
**DISTRICT PLAN REVIEW
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**Effectiveness Review of Operative District Plan in managing
visual amenity effects of network utilities and energy
generating activities**

PREPARED BY: Boffa Miskell Ltd

DATE: 12 September 2017

DOCUMENT INFORMATION

Topic	Energy and Infrastructure Topic
Scope ID	EI001 – Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities
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DPR Prefix	Topic Investigation

DOCUMENT SIGNOFF

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Selwyn District Plan Review

Energy and Infrastructure Topic:





Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities

Prepared for Selwyn District Council
12 September 2017

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Document Quality Assurance

<p>Bibliographic reference for citation: Boffa Miskell Limited 2017. <i>Selwyn District Plan Review: Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities</i>. Report prepared by Boffa Miskell Limited for Selwyn District Council.</p>		
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<p>Status: Final</p>	<p>Revision / version: 3</p>	<p>Issue date: 12 September 2017</p>

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File ref: C15143G_002_Uilities_Planning_Assessment_20170906.docx

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1.0 Introduction

This report provides a planning analysis in relation to managing visual amenity effects of network utilities and energy generating activities. The purpose of the analysis is to understand the effectiveness of the operative District Plan provisions and identify any necessary changes.

The operation, maintenance, repair, upgrade and development of network utilities and renewable energy generating activities has the potential to create adverse effects on the visual amenity of the receiving environment. The operative District Plan primarily relies on 'bulk and location' standards to manage these adverse effects.

2.0 Scope of this report

For the purposes of this analysis, consideration has been limited to network utilities and energy generating activities as defined in the District Plan. Relevant definitions include:

Utility: *includes the use of any structure, building or land for any of the following purposes;*

- (a) The generation, transformation and/or transmission of energy;*
- (b) Any telecommunication facility or telecommunication line;*
- (c) Any radio communication facility;*
- (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater;*
- (e) The drainage, reticulation or treatment of stormwater, waste water or sewage;*
- (f) Transport infrastructure, including (but not limited to) roads, accessway, railways, airports and navigational aids;*
- (g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions;*
- (h) Meteorological facilities for the observation, recording and communication of weather information.*

Utility Building: *includes any building or part of any building which is a utility or which is used principally to house or support a utility; and that building is 10m or more in gross floor area, and greater than 2.5m in height.*

Utility Structure: includes any device, equipment or other facility which is used principally to house or support a utility including any antenna, mast, pole or pylon; or any structure housing a utility which is less than 10m² in gross floor area, or less than 2.5m in height.

Network Infrastructure: has the same meaning as in section 197 of the Local Government Act 2002. (“The provision of roads and other transport, water, wastewater, and stormwater collection and management.”)

Thus, the primary activities and facilities considered within this report are:

- energy generation facilities e.g. Coleridge power station;
- energy transformation facilities e.g. substations;
- energy transmission facilities e.g. power lines and support towers;
- telecommunication facilities and lines e.g. cell towers;
- radio communication and meteorological facilities e.g. antenna;
- water supply facilities e.g. water races;
- stormwater, waste water or sewage facilities e.g. treatment plants
- transport infrastructure e.g. State Highway 1; and
- works to mitigate natural hazards e.g. stopbanks.

In considering these activities and facilities it is noted that many are provided by Requiring Authorities under the notice of requirement, designation and outline plan processes set out in Part 8 of the Resource Management Act. Where utility structures are designated, the provisions of the district plan only apply to that land, if it is proposed to be used for a purpose other than the designated purpose. In these circumstances the objectives and policies of the District Plan have primary relevance (at the time of establishing a designation) as the rules do not apply to a designated activity.

It is also noted that the scope of this report relates to visual amenity values and not to wider amenity values that could include issues such as noise¹. Also, this report has not considered wider issues relating to utilities and energy generating facilities including impacts on district wide matters (heritage items, protected trees, riparian areas) or nonvisual matters such as radio frequency fields.

3.0 Statutory Obligations

3.1 Resource Management Act

¹ The Resource Management Act defines **amenity values** as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The primary statutory obligation in relation to managing visual amenity effects comes from the Resource Management Act 1991 (RMA), which includes:

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— (c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment

There are however a range of other parts of the Resource Management Act which are of relevance to this issue including:

- Section 6 includes the requirement to recognise and provide for the following matters of national importance ... (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- Part 8 provides for the establishment of Requiring Authorities and the designation of land for public works (which particularly include utility structures, buildings and network infrastructure activities).
- Section 31 sets out the functions of territorial authorities including 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.
- Section 75 of the Act requires that a district plan must give effect to the Regional Policy Statement.

3.2 Regional Policy Statement

The Canterbury Regional Policy Statement 2013² (RPS) includes a number of sections relevant to this topic including:

- Chapter 5 Land-use and Infrastructure – this sets out the need for sufficient infrastructure (utilities) to meet the needs of people and communities, but recognises that this can cause adverse effects on the environment³. It also recognises the need to maintain amenity values⁴.
- Chapter 6 Recovery and Rebuilding of Greater Christchurch – this includes similar issues to those covered in chapter 5 in relation to the provision of infrastructure and maintenance of values⁵.

² Revised February 2017.

³ RPS objectives 5.2.1 and 5.2.2 and policy 5.3.2.

⁴ RPS policy 5.3.1.

⁵ RPS objectives 6.2.1 and 6.2.3 and policy 6.3.5.

- Chapter 12 Landscape – this identifies that important landscapes may include those with amenity values⁶.
- Chapter 16 Energy – this promotes reliable and resilient generation and supply of energy for the region⁷.

Collectively, the provisions of the RPS anticipate adequate provision of infrastructure, utilities and energy generating facilities but require due consideration of impacts on amenity values including visual amenity.

3.3 National Environmental Standards

There are two key pieces of national policy that relate to this topic.

3.3.1 Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF)

The NESTF regulations provide national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately. A copy of the Regulations is attached as **Appendix 1**.

The NESTF provides rules for the following activities:

- cabinets in the road reserve, outside the road reserve and on buildings;
- antennas on existing poles or new poles in the road reserve;
- replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas);
- new poles and antennas in rural areas;
- antennas on buildings (above a permitted height in residential areas);
- small-cell units on existing structures;
- telecommunications lines (underground, on the ground and overhead).

The regulations also set out provisions for associated earthworks, and radiofrequency fields. They provide a series of standards that must be met and specify activity status if standards are not met. There is also specific allowance made in the regulations for activities carried out in specific locations to be addressed differently by a District Plan e.g. an area identified as a visual amenity landscape or an outstanding natural feature or landscape (ONFL).

The bulk and location standards for the various activities are set out in the regulations and include restrictions such as:

⁶ RPS objective 12.2.2 and policy 12.3.3.

⁷ RPS objective 16.2.2.

- The maximum height for an antenna on an existing pole in the road reserve is no more than the height of existing pole plus 3.5m and all antennas.
- The maximum height for an antenna on a new pole in a rural zone is 25m including all antenna.
- The maximum dish antenna size in a rural zone is a diameter of 1.2m.
- The maximum diameter of an aerial telecommunication line is 30mm.
- The maximum height of a cabinet in a residential zone is 2m.
- The maximum size of an antenna on a building is 1.5m² for a panel antenna or 1.2m diameter for a dish antenna.
- The maximum volume of earthworks in a rural zone is 450m³ per facility.
- Radiofrequency fields shall comply with Standards New Zealand standard NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

The User Guide for the regulations prepared by the Ministry for the Environment includes a summary of the rules for all activities (see **Appendix 1**).

The regulations allow District Plans to put in place rules that are more stringent than the regulations, however that does not appear to be common practice in second generation plans.

3.3.2 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESET)

The NESET regulations set out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects. A copy of the Regulations is attached as **Appendix 1**. The NESET was developed as a tool to implement the intent of the National Policy Statement on Electricity Transmission.

The regulations build in requirements for specific allowance to be made where an activity is to be carried out in a “natural area” which is defined as an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna.

The purpose of the NESET is to:

- minimise the cost to councils of implementing the National Policy Statement on Electricity Transmission (NPS).
- ensure planning requirements are nationally consistent and provide adequately for maintenance and upgrading of transmission lines to achieve the intention of the NPS.
- minimise RMA processing costs and delays.

The regulations set out provisions for activities relating to the operation, maintenance, upgrading, relocation or removal of an existing transmission line, including:

- construction activity,
- activities relating to an access track to an existing transmission line,
- associated earthworks,
- undergrounding an existing transmission line.

Activities not covered by the regulations include:

- the construction of new lines
- the construction or use of a bridge or culverts
- the control of the use of land to prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances
- refuelling vehicles or equipment
- the use of land as a landing area for helicopters
- earthworks, to the extent that they are subject to a regional rule.

The guidance for the regulations prepared by the Ministry for the Environment includes a summary of the rules for all activities (see <https://www.mfe.govt.nz/node/11851/>). The regulations do not specify whether District Plans can be more stringent than the regulations.

