shall be in compliance with rules in Section 12.
- f. sites containing buildings more than 10m² in ground floor area and/or over 2m in height shall provide a landscaped area within the building setback a minimum width of 2m along the road boundary.
- g. depots containing no buildings shall provide a landscaped area a minimum depth of 1.5m along the road boundary.
- h. are not located within areas identified as significant natural areas or features, outstanding natural landscapes or features as identified on the Planning Maps or on land over 900m in altitude **except** that helicopter landing pads may be located in these areas provided they comply with the Site Standards listed in Rule 5.

1.4 Automatic weather stations, and structures and works for the observation of weather and the collection and distribution of meteorological information where a total maximum height of 35m shall not be exceeded by any mast, aerial or pole; and where the facilities described are not located above 900m.

1.5 Above and below ground networks for the conveyance and drainage of water, stormwater or sewage and any ancillary underground equipment.

1.6 Reservoirs, wells, pumps and supply intakes for the reticulation or provision of community water supply.

1.7 Irrigation and stock water races and associated intakes, wells pumps and pipes, open drains and channels.

1.8 Telephone call boxes.

1.9 Marine navigational aids and beacons.

1.10 River Protection Works

- 1.11** The maintenance and replacement of the following utilities where the term "maintenance and replacement" shall mean any work or activity necessary to continue the operation and/or functioning of an existing utility and shall also provide for the replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose:
- a. existing lines above ground for conveying electricity at all voltages and capacities and existing telecommunication lines.
 - b. existing telecommunication and radiocommunication facilities.
 - c. existing buildings and depots.
 - d. existing weather radar.
 - e. existing river protection works.
 - f. existing irrigation infrastructure
- 1.12** The minor upgrading of electricity transmission lines where the term "minor upgrading" shall mean an increase in the carrying capacity, or security, of the line (e.g. such as adding additional circuits, reconductoring with heavier conductors, longer insulators, or the additional of earthwires/lightning rods/telecommunication links) utilising the existing support structures or structures of a similar scale or character. A change in voltage will only be included where there is no physical change to the line, e.g. where a line has been constructed to operate at a certain voltage but has been operating at a lesser voltage.
- 1.13** Any utility building or laying of overhead or underground services shall be located at least 5m from the base any protected tree listed in Section 8 and identified on the Planning Maps, whether or not the tree is on the same site.
- 1.14** Temporary Construction Buildings that meet Site Standard 5.4.
- 1.15** Within the **Waitaki Hydro-Electric Power Scheme (HEPS) Core Sites** shown in the plans in Appendix I, the following activities shall be Permitted Activities:
- a. The operation, maintenance, refurbishment, enhancement and upgrading of an existing hydroelectric power station and other related or ancillary structures except where a major external modification or major addition to a structural component or building is involved.
 - b. Power station operations shall include the operation of penstocks, turbines, generators and switchyard.
 - c. Booms on the surface of water and their maintenance.
 - d. Fish and elver passes.
 - e. Site investigation works.
 - f. Gravel extraction and erosion protection works associated with power generation.

The standards in Clause 5 do not apply to these activities

- 1.16** Earthworks, including test pits and bores, undertaken as part of site investigation activities.

2. CONTROLLED ACTIVITIES

The following activities shall be Controlled Activities throughout the District in respect of the following matters:

- 2.1** Any radiocommunication and telecommunication facilities and telecommunication lines which are located in an area above 900m in altitude, whether or not they are within an outstanding natural landscape or feature, which do not exceed the following dimensions:
- a. a maximum floor area of any equipment shelter shall be 9m² ;
 - b. 7m in height.

Matters over which the Consent Authority has Reserved Control to Place Conditions:

- siting
- design

- colour
- method of construction and/or earthworks
- site restoration.

2.2 Any automatic weather stations, and facilities, structures and works for the observation of weather and the collection and distribution of meteorological information, which are:

- a. located in an area above 900m in altitude, whether or not they are in an outstanding natural landscape or feature, or
- (b) which are greater than 35m in height but less than 1m² in area.

Matters over which Consent Authority has Reserved Control to Place Conditions

- the location and design of the facilities
- the location, design and standard of associated works and access tracks.

2.3 Within the **Waitaki HEPS Core Sites** shown in the plans in Appendix I, the following activities shall be Controlled Activities:

- a. Any external modification to an existing power station, canal structure, control structure, dam, spillway, intake, weir, automated gate, siphon or fish and elver pass which involves the addition of a structural component or a building for the purpose of efficiency enhancement or upgrading, and the construction and commissioning of power generation facilities including intake, spillway and other related structures, except where the work will result in an increase of the maximum operating level of a lake or water storage area permitted at the date of public notification of this Plan.