3.3.3 Other National Direction

The National Policy Statement for Renewable Electricity Generation 2011 is also relevant to this issue as it deals with the contribution of renewable electricity generation to the wellbeing of New Zealand. In particular, it requires that district plans include objectives, policies and methods to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities⁸. In addition, there is a requirement for provisions to provide for small and community-scale renewable electricity generation activities. There is acknowledgement that there is the potential that such activities may conflict with other matters such as amenity values and that this will need to be considered in the development of district plans.

3.3.4 Overlap or duplication

There appears to be only one instance of direct overlap or duplication between the bulk and location standards in the Selwyn District Plan (SDP) and those standards contained in the NES's as follows:

- The NESTF permits dish antenna up to 1.2m in diameter and this dimension is replicated in some of the SDP rules.

The other rules that relate to electricity transmission activities and telecommunication facilities include different provisions from those contained within the NES's. In some cases, the SDP provisions are more restrictive (e.g. dish antenna attached to a building

⁸ With specific provisions sought for solar, biomass, tidal, wave and ocean resources, hydro-electricity activities, wind resources, and geothermal resources.

must not be more than 5m above the point of attachment or the top of the vertical surface in the NESTF but in the SDP they are restricted to 2.5m above the point of attachment), and in other cases more lenient (e.g. the NESTF restricts cabinets to 2m height and 2m² footprint in a residential zone but the SDP enables utility buildings in residential zones to be up to 8m in height).

This duplication (and any other duplication) can be avoided through the removal of any rules relating to electricity transmission activities and telecommunication facilities, and instead cross referencing directly to the NES's.

4.0 Operative District Plan provisions

The provisions for utilities and energy generating facilities in the SDP are integrated into a number of sections covering Living, Business and Rural zones. The relevant provisions of the SDP have been identified and are attached as **Appendix 2**.

The provisions address visual amenity effects in a generic way through controlling bulk and location (and in some cases visual appearance specifically through colours and material), but also cover other non-visual elements e.g. radiofrequency fields. Some provisions are not easily differentiated in their purpose.

In terms of managing visual amenity effects, there are a range of applicable provisions within the objectives, policies and rules of both the Township and Rural volumes.

The relevant objectives can be summarised as covering:

- The provision of utilities where any adverse effects on the receiving environment and on people's health, safety and wellbeing are managed having regard to the scale, appearance, location and operational requirements of the facilities.

The relevant policies cover:

- Ensuring structures are compatible with the amenity values and character of the area in which they are located.
- Ensuring structures in specific areas (Port Hills, margins of Te Waihora, Malvern Hills, Arthur's Pass Village, Castle Hill Village and Outstanding Natural Landscapes) do not adversely affect amenity values or views.
- Requiring structures to be designed, sited and coloured appropriately for their location.

The relevant rules can be summarised as:

- Bulk and location rules in relation to:
 - Utility buildings: minimum setbacks from road and internal boundaries (e.g. 4m from a road boundary in living zones), maximum height limits (e.g. 8m in Business 1A zones), compliance with recession plane angles at property boundaries.

- Utility structures: maximum height limits (e.g. 15m in Living zones), maximum scale of dish antenna.
- Restrictions on materials, colour and reflectivity in defined areas.
- Requirements for landscaping.
- Permitted activity status for the upgrading, maintenance, operation and replacement of existing utilities, subject to restrictions on the scale and nature of change proposed.
- Permitted activity status for underground cables and lines.
- Permitted activity status for utility structures in outstanding landscape areas subject to restrictions on scale.
- Restricted discretionary activity status for exceedance of some rules (e.g. height of utility structures in rural zones).
- Restricted discretionary or non-complying activity status for utility buildings in an area of outstanding natural landscape in the High Country or the Malvern Hills, or the lower slopes or visual amenity landscape of the Port Hills.
- Discretionary activity status for breach of some rules (e.g. colour of utility structures).
- Discretionary activity status for new energy generation facilities in rural zones (except where they generate energy for use only on the site they are located e.g. solar panels).
- Non-complying activity status for new energy generation facilities in living zones (except where they generate energy for use only on the site they are located e.g. solar panels).

It is noted that the operative Plan does not differentiate between utilities and energy generating facilities, with the latter incorporated within the rules in a relatively subtle way.

5.0 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan 2013 (IMP) a manawhenua planning document reflecting the collective efforts of six Papatipu Rūnanga that represent the hapū who hold manawhenua rights over lands and waters within the takiwā from the Hurunui River to the Hakatere River and inland to Kā Tiritiri o Te Moana⁹.

Section 1.2 of the Plan states that the IMP provides a statement of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwā. The plan provides a tool for local authorities, other agencies and the wider community to:

- > Understand what is important to tāngata whenua and why;

⁹ Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga.

- > Meet statutory obligations under the NTCSA 1998, Resource Management Act 1991 and other legislation, including recognising and providing for the relationship of Ngāi Tahu to ancestral land, water, wāhi tapu and wāhi taonga as a matter of national importance;
- > Determine the nature and extent of consultation that may be required regarding particular activities or places of importance; and
- > Afford appropriate weight to Ngāi Tahu values in decision making processes.

Provisions within the IMP of some (indirect) relevance to this workstream include:

- Section 5.2 Ranginui – Electromagnetic Radiation

Issue R5: Potential risks to human health as a result of electromagnetic radiation.

Ngā Kaupapa / Policy

R5.1 To highlight the potential risk to the health of our people and communities as a result of electromagnetic radiation sourced from overhead transmission lines and cell phone towers (and other) and to recognise this risk when considering the placement of these.

R5.2 To require a precautionary approach to electromagnetic radiation regarding its possible effects on human health. This means that unknown effects do not mean no effects; and that protecting human health and taking preventative action before certainty of harm is proven must be the basis of decision making.

[Note: The National Environmental Standards for Telecommunication Facilities (discussed above), together with NZS 2772, set the national standards for electromagnetic radiation.]
- Section 5.4 Papatūānuku – the need to ensure that there is adequate infrastructure (Policy P3.2) and that this is provided in a way that achieves multiple uses and reduces impacts on the environment (subdivision and development guidelines).
- Section 5.4 Papatūānuku – Energy

Issue P17: Ngāi Tahu have a particular interest in energy generation, distribution and use.

Ngā Kaupapa / Policy

P17.1 Ngāi Tahu must have a strategic and influential role in decisions about energy extraction and generation in the region, as a Treaty partner with specific rights and interests in resources used for energy generation, particularly water.

P17.4 To require that local authorities develop and implement effective policies requiring the use of renewable energy and energy saving measures in residential, commercial, industrial and other developments.

P17.5 To support in principle the use of wind and solar energy generation in the region (see Section 5.7, Issue TAW1).

These provisions deal with utilities, infrastructure and energy generation generally but do not have a specific focus on visual amenity values. Whilst there are no policies in the IMP, the topic and issues identified may still be of interest to rūnanga and further engagement may be appropriate.

6.0 Other District Plans

In reviewing the SDP provisions, it is relevant to consider how other adjoining and/or comparable local authorities in the Canterbury region are managing the visual impacts of utilities and energy generating activities. Second Generation District Plans are generally placing greater reliance on cross referencing to national environmental standards and then applying rules where necessary to be more restrictive to recognise local character.

As requested by SDC, the following plans have been reviewed:

- Hurunui District Plan (second generation, proposed and subject to appeals that may be relevant to this issue)
- Christchurch Replacement District Plan (second generation, proposed but beyond challenge for these issues)
- Ashburton District Plan (second generation, operative)
- Waimakariri District Plan (first generation, operative)

Key sections of these plans are contained in **Appendices 3-6**, and a comparison table is contained in **Appendix 7** setting out a summary of the provisions of these plans against the SDP provisions.

6.1 Hurunui District Plan

The Hurunui District Plan has separate chapters for energy and utilities. These seek to enable the provision of appropriate facilities and activities where the adverse effects are avoided or managed. Each chapter has one objective supported by a range of policies setting out relevant issues.

The provisions provide direct cross references to the relevant national environmental standards and do not replicate those standards. The provisions specifically address energy generation activities of varying scales (investigation works, small scale, community scale, and commercial scale and apply rules ranging from permitted to discretionary activity status. The provisions also address underground facilities and above ground structures and buildings, and include a range of bulk and location rules. The rules are relatively simple and straightforward.

6.2 Christchurch Replacement District Plan

The Christchurch Replacement District Plan includes a chapter dealing with utilities and energy. This chapter includes two objectives seeking to recognise the need for the provision of utilities but the potential for adverse effects of these activities. Each objective has a number of policies.

The rules directly cross reference to the national environmental standards. The rules are complex and contain many different provisions split across different topics – utilities and energy general, electricity transmission and distribution, energy, communication facilities, water, wastewater and stormwater, and activity standards for all activities. Within each section there are rules relating to specified activities and activity specific standards. There are intricate provisions for bulk and location standards varying across areas and activities.

There are also specific provisions for sensitive areas including:

- the Avon River Precinct;
- character area overlays;
- outstanding natural features and landscapes;
- significant features, and rural amenity landscapes;
- important ridgelines;
- areas of outstanding, high, or very high natural character in the coastal environment;
- within the dripline of a significant tree;
- on or within heritage items and settings; and
- within sites of Ngāi Tahu cultural significance.

6.3 Ashburton District Plan

The Ashburton District Plan contains one section covering utilities, energy and designations. This section sets out the need for adequate infrastructure for community benefits, while acknowledging the impacts that such infrastructure can create.

The section includes five objectives relating to effects, necessity and benefits, efficiency, renewable energy, and rural water. Each objective is supported by a number of policies. The first objective emphasises the potential for impacts on amenity and the need to provide additional protection for specified areas e.g. outstanding natural landscapes.

The provisions provide a direct cross reference to the NESET and do not replicate those standards. The provisions are silent on the NESTF as that was not gazetted at the time of developing the Plan, but these regulations are applied, albeit that they sit outside the Plan.

The rules are relatively permissive with most activities permitted where they meet bulk and location standards or are otherwise discretionary. The bulk and location rules are simple and relatively permissive, however they include specific provisions for sensitive areas e.g. the high country.

6.4 Waimakariri District Plan

The Waimakariri District Plan contains chapters dealing with utilities (together with traffic management). The two relevant objectives seek to ensure utilities are provided to provide for community wellbeing, but seek to ensure that adverse effects of utilities are avoided, remedied or mitigated. These are supported by a variety of policies.

There is no reference to the national environmental standards which were not in place at the time of the plan being developed. The provisions are very simple and permissive, with most activities permitted if they meet the simple conditions (or otherwise discretionary).

6.5 Summary of findings

A summary of the key approaches to rules across the District Plans reviewed is set out in **Appendix 7**. Generally, the review of the other District Plans shows a wide variety of approaches being undertaken. There is variety in the depth of approach and in the breadth of provisions. It would appear that many of the rules in the various plans have come about due to local circumstances with provisions developed to address these directly. It is also noted that two of the four comparison plans were made operative some time ago (Waimakariri and Ashburton District Plans) and may not represent current best practice.

In relation to the National Environmental Standards, where these were in place at the time of development of a District Plan they are generally cross referenced. However due to their age, a number of the plans reviewed do not mention the standards. Most second generation district plans choose to cross reference relevant national environmental standards and avoid any duplication or replication with the Plan.

All of the plans recognise the need for upgrading, maintenance, continued operation and replacement of existing utilities and generally this is provided for as a permitted activity. Usually this is restricted however to ensure that this is not of significant scale or where it could lead to a different character or nature of activity. There is also a consistent recognition of the appropriateness of placing new pipes, lines and cables underground wherever possible.

Most of the plans reviewed touch on energy generation facilities with a presumption that these can be appropriate where they are small in scale or related to the site on which they are located. Beyond this there are varying provisions making such facilities up to non-complying in some areas. Sewage treatment and disposal is another activity specifically mentioned in most of the plans reviewed, with this activity commonly requiring resource consent.

Above ground lines, buildings and structures are always subject to bulk and location rules. The bulk and location rules that apply vary significantly, for example:

- Utility building height limits vary from 3.5m to 25m depending on the zone.
- Utility structure height limits vary from 10m to 80m depending on the zone and activity.

- Setbacks from road boundaries vary from nothing (industrial zones) to 75m depending on the district and location.
- Setbacks from internal boundaries vary from nothing (industrial zones) to 2m.
- Some plans include maximum scale on structures e.g. 50m² and others have no maximum scale.
- Some plans apply recession planes and others do not.
- All include restrictions on the scale of antenna, but the scale of dish antenna ranges from 0.8m to 5m depending on the district and activity.
- Some of the plans include specific provisions for sensitive areas, particularly relating to landscape, character and amenity values.

6.6 Key differences

When comparing the SDP to other district plans reviewed, it is clear that there are strong similarities in the way in which provisions for utilities are approached (see also **Appendix 7**). The key differences in the bulk and location standards are:

- The SDP utility building height provisions are more complex than for other district plans and in many zones permit buildings of considerably greater height:

Example: Height limits for utility buildings

SDP Business 3 zone 25m

Other plans 3.5-10m

- In contrast, the SDP utility structure height provisions are more comparable and in some cases more restrictive:

Example: Height limit for utility structures

SDP Rural zone 25m

Other plans 30-35m

- The SDP setback provisions are also more complex than other district plans but are generally comparable.
- The SDP provisions do not generally control the scale of either utility buildings or structures¹⁰, but other plans do place a maximum scale on buildings.
- The SDP provisions apply recession planes to utility buildings and structures, but most of the other district plans do not.
- The SDP maximum scale for dish antenna is more restrictive than most other plans:

Example: Dish antenna diameter

SDP 1.2m

¹⁰ Except in specified areas e.g. Outstanding landscapes.

Given that the different plans appear in many cases to include rules that address local situations/issues, it is not surprising that there is such variation. These variances do not mean that the SDP provisions are not appropriate in the context of the Selwyn District. It is however recommended that the SDP provisions be simplified to remove unnecessary complexity and consideration be given to whether there continues to be a need for difference from other comparable plans.

6.7 Consistency across territorial boundaries

At present there is very little consistency between the provisions of the SDP and those in the neighbouring districts.

It is understood that utility network/infrastructure providers are seeking consistency and in particular reduced provisions for utilities e.g. telecommunications facilities in areas such as road corridors and rural areas generally¹¹. This desire may be in conflict with the need to protect visual amenity in some areas and a level of balance will need to be achieved between conflicting aims. It is recommended that there be continued engagement with utility network/infrastructure providers to further consider options to manage visual amenity impacts.

Consistency is not necessary where rules appropriately reflect local environmental conditions, specific character or local community expectations. However, it would appear that the variation between plans has evolved more from local adaption rather than specific community input.

In relation to the national environmental standards, there should be a baseline of consistency because all Councils should be implementing the standards. The most efficient and effective way to achieve this is to cross reference directly to the standards rather than including those provisions in the plan (as that could lead to confusion or misunderstanding and potentially imply duplication).

7.0 Appropriateness and Effectiveness of Operative Plan Provisions

The scope of works for this project seeks “*a review of the appropriateness and effectiveness of the Operative Selwyn District Plan provisions*”.

Section 32 of the Resource Management Act requires an assessment of the efficiency and effectiveness of provisions. The Resource Management Act does not however define efficiency or effectiveness. Guidance provided by the Ministry for the Environment¹² states:

¹¹ Selwyn District Plan Review: Preferred Provisions for Telecommunications Equipment, November 2016, by Chorus, Vodafone, Spark and Enable. Provided by email on 26 June 2016 by Michael Rachlin.

¹² Ministry for the Environment. 2017. A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017.

Effectiveness assesses the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.

Efficiency measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary.

There have been differing views of how efficiency should be interpreted. In one case an approach based on a strict economic theory of efficiency was taken. A more holistic approach was adopted in another case. Referring to those two cases, the High Court stated that:

*“The issue of whether s32 requires a strict economic theory of efficiency or a more holistic approach was raised before Woodhouse J in *Contact Energy Limited versus Waikato Regional Council* [2011] NZEnvC 380 ... while economic evidence can be useful, a s32 evaluation requires a wider exercise of judgement. This reflects that it is simply not possible to express some benefits or costs in economic terms ... in this situation it is necessary for the consent authority to weigh market and non-market impacts as part of its broad overall judgement under Part 2 of the RMA.”*

Although assessing different things, effectiveness and efficiency are closely interconnected as they are both aimed at assessing what the most appropriate policy choice is. They each put a slightly different (but overlapping) lens on this assessment.

For the purposes of this report, the assessment is based on a consideration of the effectiveness of the operative provisions in achieving appropriate management of visual amenity effects in various environments. Efficiency (as used in section 32 of the Act) has not been specifically considered given the difficulty in undertaking a cost/benefit analysis of the provisions in a holistic manner.

As there are no specific objectives within the SDP seeking to manage the visual amenity effects of utilities, effectiveness has been tested against the intent of the provisions for utilities and outcomes sought for various parts of the district in terms of visual amenity. The following policies that touch on amenity values in relation to utilities are however noted:

Policy B2.2.6 - Ensure the effects of utilities are compatible with the amenity values and environmental characteristics of the zone in which they locate, also having regard to operational, functional and economic constraints.

Policy B2.2.7 - Ensure any adverse effects of utilities on or near waterbodies, or on any ecological, heritage, cultural, recreational, aesthetic or amenity values of the waterbody, are avoided, remedied or mitigated.

7.1 General comments

From the review undertaken of specific district plans and wider knowledge of district plans around New Zealand, the general premise applied in the SDP and in other District Plans

is that utilities are necessary structures and activities that support the health and wellbeing of communities and enable development. This primary function is commonly supported through more lenient provisions for utilities in district plans and a more permissive regime, although there is usually balance provided through provisions to protect sensitive areas. The balanced approach may include specific provisions to protect visual amenity values or may be for other purposes e.g. protection of heritage values. It is considered appropriate that visual amenity values are considered but that this be done at a level that recognises functional need for utilities and locational constraints in some situations.