Matters over which the Consent Authority has reserved control to place conditions:

- location, bulk, design, height, cladding or colour of the proposed work.
- landscaping, revegetation and fencing proposals.
- earthworks.
- location and construction of vehicle entry and exit points.
- vehicle manoeuvring and parking areas.

3. RESTRICTED DISCRETIONARY ACTIVITIES

3.1 Any above ground utility located on or adjacent to a site which contains a protected heritage item listed in Section 8 and identified on the Planning Maps.

3.2 Any activity listed as a Permitted Activity which does not comply with the Standards applying to that Activity or any Site Standards listed in Rule 5, shall be a Restricted Discretionary Activity in respect of the matter(s) of non-compliance.

3.3 Any activity listed as a Controlled Activity which does not comply with the Standards applying to that Activity, shall be a Restricted Discretionary Activity in respect of the matter(s) of non-compliance.

4. DISCRETIONARY ACTIVITIES

The following activities shall be Discretionary Activities throughout the District:

- 4.1** Weather Radar.
- 4.2** Lines and support structures for conveying electricity at a voltage exceeding 110kV.
- 4.3** Coastal protection works.

- 4.4 Within the **Waitaki HEPS Core Sites** shown in the plans in Appendix I, the following activities shall be Discretionary Activities.
- a. Any external modification to a power station, canal structure, control structure, dam, spillway, intake, weir, automated gate or siphon and the construction and commissioning of power generation facilities including intake, spillway and related structures which would result in an increase in the maximum operating level of lake or water storage area permitted at the date of public notification of this Plan.
- 4.5 Any utility or laying of overhead or underground services located within 5m of the base of any protected tree, whether or not the tree is on the same site.
- 4.6 Any other utility not specifically listed as a Permitted, Controlled or Restricted Discretionary Activity.

5. SITE STANDARDS

5.1 Riparian Management

On any land within 100m of any lake or 20m of any river or stream

- 5.1.1 No earthworks shall:
- exceed 10m³ (volume) in any one year, or
 - exceed 30m² (area) in any one year, or
 - be located on slopes with an angle greater than 20°.
- except** that the following earthworks shall be permitted provided they comply with all other provisions of the Plan:
- earthworks associated with the maintenance and upkeep of existing tracks, roads, drains, culverts, crossings, bridges, stock yards, erosion control works, dykes and sea walls.
- 5.1.2 There shall be no clearance of indigenous vegetation
- 5.1.3 No buildings shall be erected.
- 5.1.4 Cut or cleared berm vegetation shall not be placed in a river or placed in a position that it may enter a river.
- 5.1.5 Topsoil is not to remain exposed longer than it takes to resow or replant the area. This time period shall not exceed twenty-four months from the time of disturbance.
- 5.1.6 All harvesting of trees shall be carried out so as to prevent detritus and soil from entering the bed of any river or lake.
- 5.1.7 There shall be no forestry activity planting or woodlot planting i.e. planting for timber production.

5.2 Significant Natural Areas, Significant Natural Features and Outstanding Natural Landscapes and Features

In the areas identified on the Planning Maps and listed in Appendix G as being Significant Natural Areas or Features or identified on the Planning Maps as Outstanding Natural Landscapes or Features:

- 5.2.1 There shall be no earthworks, except that the earthworks associated with the maintenance and upkeep of existing tracks, roads, drains, culverts, crossings, bridges, stock yards, erosion control works, dykes and sea walls. shall be permitted provided they comply with all other provisions of the Plan:

5.2.2 No clearance of indigenous vegetation.

5.2.3 No buildings shall be erected.

5.3 Wetlands

Within any wetland or within 50m of any wetland, there shall be:

- a. no drainage, earthworks, or reclamation of any wetland
- b. no clearance of indigenous or other vegetation, except for pest plants as identified in the Canterbury Regional Pest Management Strategy
- c. no building shall be erected
- d. no tree planting, except for planting associated with restoration or enhancement of a wetland

5.4 Temporary Construction Buildings

Temporary construction buildings established on a construction site for the duration of the project or twelve months, whichever is the lesser.

6. NON-NOTIFIED RESOURCE CONSENTS

Resource consents in relation to the following matters shall be non-notified shall not require the written approval of affected parties.