The SDP approach of differentiating between utility buildings and utility structures leads to more complex rules and the potential for confusion in the interpretation and application of rules. It also relies on there being clear definitions to distinguish between activities that may involve both buildings and structures. Some of the other district plans reviewed also differentiate between buildings and structures but not to the same level of complexity as has been applied to the SDP provisions. It is recommended that the Council reconsider the current approach and simplify the rules.

The current rules do not provide for energy generating facilities (except for use on the same site) as a permitted activity in any area, regardless of scale or character. This is a very simplistic approach to such facilities given the range of energy generating activities available and being developed and the approaches taken by other plans to facilitate at least consideration of renewable energy options (and the expectations of the National Policy Statement for Renewable Electricity Generation 2011). It is recommended that this approach be reconsidered with consideration given to providing for some small scale activities as a permitted activity, with specific consideration given to what may be considered an appropriate small scale. It is also considered appropriate to test community perceptions of energy generating facilities in less sensitive areas e.g. wind turbines in rural areas or solar arrays in industrial areas. This would inform decisions on what scale or nature of activities may be considered appropriate in different areas.

The visual effects of utilities, in particular telecommunication towers can often be minimised by clustering the transmitting antennae onto one structure, rather than encouraging proliferation of structures. Wherever possible, it is preferable to mount telecommunication antennae onto existing poles, such as light poles, to integrate them into the design of the structure and to minimise the bulk of the required structures. Other districts take the approach of requiring antennae to be mounted on roofs of existing buildings, in particular if they are large flat roofs, where they can be mounted out of sight from below.

In a residential context integration of energy generation structures, such as solar panels, with buildings should be encouraged, for example through a more permissive activity status for such structures, to avoid visual clutter from stand-alone structures.

It is noted that the current rules do not limit the size/footprint of utility buildings (apart from Outstanding Landscape Areas, where the maximum permitted floor area is 40m²), but only their height. This is a very permissive approach compared to other District Plans reviewed. It is assumed that dams for irrigation purposes would fall under the rules for Utility Buildings, which would mean that in rural areas dams up to 12m in height, at an unlimited scale, would be permitted. The associated landscape and visual effects of structures of this scale may be inappropriate in some rural areas, in particular if

cumulative effects arise from multiple structures of this scale. Whilst such matters should be dealt with on a case by case basis, it is considered appropriate that the rules ensure such consideration of impact and cumulative effects is undertaken through consent requirements. It is recommended that building scale/ footprint is to be addressed under the revised rules.

7.2 Business areas

Business areas are generally the least sensitive environments in which utilities are located, although the business zones range from town centres with a retail focus to industrial areas with large scale utilitarian buildings. Generally, the business zones enable larger structures without significant effects on visual amenity values. These are also the areas in which there is a greater demand for utilities of varying scale and nature.

Business areas associated with town and settlement centres anticipate a range of facilities including lines, masts, aerials, cabinets and the like. Often these are smaller in scale but more prolific with many individual sites having their own facilities. More commercial and industrial areas tend to have larger scale facilities such as generators, substations, and taller masts. The nature and scale of buildings in these areas is more accommodating with larger buildings and a generally lower visual amenity.

The key mechanisms in the operative rules for controlling visual amenity effects in business areas are bulk and location limits in relation to:

- Height
- Setback from road boundaries
- Setback from internal boundaries, or boundaries with more sensitive zones
- Recession planes
- Landscaping on road frontages

These are appropriate controls for these business areas and are comparable with the approaches taken by other district plans reviewed.

The SDP provisions do differentiate between business zones to consider the varying amenity levels, with lower heights and greater setbacks for the business areas with an anticipated higher amenity. For example:

<i>Business 1 zone (town centres)</i>	<i>8m building height</i>	<i>6m road boundary setback</i>
<i>Business 3 zone (Lincoln University)</i>	<i>25m building height</i>	<i>10m road boundary setback</i>

While a degree of differentiation is considered appropriate, the current provisions are quite complex and are considered to be more complicated than is warranted. The other plans reviewed do not attempt to provide this degree of differentiation.

It is recommended that there be a review of the appropriateness of height limits in light of the permitted building heights in each zone, to ensure that the scale of utility structures/ buildings relates appropriately to the surrounding built environment. It should also be reviewed to confirm whether structures at 25 / 30m height would be visible from outside

the zone (e.g. where Business Zones are adjacent to Living Zones) and if so, whether this would have adverse visual impacts.

Most of the other district plans reviewed (three out of four) do not apply recession planes to utility buildings or structures. It is considered that this could be reviewed to determine if it is necessary to apply such controls, particularly where this is in addition to height and setback controls.

Also, most of the other district plans (three out of four) reviewed do not include a requirement for landscaping within the road boundary setback area. However, this requirement is considered a useful tool to maintain a level of visual amenity for structures that are commonly utilitarian in character. It is considered appropriate to retain such a requirement (including the maintenance requirement) but recommend it be reviewed as it appears to not enable the planting of trees in this area (which may also improve visual amenity).

Overall it is considered that the operative Plan provisions are moderately effective at providing for visual amenity within business areas.

7.3 Residential areas

The residential areas are highly sensitive to the visual effects of utilities, particularly those of a more utilitarian appearance. Residential areas do however require the provision of a range of utility services and thus necessitate the location of a range of buildings and structures.

In the residential areas (Living Zones), the SDP provisions are relatively restrictive on the type and scale of utilities that can be established without a land use consent. Of particular note is the expectation that all new cables, lines and pipes will be established underground.

The height limits for utility buildings are set at 8m which is the same as residential buildings and this is relatively permissive and is more generous than most of the comparison plans reviewed. The necessity for such a substantial (two storey) building is not common and such a height is recommended to be reviewed to ensure that such substantial buildings do not visually dominate residential areas. The 15m height for utility structures however is similar to that in other comparison plans and does not appear unreasonable for these types of facilities.

In addition, there are other rules relating to setbacks and scale of antenna that act to reduce the visual impact of such activities. There is also a rule requiring that the area between the road boundary and a utility building be landscaped which will assist to improve visual amenity. However, it is recommended that this rule be reviewed as it appears to not enable the planting of shrubs or trees in this area.

The operative Plan provisions are considered to be moderately effective at protecting visual amenity in residential areas but could benefit from some enhancement.

7.4 Rural areas

Rural areas range in sensitivity to visual amenity effects from utilities. Some rural areas are more sensitive, particularly where they have special values (see section below), where they surround settlements or where they are more visually exposed. Similarly,

some utilities are more visually dominant than others, due to their scale or location within the environment.

Rural areas, in general, experience a lower density of utilities, with utilities more spread out geographically. However, rural areas do have a higher proportion of the type of utility structures that extend over large geographic distances e.g. transmission lines. The large expanses of rural areas naturally act to disperse visual effects and reduce their impact due to the sheer scale of these areas. While there have been many large scale utility structures established over time throughout the rural areas, these do not visually dominate the rural environment as a whole. However, the level of effects is dependent on the scale and nature of the utility activity proposed e.g. a small utility cabinet vs an extensive new transmission line or a large scale utility building.

On a general basis, large areas of the rural parts of Selwyn district are a working environment with a relatively ordinary appearance, typical rural amenity values (e.g. openness, relative quietness) and buildings with a functional appearance. Within these areas permitted rural buildings and structures can be of a substantial scale¹³. These areas are generally more visually accommodating to utility structures without significant adverse effects and rules should be aligned to continuing to ensure a rural character dominates.

As noted in the general comments section above, the current provisions do not include a scale / footprint limit on most utility buildings. The lack of control over building scale could contribute to adverse landscape effects if large-scale structures cannot be visually absorbed into the landscape. At present, with no limit on scale, there is no ability to review large scale buildings to ensure their compatibility with the rural environment. The introduction of a scale limit (Ashburton District Council has a limit of 50m², while Hurunui District Council has a maximum of 10m²), in addition to the height limit, is recommended to avoid buildings that are out of scale and character with the rural surroundings.

The scale limit should be relative to the scale of buildings that is common within the rural environment. Despite the operative rules enabling large structures (e.g. site coverage of 5% for an allotment of 5ha would allow 2,500m² of buildings) it is uncommon to find very large single buildings, but more common to find that the site coverage is made up of multiple buildings. It is recommended that the scale of utilities ensure they remain visually secondary to rural buildings and thus a scale limit in the order of 100-200m² could be considered appropriate as a general trigger, whilst enabling larger buildings to be considered on a case by case basis.

It is considered appropriate to differentiate heights for different types of utility buildings, such as dams, substations or cabinets. This is due to a combination of factors including the scale of such structures (cabinets are functionally small in scale compared to a dam) and the visual character of such facilities. Many utility buildings are very functional in appearance and this is likely to be out of character with the surrounding rural environment if elements such as materials, colours and location are not controlled. Given the height limits allowed in rural zones (up to 12m in height generally and 25m for a grain store) it is recommended that utilities are not substantially greater than these heights unless there is a specific functional need.

¹³ Including: Up to 12m in height (and 25m for a grain store), Site coverage of 5% for allotments larger than 5ha, and Setback requirements of 5m from the property boundary, 20m for arterial or strategic roads and 10m from other roads.

Consideration of utility building height needs to balance functional need with visual impacts. It is understood that the tall trees and shelterbelts across the plains can impact on the function of some utilities that require communication by line of sight. Given that such structures tend to be tall and slim, it is considered appropriate that additional height be enabled to ensure the function of such utilities remains.

In terms of character and appearance, utility buildings and structures are practical in character and easily distinguished from buildings associated with rural activity. A substation does not have an appearance similar to farm buildings, nor does a cell tower or transmission tower. It is considered appropriate to include rules to ensure that character of rural areas is protected in some circumstances.

One specific area identified as having visual impact is tower structures associated with telecommunication facilities. Lattice towers supporting telecommunications are of a more utilitarian appearance than pole towers but the current rules do not differentiate between the different types of potential utility support structure. The use of pole towers for telecommunications should be encouraged in the rural environment, where possible, through the use of different activity status for the different types of support structures.

Large scale buildings and structures can generally be more easily visually absorbed into the landscape if they are viewed against a backdrop, located near a change in topography/ landform and if screened or softened by planting. The current rules do not include consideration of locational factors such as this in either the rules or matters of discretion. Such consideration would assist to protect visual amenity values e.g. through the use of rules that require buildings and structures to be set below the skyline wherever this is possible.

Additionally, adverse landscape and visual effects can arise from earthworks and vegetation clearance in association with utilities. It is assumed that these matters will be addressed in part through other elements of the District Plan review e.g. provisions for outstanding landscapes or biodiversity values.

The rural areas are also more likely to attract energy generating structures such as hydro power or wind turbines. In part this is due to the locational requirements for such activities (sufficient water supply or exposed hill slopes) and partly this is due to locations further away from main community activities to reduce visual impact on main population areas. The current rules do not permit any energy generating activities (except those associated with the site they are on) and treat all such activities the same regardless of scale or character. Different energy generating facilities have very different visual effects – wind farms do not have the same appearance as a hydro generation facility. As noted above in the general comments, it is considered that a more refined approach to energy generating activities could be considered to balance the need for these to locate in rural areas against the potential for visual impacts.

It is also noted that adverse visual effects of energy generating infrastructure (such as wind turbines) in the rural environment can be significant on the rural outlook of residents. This is particularly the case for larger scale energy generating facilities such as a wind farm or a solar farm. It is therefore, recommended that there be rules in place to address effects on residents in the rural zone, including effects from wind turbine blade movement (e.g. shadow flicker) or glare from solar panels. Such provisions should be tailored to the scale of the proposal e.g. only to large scale facilities and not domestic scale activities.

Given the context of rural areas, it is considered that the operative Plan provisions are moderately effective at maintaining visual amenity values but could be enhanced.

7.5 Sensitive areas

The SDP provisions include specific controls for sensitive areas in which the controls are more restrictive. The identified sensitive areas relate to:

- Business and Living zones in the Alpine Villages (Arthur's Pass and Castle Hill)
- Outstanding Landscape Areas in the Rural zones, with differentiation within these areas for:
 - Malvern Hills,
 - the High Country,
 - the Port Hills (around the Summit Road, on the Lower Slopes and in the Visual Amenity Landscape), and
 - within 300m of SH73 or the Midland Railway.

The approach to including specific controls for identified sensitive areas comes in part from the usual processes under the Resource Management Act in defining areas of particular significance (section 6 and 7 of the Act), in part from requirements to give effect to the RPS, and in part from allowance under the NESTF and NESET for district plan provisions to deal with natural or sensitive areas e.g. visual amenity and outstanding natural landscapes.

Second generation plans generally are taking the approach of applying more restriction to such areas; for example, within the plans reviewed, two of the four plans include such provisions. In those cases, specific consideration is given to specified character areas, ONFL, significant natural areas, heritage items, protected trees, cultural sites and the like.

Cumulative effects should be taken into account and areas of high natural character (e.g. wetlands and rivers) avoided where possible. It is anticipated that adverse effects on the natural character in the coastal environment will be addressed in another part of the District Plan review.

7.5.1 Alpine Villages

In recognising the sensitivity of these two Alpine villages (Castle Hill and Arthurs Pass) within the wider alpine landscape, the rules are more restrictive in the height of structures and size of dish antennae, and in requiring limited materials and reflectivity controls. This approach appears at face value to be quite controlling but when analysed it is not as restrictive as it first appears.

The height permitted for any antenna, mast or utility structure (that is not a building) is 10.5m in living zones and 15m in business zones in the Alpine Villages. This height is quite generous compared to the other building heights allowed in the Alpine Villages (8m). This would enable a mast to protrude some 7 metres above the permitted building height (almost double the height) which would be very visually intrusive in these areas.

In addition, there is no specific utility building height rule leaving it open to interpretation that these are permitted to be 8m in height to align with the main utility building and underlying zone rules. A utility building at 8m in height in the Alpine Villages, where dwellings are also permitted to a height of 8m, would be a very substantial building and would appear visually dominant in relation to the surrounding buildings. In addition, it is likely that such a building would not have the same visual character (it would likely be more utilitarian) as that expressed by the small scale village buildings currently in place. It is also noted that many of buildings within Arthurs Pass are single storey or low two storey and thus do not currently express a character that would consistently anticipate 8m high buildings.

In addition, there does not appear to be any control over the scale (site coverage or footprint) of utility buildings in these areas, enabling a large building (of appropriate colour and materials) to be a permitted activity. The underlying rules allow site coverage in the Business 1A zone at Castle Hill of 50% and in the Living 1 and 1A zones of 40%. It is considered that it is necessary to place a restriction on the scale of utility buildings in these areas to protect the visual amenity of these areas.

It is also noted that there are no specific setback or landscaping requirements for utility buildings or structures in these areas and it is unclear if the general rules are intended to apply in this regard. This should be clarified and if the general rules do not apply then such rules should be considered to enhance protection for these areas.

7.5.2 Outstanding Landscape Areas

The provisions within the Rural zones include specific rules for areas entitled Outstanding Landscape Areas. The rules within this section also apply to areas identified in the operative plan as Visual Amenity Landscape areas and in areas within 300m of SH73 or the Midland Railway. These rules place restrictions on the scale, height and reflectance of utility buildings and structures in some areas (outstanding landscape areas generally for structures and the Port Hills, Malvern Hills and High Country for buildings) and in addition place location restrictions in other areas (Malvern Hills, High Country and Port Hills for structures).

In terms of considering the areas currently identified in the plan as outstanding landscapes¹⁴, it is relevant to note that:

- Not all of the High Country zone is identified in the Plan as an Outstanding Landscape, thus some parts of the High Country zone would not be covered by these specific rules.
- Specific pockets of the Malvern Hills zone only are identified as Outstanding Landscapes.
- All of the Port Hills Zone is identified as an Outstanding Landscape.
- The Visual Amenity Landscape area along the base of the Port Hills is located fully in the Inner Plains Zone but does not align consistently at the border with

¹⁴ It is also noted that as part of the review of the District Plan another project scope is undertaking a review of the Outstanding Natural Features and Landscapes (ONFL). Once these areas are identified, and the values and risks within the areas are defined, consideration should be given to what utilities and energy generating facilities are appropriate or not appropriate in the identified ONFL.

the Port Hills zone. The Visual Amenity Landscape also is a subset of the Outstanding Landscape area.

Together these layers of rules are quite confusing and difficult to interpret with different rules applying to structures or buildings in different subsets of identified landscape areas. In addition, it would appear that there are a number of internal inconsistencies within the rules leading to gaps in activity status (e.g. there is no rule specifying the activity status for a breach of rule 5.5.2 in relation to the High Country).

In addition, there is the use of inconsistent terms within these rules which adds to the confusion. Examples include: the rules reference “Lower Slopes” but this does not appear to be a term used on the planning maps, and the rules reference “Outstanding Natural Landscapes” rather than just Outstanding Landscapes as used on the planning maps.

It is considered that collectively these rules should be reviewed, corrected where necessary and simplified both in their complexity and extent. The comments in relation to natural character and to related activities, such as earthworks and vegetation clearance, in the Rural zone also apply to these areas.

The scale and height rules appear to be reasonable in the context of the scale of structures permitted in these areas but could benefit from some refinement to consider locational issues e.g. to ensure that structures are not silhouetted against skylines.

7.5.3 Other

Despite policy B2.2.7 stating “*Ensure any adverse effects of utilities on or near waterbodies, or on any ecological, heritage, cultural, recreational, aesthetic or amenity values of the waterbody, are avoided, remedied or mitigated*” (and other similar policies), the SDP does not contain any specific rules restricting utilities within other sensitive areas beyond those discussed above. In particular, other district plans reviewed apply rules to areas such as the coastal environment, areas identified as having cultural significance, sites containing heritage items or protected trees, and character areas.