Discretionary Activities:

- Undergrounding of lines - 1.1.a
- Setback of structures from intersections - 1.1.c
- Landscaping of utility buildings and depots - 1.3.f and 1.3.g

7. REASONS FOR RULES AND ASSESSMENT MATTERS FOR UTILITIES RULES

7.1 Lines for Conveying Electricity and Telecommunications

Reasons: By controlling the type of lines and associated support structures by way of voltage and capacity and definition in an empowering Act it is anticipated that the likely size of the utility and its visual impact on the environment will have been identified and is considered acceptable. Lines and support structures not encompassed within these definitions or capacities are not considered to be appropriate in every situation from a visual perspective and in the case of electricity lines, from a safety and health concern to the public and danger from high voltage lines.

7.2 Undergrounding

Reasons: Overhead lines have been identified as having an adverse effect on the visual amenities and character of the environment. This effect can be mitigated by requiring undergrounding in locations where this is practicable, economically feasible and where the benefits are appreciated by a significant proportion of the District's population, namely urban areas and areas of concentrated residential activity.

7.3 Height

Reasons: The maximum height limit is intended to achieve a scale of development which is consistent and compatible with the character of the surrounding area and to limit the extent of overshadowing and dominance of surrounding sites. A maximum height limit has been imposed on utilities which reflect the sensitivity of the surrounding environment and the visual

impact of the structure. Different height limits have been placed on differing utilities due to the specific scale and form of the utility. The maximum height limits aim to maintain the character and amenity of their surrounding environment and also to accommodate, where possible, the operational requirements of the utility, which are often important facilities of public need.

7.4 Setback from Intersections

Reasons: A minimum setback from intersections has been included for multiple-poled support structures for lines conveying electricity and telecommunications in Rural Zones. This is intended to ensure that multiple-poled support structures do not obstruct the vision of motorists at intersections. In the past concerns have been expressed that multiple-poled support structures limit visibility at intersections in rural locations creating a potential for motor vehicle accidents.

7.5 Exclusion from Significant Natural Areas, Significant Natural Features, Outstanding Natural Landscapes and Features and Wetlands

Reasons: Utilities are required to be assessed by way of resource consent applications within identified natural conservation and landscape importance areas, in order to maintain the character, qualities, amenity, special feature or habitat of the identified area and keep it free from any inappropriate form of man-made or incompatible development. Part II, Section 6(b) and (c) of the Resource Management Act 1991, lists as a matter of national importance the protection of outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna. Where these are identified throughout the District they shall be protected from the inappropriate establishment of utilities. The operation, maintenance and some upgrading of the Waitaki HEPS scheme has been specifically exempted from these clauses given the existing nature of these activities. Furthermore, helicopter landing pads have also been provided for within these areas e provided that they comply with the provisions relating to works in those areas.

7.6 Dish Antennae Widths

Reasons: Dish antennae differ from other antennae in that they have a circular form and therefore require additional width controls to ensure that the character and amenity of surrounding environments is not adversely affected.

7.7 Depot Location

Reasons: Depots are required to be assessed by way of resource consent applications on sites within Rural or Residential Zones or sites facing Residential Zones, in order to maintain the character and amenity of the environment. Depots are often industrial in character with areas of outdoor storage, noise and heavy traffic. They are not therefore compatible with areas of open space or residential activity and are excluded from areas within or facing such environments.

7.8 Building Floor Area

Reasons: A maximum gross floor area has been included for buildings in Residential Zones or when facing a Residential Zone, in order to maintain the character and amenity of the environment. Utility buildings or buildings ancillary to utilities are often different in appearance and character from those in the surrounding environment and have a very stark or utilitarian appearance with blank walls. To minimise any adverse effect on the visual amenity or character of certain environments (those characterised by open space or residential amenity) a limitation has been placed on the size of the building.

7.9 Setback from Roads

Reasons: Buildings are required to be setback a minimum distance (m) from roads, in order to provide for an attractive street scene or rural scene; to avoid obstructing views of the street from adjoining properties; and to allow adequate daylight admission to roads. Utility buildings

and buildings ancillary to utilities over a specified height and/or ground floor area are required to be setback from the road boundary by a distance not less than half the height of the structure. These buildings cover a wide range of sizes and scales depending upon their purpose and it is therefore difficult to provide an arbitrary setback. Instead, the standard aims to relate setback to scale, requiring larger buildings to be setback further from the road to protect the amenity of the street. Buildings below the specified height and/or ground floor area are considered to be small enough that their siting on the road boundary would not adversely affect the amenity of the street.