Whilst these areas may be particularly identified for a range of values, utilities can have visual amenity effects on these areas that impact on the values identified for protection. For example, the location of a utility structure adjacent to a heritage item could impact on its heritage values through the visual impact of the utility.

It is understood from the current rules that protection of heritage items and protected trees from utilities is intended to be covered by cross referencing to the other sections of the plan that deal with “heritage”¹⁵. In this respect, it is noted that there does not appear to be the same cross reference within the rural zone utility rules. It is recommended that specific provisions be included in relation to other sensitive areas.

7.6 Effectiveness conclusion

¹⁵ For example, note 1 at the start of the section Living Zone Rules – Utilities states “*The undergrounding or ducting of any utility is permitted subject to compliance with Rule 2 (Earthworks), except where the provisions of Rule 3 (Heritage) apply.*”

On the basis of the above assessment, it is considered that that the current rules are moderately effective in protecting visual amenity in many areas, but would benefit from some review and refinement to ensure appropriate protection in rural areas and sensitive areas.

8.0 Recommendations for Change

The analysis above has shown that there is a need to change some of the provisions in the SDP to be more effective at managing visual amenity impacts of utilities and energy generating facilities, to align with national environmental standards, and to better recognise emerging best practice.

It is noted that two of the four comparison plans are now of a reasonable age (Waimakariri and Ashburton District Plans) and it may be appropriate to review the approach taken in a few other second generation plans to gain a better understanding of emerging best practice.

It is also noted the need to gain input from industry on best practice and approaches advocated for some activities e.g. electricity transmission. It is recommended that a general review of the bulk and location standards be undertaken to align with best practice and industry standards once additional analysis and engagement has been undertaken. In particular, this should include consideration of standardised maximum heights and building scale in the various environments (residential, business, rural, sensitive areas).

It is recommended that there be further engagement on the issues related to this topic including:

- further discussion with utility network / infrastructure providers, to further consider options to balance functional need with visual amenity impacts.
- testing of community perceptions of energy generating facilities in less sensitive areas e.g. wind turbines in rural areas or solar arrays in industrial areas. This would inform decisions on what scale or nature of activities may be considered appropriate in different areas.

It is recommended that the following changes be considered as part of the District Plan review:

8.1 Definitions

- Review and refine the definitions to be clear around terminology being used for **“utility”**, **“utility building”**, **“utility structure”** and **“network utility”**. Council should consider combining these definitions and the use of terms within the District Plan to provide greater clarity.
- Council should consider the inclusion of a definition (or definitions) for **energy generating facilities**. It is recommended that there be consideration of differentiation based on the scale and character of generating facilities with

consideration given to terminology such as small scale / household, community scale, large scale / commercial.

- Council may also wish to consider if there is a need to differentiate between **renewable and non-renewable energy generation** from a function perspective to align with the NPSET rather than in relation to visual impacts.

8.2 Objectives and Policies

- Review and refine the objectives and policies relating to **visual amenity** expectations. It is recommended that visual amenity outcomes in relation to utilities and energy generating facilities be made more explicit in the Plan.

8.3 Rules

- Insert direct cross references to the requirements of the **NESTF and NESET** regulations and specify that those provisions apply or that District Plan provisions apply instead (e.g. in relation to areas that are identified as having specific visual amenity values). This would avoid any duplication and remove any potential overlap or confusion.
- Provide separate provisions for utilities from those for **energy generating facilities**, to avoid confusion and to differentiate between these activities.
- Include provisions that enable appropriate, **small scale energy generating facilities** where they are appropriate (including where they will not cause unreasonable impacts on visual amenity).
- Ensure that any provisions for **large scale energy generating facilities** incorporate appropriate control over visual effects such as movement and glare.
- Review and wherever possible merge provisions relating to **utility buildings** and **utility structures**, to avoid duplication or confusion between these aspects.
- Continue to approach utilities and energy generating facilities from a baseline of **permitted activity status**, subject to appropriate performance standards / bulk and location controls.

However, it is recommended that there be a review of the **performance standards / bulk and location controls** as set out in this report. In particular, this should include a review of:

- All rules to remove any unnecessary complexity;
- The inclusion of maximum scale/footprint for utility buildings;
- Height limits to ensure that they are appropriate to the building heights for relevant zones;
- The necessity of recession plane controls;

- Rules requiring location of structures sensitively within the rural environment;
 - The rules requiring landscaping, to ensure that they provide appropriate screening and improvement of visual amenity;
 - Rules to ensure that clustering and co-location is encouraged through more permissive activity status;
 - The rules allowing location of utility cabinets on footpaths to ensure placement that will minimise their impact on the pedestrian environment; and
 - Activity status for antennae or solar panels to encourage their location on flat roof structures where possible but where they are located to fit the roof line rather than protruding.
- In regards to **activity status**, consider providing a staggered approach in appropriate situations e.g. permitted activity up to xm^2 , controlled activity between xm^2 and ym^2 , and restricted discretionary above ym^2 .

This would be particularly applicable to building scale and height in more sensitive environments (e.g. residential areas and landscape areas) where there is a need for greater control on activities due to the uncertainty of potential effects.

- Review and refine the rules relating to “**sensitive areas**”. This should include consideration of:
 - Additional rules controlling utilities and energy generating facilities to protect the **Alpine Villages**, particularly a reduction in permitted height and inclusion of a control on scale.
 - Reduced allowance for permitted utilities and energy generating facilities within **outstanding natural features and landscapes**, particularly controls on colour/materials, activities on or close to ridgelines and a reduction in height in some locations.
 - Additional rules controlling utilities and energy generating facilities in **riparian areas, coastal areas, areas of cultural significance, and on sites containing a heritage item or protected tree** (either as a review of those sections of the plan if cross referenced or as integrated into the specific utility provisions).
- Review and refine the matters to which **control is limited or discretion is restricted**, to align with best practice.

Appendix 1: National Environmental Standards

Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (“NESTF”) and User Guide

Resource Management (National Environmental Standards for Electricity Transmission activities) Regulations 2009 (“NESET”)

Appendix 1: National Environmental Standards

Selwyn District Plan Review | Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities



Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of November 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act; and
- (b) on the advice and with the consent of the Executive Council.

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Transitional, savings, and related provisions

Regulations

1 Title

These regulations are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

2 Commencement

These regulations come into force on 1 January 2017.

Part 1 Preliminary matters

3 Purpose

These regulations—

- (a) prescribe the standards that must be complied with in relation to the use of land for regulated activities for the purposes of sections 9 and 15 of the Act; and
- (b) classify regulated activities for the purposes of section 87A of the Act.

4 Interpretation

In these regulations, unless the context otherwise requires,— **Act** means the Resource Management Act 1991 **ancillary equipment** means telecommunications, radiocommunications, electrical or similar equipment it is necessary to install with a facility to enable the facility to operate as intended, but not a self-contained power unit or a lightning rod **antenna** means a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit **antenna A** has the meaning given in regulation 26 **antenna B** has the meaning given in regulation 28 **antenna C** has the meaning given in regulation 30 **antenna D** has the meaning given in regulation 32 **baseline date** has the meaning given in regulation 6 **baseline pole** has the meaning given in regulation 6 **cabinet** means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:

Part 1 r 4

- (a) a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line;
- (b) a casing that is wholly underground;
- (c) a casing that is inside a building;
- (d) a building

customer connection line means a telecommunication line that connects a telecommunications distribution network to a premises for the purpose of

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enabling a facility operator to provide telecommunication services to a customer
date A has the meaning given in regulation 26 **date B** has the meaning given in
regulation 28 **date C** has the meaning given in regulation 30 **date D** has the

meaning given in regulation 32 **earthworks** means a disturbance of soil, earth,
or substrate land surfaces (including by blading, boring, contouring, cutting,
drilling, excavating, filling, moving, piling, placing, removing, replacing,
ripping, thrusting, or trenching) **facility** means an antenna, cabinet,
telecommunication line, or small cell unit **facility operator** means—

- (a) a network operator (as defined in section 5 of the Telecommunications Act 2001); or
- (b) the Crown (as defined in section 2(1) of the Public Finance Act 1989); or
- (c) a Crown agent (as defined in section 10(1) of the Crown Entities Act 2004) **headframe** means a structure attached to a pole

that— (a) enables more than 1 antenna to be attached to
the pole; and

- (b) results in the notional envelope of the pole being larger than 0.7 m in diameter

installing and operating, in relation to a facility, has the meaning given in
regulation 5 **location**, in relation to a facility that has not yet been installed,
means the location where the facility will be once it has been installed **mount**
means equipment used to attach—