7.10 Setback from Neighbours

Reasons: Buildings are required to be setback a minimum distance (m) from internal boundaries, in order to provide space around utility buildings for the purposes of:

- ensuring adequate sunlight admission to buildings on the site
- providing access for emergency services, vehicles etc to the rear of the property
- ensuring a degree of visual and aural privacy and protection from noise from neighbouring properties
- limiting the dominance of adjoining sites by utility buildings.

Utility buildings and buildings ancillary to utilities over a specified height and/or ground floor area are required to be setback from all internal boundaries by a distance not less than half the height of the structure in Residential Zones. Living environments are considered more sensitive to the intrusion of these buildings and it is considered necessary that there be adequate separation between the utility and residential activities to preserve the amenity and character of residential areas. As these buildings come in a range of sizes and scales depending upon their purpose it is difficult to have an arbitrary standard. The control therefore aims to relate setback to scale, requiring larger buildings to be setback further.

7.11 Outdoor Storage

As for Reasons for Rules for Business Zones (Refer to Section 6).

7.12 Lighting

As for Reasons for Rules for Business Zones (Refer Section 6)

7.13 Landscaping

As for Reasons for Rules for Business Zones (Refer to Section 6).

7.14 Listing of Specific Activities as Permitted Activities

Reasons: Specific activities are listed as permitted activities, i.e.:

- Automatic weather stations or weather recording device
- Underground pipe networks
- Reservoirs, wells and supply intakes
- Irrigation and stock water races and associated intakes, wells, pumps and pipes, open drains and channels
- Telephone call boxes
- Marine navigational aids and beacons,

in order to enable specific activities which do not fall under a generic grouping but have limited adverse effects on the environment to be established as of right.

A number of utilities have very specific functions which are of importance or value to the community. These facilities however do not fall within the general groupings which have been created for the majority of utility facilities or developments such as buildings, lines or telecommunication or radiocommunication facilities. The effects of these utilities are however generally minor and may in some cases, be a very common or necessary feature of the environment, such as a drainage channels or telephone call box. It is therefore appropriate that these utilities are given status as permitted activities.

7.15 Maintenance and Replacement

Reasons: Provision is made for maintenance or replacement of specified existing utilities, i.e.:

- existing lines above ground for conveying electricity at all voltages and existing lines as defined by the Telecommunications Act 2001.
- telecommunications and radiocommunications facilities
- buildings and depots
- weather radar
- flood protection works,
- existing irrigation infrastructure

in order to allow existing utilities which have been established with significant investment and have a significant operational or economic lifespan to continue to be used and operated. It is of importance to the providers of utilities that their existing facilities which were established prior to the notification of the Plan are recognised and that they have the ability to undertake works or activities which will allow them to continue to operate those utilities. In many instances it would require significant financial expenditure to remove or relocate networks or infrastructure that have been in existence for many years, many of which still have a significant operational life. This standard also reflects the intention of the Resource Management Act 1991 with respect to existing use rights.

7.16 Listing of Specific Activities as Discretionary Activities

Reasons: Specific activities are listed as discretionary activities i.e.

- weather radar
- lines and support structures for conveying electricity at a voltage exceeding 110KV
- river and coastal protection works,

in order to provide for utilities which do not fall within a generic grouping of activities but require consent for their establishment due to the nature of their adverse effects on the environment. Activities that do not fall within a generic grouping of activities require specific recognition in the Plan. However, those activities listed above have the potential to create adverse effects on the environment so that their establishment requires some control and assessment of effects.

7.17 Assessment Matters

- a. The extent to which the utility will cause:
 - the loss of key views or viewpoints;
 - the loss of accessibility to key views or viewpoints;
 - any obscuring of landforms or natural features;
 - the loss of the natural landscape pattern; including the loss of underlying landform pattern;
 - the loss or obscuring of present vegetation patterns;
 - the loss of openness and spaciousness of the landscape, and the apparent naturalness of the landscape.
- b. The extent of the visual impact of the utility from an adjoining Residential zoned site and its impact on the amenity and character of the surrounding environment taking into account its design and appearance, bulk and length of wall.
- c. The extent of any adverse effect created through a reduced setback from boundaries on the surrounding environment including the potential to affect the privacy and outlook of residents.
- d. The degree to which any adverse effect created by a reduced setback may be mitigated through different options for site layout.
- e. The extent of the visual impact of the utility where landscaping has been reduced and the extent to which other factors may compensate for any reduction such as:
 - a higher quality of planting over a smaller area.
 - an unobtrusive building design

- the compatibility of materials used for finishing and the colour of the building with the environment.
- f. The degree to which the proposed choice of site or route for the utility will affect the environment and the reasons for that choice of site or route.
- g. The extent to which alternative sites or routes have been considered and the impact of those alternatives on the environment.
- h. The extent of any additional costs imposed by requiring compliance with any performance standard listed including the cost of placing lines underground or requiring design modifications to a utility.
- i. The degree to which the proposed utility may affect the health or safety of the community including positive effects from the operation of the utility.
- j. The degree to which the proposed utility may affect values held by the tangata whenua.
- k. The potential for co-siting telecommunication and radiocommunication facilities and the extent to which the provider of the utility has investigated this potential.
- l. The degree to which glare may affect the enjoyment, character or amenity of the surrounding environment or the safety of adjoining roadways and the effect of measures to mitigate any such adverse effect.
- m. In Significant Natural Areas and Features, Outstanding Natural Landscapes and Features, Wetlands, and Riparian Areas:
- The significance of a species or community of indigenous plants and animals at the specific locality of the proposed utility. In particular:
 - The status of a particular species, for example whether it is rare, vulnerable or endangered in the District, in the region, or nationally.
 - The general rate of decline of a particular species in the District, region or nationally.
 - The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, region or nationally.
 - The natural diversity expected in a particular plant or animal community.
 - The importance of an area providing habitat to animals.
 - The extent to which the utility threatens indigenous plants or animals identified at the site.
 - The extent to which the activity will adversely affect the overall natural character of an area, and indigenous ecosystem integrity and functioning
 - The degree to which earthworks will damage geological sites, such as fossils sites.
 - The degree to which river or stream habitat is adversely affected through run-off and sedimentation caused by earthworks.
 - The extent of any alteration of a wetland and the subsequent loss of habitat.
 - The degree to which any increased nutrient levels of a wetland may occur.
 - The degree to which any possible alternative locations or methods for undertaking the utility could occur.
- n. With respect to the construction of coastal or river protection works:
- The extent to which coastal and river protection works adversely affect the natural character of the coast or a bed of a river and its margin, and any associated natural conservation, public access and recreation values at these locations;

- The extent to which the coastal protection works could cause shifts in erosion processes along the coast, or the extent to which the river protection works could cause flood breakouts downstream of the works.
 - The potential loss of assets if the protection works are not afforded;
 - The ability of buildings or other assets to be relocated, as an alternative to protection works; including estimated costs of relocation, and the possible destination of a relocated buildings;
 - The ability of other measures such as vegetation planting being an appropriate alternative.
- o. With respect to activities within the Waitaki HEPS Core Sites:
- The visual impact of the building, structure or roading on the amenities of the District, including the skyline and open landscape.
 - The nature of any effects on any fisheries, flora and fauna and the habitats of any flora and fauna.
 - The degree to which Outstanding Natural Landscapes and Features and the will be affected.
 - The nature of any adverse effects on the environment from construction of the building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.
 - The extent of the increase in volume and/or area of water and the extent to which surrounding land would be inundated.
 - The quality of the soils of the area to be inundated and their potential uses.
 - The degree to which the visual qualities of the landscape will be affected.
 - The social and economic impact on local communities.
 - The degree to which the increased waterbody will affect the provision of roading and services within the locality.
 - The potential for increased or decreased recreational opportunities.
 - The impact of the increase in water volume and/or area on the tangata whenua and their values.
 - Effect of lakeshore erosion and weakening of hillslopes.
- p. With respect to temporary construction buildings
- The adequacy of access, parking, loading and manoeuvring areas in avoiding, remedying or mitigating effects on the adjacent road network
 - The amount of traffic likely to be generated and the measures to avoid, remedy or mitigate effects on the road network and the amenity of the surrounding area
 - The location and design of buildings in terms of avoiding, remedying or mitigating adverse effects on the amenity of the surrounding area
 - The effects of noise and lighting on the amenity of the surrounding area
 - The management of the site in avoiding, remedying and mitigating effects on the surrounding area
 - Rehabilitation of the site following the cessation of the activity

8. DESIGNATIONS

Every designation specified in the Plan shall have the force of a rule as required under Section 175 of the Act. All designations are listed in Appendix A which specifies the name of the authority responsible for the designation, purpose of the designation, legal description of the land subject to the designation, conditions attached to the requirement to carry out the designation, the life time of the designation and underlying zoning of the site. The rules of the underlying zone shall apply to activities other than those permitted under the designation.

A designated site may only be used in accordance with the designation. The use of the site for any other activity (including permitted activities within the underlying zone) shall require the prior written approval of the requiring authority as required under Section 176 of the Act.