- (a) an antenna to a building; or
- (b) an antenna to a pole without a headframe; or
- (c) an antenna to a headframe; or (d) a headframe to a pole **non-dish**

antenna means an antenna that is not a dish antenna

Part 1 r 4

notional envelope, for a pole, means the smallest notional cylindrical shape into
which all non-dish antennas attached to the pole (including any shroud but not
including any mount or ancillary equipment) would fit **pole** means a pole, mast,
lattice tower, or similar structure, of a kind that is able to be used (with or without
modification) to support antennas **pole A** has the meaning given in regulation 26
pole B has the meaning given in regulation 28 **pole C** has the meaning given in
regulation 30 **pole D** has the meaning given in regulation 32 **protrusion distance**
means the amount by which the outer edge of a dish antenna protrudes from the
edge of the pole to which it is attached

regulated activity means an activity that is declared by regulation 19, 26, 28,
30, 32, 34, 36, 38, 39, 41, or 43 to be a regulated activity **residential zone** means
an area identified in a district plan or proposed district plan as being zoned
primarily for residential activities, but not an area zoned for rural/residential or
countryside living activities (however described)

RFG facility means—

- (a) an antenna or a small cell unit, if it generates radiofrequency fields or will do so when it is in operation; or
- (b) a cabinet, if the equipment in the cabinet generates radiofrequency fields or will do so when the equipment is in operation

road reserve means a formed legal road and any land next to it up to the legal boundary of the adjoining land **rural zone** means an area identified in a district plan or proposed district plan as being zoned primarily for rural activities, including an area zoned for rural/ residential or countryside living activities (however described) **self-contained power unit** means equipment installed with a facility for the purpose of generating power for that facility (such as solar panels), including cables connecting the equipment to the facility **small cell unit** means a device—

- (a) that receives or transmits radiocommunication or telecommunication signals; and
- (b) the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11 m³

standard, in relation to a regulated activity, means the standard set out for that activity in the regulation that declares it to be a regulated activity **surface-mounted line** means a telecommunication line that is mounted on the surface of a structure (such as a wall, fence, or paving)

Part 1 r 6

telecommunication line means a wire, or conductor of any other kind (including a fibre optic cable), referred to in paragraph (a) of the definition of line in section 5 of the Telecommunications Act 2001.

5 Installing and operating a facility

- (1) **Installing and operating** a facility means— (a) installing and operating the facility; and (b) installing and operating any of the following:
 - (i) ancillary equipment for the facility:
 - (ii) in relation to an antenna attached to a pole, the pole and any headframe, mount, or shroud:
 - (iii) in relation to an antenna on a building, any mount or shroud:
 - (iv) in relation to a cabinet, the equipment in the cabinet:
 - (v) in relation to a telecommunication line, any structure supporting the line:
 - (vi) a lightning rod for the facility:
 - (vii) a plinth or other foundation supporting the facility or anything referred to in this paragraph; and
- (c) carrying out repairs and maintenance of the facility or anything referred to in paragraph (b); and

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- (d) carrying out earthworks associated with anything referred to in paragraph (a), (b), or (c).

(2) However, installing and operating a facility does not

include— (a) installing and operating either of the following:

- (i) a self-contained power unit;
 - (ii) a track that provides access to the facility; or
- (b) carrying out repairs and maintenance of anything referred to in paragraph (a); or
 - (c) carrying out earthworks associated with anything referred to in paragraph (a) or (b).

6 Meaning of baseline pole and baseline date

- (1) This regulation defines the terms **baseline pole** and **baseline date** in relation to pole A in regulation 27, pole C in regulation 31, and pole D in regulation 33 (the **relevant pole**).
- (2) If the relevant pole was erected before 1 January 2017,— (a) the baseline pole is the relevant pole; and (b) the baseline date is 1 January 2017.

Part 1 r 7

- (3) If the relevant pole was erected after 1 January 2017 for a purpose other than the installation of an antenna,—
 - (a) the baseline pole is the relevant pole; and
 - (b) the baseline date is date A for regulation 27, date C for regulation 31, and date D for regulation 33.
- (4) If the relevant pole was erected after 1 January 2017, for the purpose of installing 1 or more antennas on it, and is not a replacement for another pole,—
 - (a) the baseline pole is the relevant pole; and
 - (b) the baseline date is date A for regulation 27, date C for regulation 31, and date D for regulation 33.
- (5) If the relevant pole was erected after 1 January 2017, for the purpose of installing 1 or more antennas on it, and is a replacement for another pole (**pole X**),—
 - (a) the baseline pole is—
 - (i) if pole X was not a replacement for a previous pole, pole X; or
 - (ii) if the relevant pole is the latest in a series of 2 or more pole replacements, the first pole in that series to have an antenna installed on it after 1 January 2017; and
 - (b) the baseline date is immediately before work begins to install the first antenna that was installed on the baseline pole.

7 Measurements

- (1) The height of a cabinet is to be measured—
 - (a) from the bottom of the cabinet at its lowest point (not including any plinth or other foundation):
 - (b) to the highest point of the cabinet.
- (2) The width of a pole is to be measured at the widest point of the pole (not including any antenna, headframe, mount, shroud, or ancillary equipment).
- (3) The width of a headframe is to be measured at the widest point of the headframe and all antennas attached to it (not including any shroud or ancillary equipment).
- (4) The width of a support structure for a telecommunication line is to be measured at the widest point of the structure (not including the line or any ancillary equipment).
- (5) The width of a pole, headframe, or support structure means—
 - (a) if it is circular, its diameter; or
 - (b) otherwise, its widest cross-sectional measurement.
- (6) The height of a pole is to be measured—
 - (a) from the following (measured at the centre of the pole):
 - (i) if the pole is erected on the ground and with no plinth or other foundation, ground level; or
 - (ii) if the pole is erected on the ground with a plinth or other foundation, the top of the plinth or foundation; or
 - (iii) if the pole is erected on a structure (such as a bridge), the upper surface of the structure:
 - (b) to the highest point of the pole (not including any headframe, antennas, mount, shroud, or ancillary equipment).
- (7) The height of a pole and all antennas is to be measured—
 - (a) from the point described in subclause (6)(a):
 - (b) to the highest point of the pole, any headframe, and all antennas (not including any mount, shroud, or ancillary equipment).
- (8) All measurements are to be made not including any lightning rod.
- (9) The distance between 2 things is to be measured at their closest point.

Part 2 r 12

8 Application of regulations to coastal marine area and rivers and lakes

- (1) These regulations do not apply to anything done in the coastal marine area or in, on, under, or over the bed of a river or lake.
- (2) However, these regulations do apply to anything done over a river or lake (such as on a bridge).

9 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 2 Carrying out of regulated activities

10 Restrictions on land use for regulated activities

For the purposes of sections 9 and 15 of the Act, a person must not use land for a regulated activity unless the activity—

- (a) is carried out in accordance with the standard (and is therefore a permitted activity); or
- (b) is allowed by a resource consent.

11 Activity complying with standard is permitted activity

A regulated activity is a permitted activity if it is carried out in accordance with the standard.

12 Status if not permitted activity

If a regulated activity is not a permitted activity under regulation 11,—

Part 2 r 13

- (a) if the facility is an RFG facility, the status of the activity is to be determined under regulation 13; or
- (b) otherwise, the status of the activity is to be determined under regulations 14 to 18.

13 RFG facilities: status in respect of generation of radiofrequency fields

(1) This regulation applies to a regulated activity if—

- (a) the facility is an RFG facility; and
- (b) the activity is not a permitted activity under regulation 11.

(2) If regulation 55 is complied with,—

- (a) in respect of the generation of radiofrequency fields, the activity is a permitted activity; and
- (b) in all other respects, the status of the activity is to be determined in accordance with regulations 14 to 18.

(3) If regulation 55 is not complied with—

- (a) in respect of the generation of radiofrequency fields, the activity is a non-complying activity; and (b) in all other respects,—
 - (i) if all other regulations compliance with which are part of the standard are complied with, the activity is a permitted activity; or
 - (ii) otherwise, the status of the activity is to be determined in accordance with regulations 14 to 18.

14 Controlled activities

- (1) A regulated activity is a controlled activity if—
-
- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a permitted activity or controlled activity.
- (2) For the purposes of section 87A(2)(b) of the Act, control is reserved over the subject matter of each regulation (or component of a regulation)— (a) compliance with which is part of the standard; and (b) that is not complied with.

15 Restricted discretionary activities

- (1) A regulated activity is a restricted discretionary activity if— (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a restricted discretionary activity.

Part 3 r 19

- (2) For the purposes of section 87A(3)(a) of the Act, discretion is restricted over the subject matter of each regulation (or component of a regulation)— (a) compliance with which is part of the standard; and (b) that is not complied with.

16 Discretionary activities

A regulated activity is a discretionary activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, the activity—
- (i) is a discretionary activity; or
- (ii) is not classified as a controlled, restricted discretionary, discretionary, non-complying, or prohibited activity.

17 Non-complying activities

A regulated activity is a non-complying activity if—(a) it is carried out not in accordance with the standard; and

- (b) under the relevant district plan or proposed district plan, it is a non-complying activity.

18 Prohibited activities

A regulated activity is a prohibited activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a prohibited activity.

Part 3 Regulated activities and standards

Subpart 1—Cabinets

19 Regulated activity and standard

- (1) The installation and operation of a cabinet by a facility operator is a regulated activity.
- (2) The standard for the activity is that—
 - (a) regulation 20 or 21, as applicable, must be complied with; and
 - (b) if the cabinet is in a road reserve,—
 - (i) regulation 22 must be complied with (subject to regulation 23); and
 - (ii) regulation 24 must be complied with; and

Part 3 r 20

- (c) if the cabinet is not in a road reserve, regulation 25 must be complied with; and
- (d) each regulation in subpart 5, if it applies, must be complied with; and
- (e) if the activity includes earthworks, regulation 54 must be complied with; and
- (f) if the cabinet is an RFG facility, regulation 55 must be complied with.

20 Cabinet not servicing antenna on building

- (1) This regulation applies to any cabinet other than one to which regulation 21 applies.
- (2) This regulation is complied with if—
 - (a) the height, footprint, and grouping rules in subclause (3) are complied with; and
 - (b) one of the following applies:
 - (i) the cabinet's equipment does not require power;
 - (ii) power for the cabinet's equipment is provided by a self-contained power unit;
 - (iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.
- (3) The **height, footprint, and grouping rules** are as follows:
 - (a) if the cabinet is in a road reserve that is in, or adjoins, a residential zone,—
 - (i) the height of the cabinet must not be more than 1.8 m; and
 - (ii) the footprint of the cabinet must not be more than 1.4 m²; and
 - (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
 - (b) if the cabinet is in any other road reserve,—

- (i) the height of the cabinet must not be more than 2 m; and
- (ii) the footprint of the cabinet must not be more than 2 m²; and

(iii) the group rules in regulation 22 must be complied with (subject to regulation 23):

- (c) if the cabinet is not in a road reserve and is in a residential zone,— (i) the height of the cabinet must not be more than 2 m; and (ii) the footprint of the cabinet must not more than 2 m²;
- (d) if the cabinet is not in a road reserve and is not in a residential zone,— (i) the height of the cabinet must not be more than 2.5 m; and (ii) the footprint of the cabinet must not be more than 5 m².

Part 3 r 22

- (4) In this regulation, part of a road reserve **adjoins** a residential zone if that part of the road reserve adjoins, and is on the same side of the road as, land that is in a residential zone.

21 Cabinet servicing antenna on building

- (1) This regulation applies to a cabinet that houses equipment the primary purpose of which is to service an antenna that is located on a building.
- (2) This regulation is complied with if—
 - (a) the height, footprint, and grouping rules in subclause (3) are complied with; and
 - (b) for a cabinet that is on the ground, one of the following applies:
 - (i) the cabinet's equipment does not require power;
 - (ii) power for the cabinet's equipment is provided by a self-contained power unit;
 - (iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.
- (3) The **height, footprint, and grouping rules** are as follows: (a) if the cabinet is on the building,—
 - (i) the height of the cabinet must not be more than 2 m; and (ii) the footprint of the cabinet must not be more than 2 m²;(b) if the cabinet is not on the building, the requirements set out in regulation 20(3) must be complied with.

22 Group rules for cabinets in road reserves

- (1) The **group rules** for a cabinet in a road reserve are that, at the time a cabinet is installed,—
 - (a) the cabinet must be—

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- (i) at least 30 m away from any other cabinet that is on the same side of the road; or
 - (ii) in a group of cabinets; and (b) if the cabinet is in a group,—
 - (i) each cabinet in the group must be at least 30 m away from any cabinet that is on the same side of the road and is not in the group; and
 - (ii) the total footprint of all cabinets in the group must not be more than 2 m².
- (2) Two or more cabinets are in a **group** if the distance between each cabinet and the one nearest to it is not more than 0.5 m.

Part 3 r 23

23 Temporary contravention of group rules

- (1) This regulation applies if—
 - (a) a cabinet (the **new cabinet**) is installed for the purpose of housing equipment that will replace the equipment in an existing cabinet (the **old cabinet**); and
 - (b) the equipment in the new cabinet—
 - (i) is for the purposes of the same telecommunications network as the equipment in the old cabinet; or
 - (ii) relates to a telecommunications network that will replace the network to which the equipment in the old cabinet relates; and
 - (c) in the absence of this regulation, the group rules in regulation 22 would not be complied with in relation to the new cabinet.
- (2) For the purposes of determining whether the group rules are complied with in relation to the new cabinet, compliance with the group rules— (a) is not to be assessed when the new cabinet is installed; and
 - (b) is instead to be assessed at the expiry of 3 months from when,— (i) if subclause (1)(b)(i) applies, the new cabinet is installed; or (ii) if subclause (1)(b)(ii) applies, the old telecommunications network is discontinued.
- (3) Until the expiry of the 3 months referred to in subclause (2)(b), the group rules are taken to be complied with.

24 Noise limits for cabinet in road reserve

- (1) This regulation applies to a cabinet located in a road reserve.
- (2) This regulation is complied with if the noise from the cabinet does not exceed the noise limits set out in subclauses (3) and (4).
- (3) If the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are,—

- (a) between 7 am and 10 pm, 50 dB $L_{Aeq(5min)}$; and
- (b) between 10 pm and 7 am,—

-
- (i) 40 dB $L_{Aeq(5min)}$; and
 - (ii) 65 dB L_{AFmax} .

(4) For any other cabinet, the noise limits for the cabinet are,—

- (a) at any time, 60 dB $L_{Aeq(5min)}$; and
- (b) between 10 pm and 7 am, 65 dB L_{AFmax} . *How noise to be measured*

(5) The measurement of the noise from a cabinet must be—

- (a) made in accordance with NZS 6801; and

Part 3 r 26

- (b) adjusted in accordance with NZS 6801 to a free field incident sound level; and

- (c) assessed in accordance with NZS 6802. *Where noise to be measured*

(6) If a building containing a habitable room is within 4 m of the road reserve where the cabinet is located, the noise must be measured at a point that is—

- (a) 1 m from the side of the building; or
- (b) on the vertical plane of the side of the building.

(7) In any other case, the noise must be measured at a point that is—

- (a) at least 3 m from the cabinet; and
- (b) within the boundaries of land adjoining the road reserve where the cabinet is located.

(8) In this regulation,— **adjoining road reserve**, in relation to a zone in a district plan or proposed district plan, means that part of a road reserve that adjoins, and is on the same side of the road as, land that is in that zone

$L_{Aeq(5min)}$ has the same meaning as in NZS 6801

L_{AFmax} has the same meaning as in NZS 6801

NZS 6801 means NZS 6801:2008 Acoustics – Measurement of environmental sound

NZS 6802 means NZS 6802:2008 Acoustics – Environmental noise.

25 Noise limits for cabinet not in road reserve

- (1) This regulation applies to a cabinet not located in a road reserve.
- (2) This regulation is complied with if the cabinet is installed and operated in accordance with the district rules about noise from a facility at the place where the cabinet is located.

Subpart 2—Antennas

Antennas on existing poles in road reserve

26 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna A**) by a facility operator is a regulated activity if—
- (a) before work to install antenna A begins (**date A**),— (i) there is a pole (**pole A**) in a road reserve; and (ii) if there are any antennas attached to pole A (whether operated by the same or a different facility operator), their installation and operation complies with the Act; and
 - (b) antenna A (alone or with 1 or more other antennas) is to be installed—
 - (i) on pole A in pole A's original location; or
 - (ii) on pole A after pole A is moved to a new location; or (iii) on a new pole erected to replace pole A.
- (2) The standard for the activity is that— (a) regulation 27 must be complied with; and (b) each regulation in subpart 5, if it applies, must be complied with; and (c) if the activity includes earthworks, regulation 54 must be complied with; and (d) if the antenna is an RFG facility, regulation 55 must be complied with.

Part 3 r 27

27 Antenna on existing pole in road reserve

- (1) This regulation applies to the regulated activity described in regulation 26.
- (2) This regulation is complied with if, at the time antenna A is installed,—
- (a) if pole A is moved or replaced, the location of the pole on which antenna A is installed (the **final pole**)— (i) is in the road reserve; and (ii) is not more than 5 m from pole A's location on date A; and
 - (b) the antenna size rules in subclause (3) or (4) are complied with; and
 - (c) the number of dish antennas attached to the final pole is not more than,—
 - (i) if more than 2 dish antennas were attached to pole A on date A, that number; or
 - (ii) otherwise, 2; and
 - (d) the pole height rules in subclause (5) are complied with; and
 - (e) the pole width rules in subclause (6) are complied with; and
 - (f) if the final pole has a headframe, the headframe rules in subclause (7) are complied with.

- (3) If antenna A is a non-dish antenna, the **antenna size rules** are that,—
- (a) if the final pole has a headframe, the width of antenna A must not be more than,—
-
- (i) if antenna A is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
- (ii) otherwise, 0.7 m; or
- (b) if the final pole does not have a headframe, the notional envelope for the final pole must not be larger than,—

- (i)
- if pole A's notional envelope on date A was larger than 3.5 m in length and 0.7 m in diameter, the size of pole A's notional envelope on date A; or
- (ii) otherwise, 3.5 m in length and 0.7 m in diameter.
- (4) If antenna A is a dish antenna, the **antenna size rules** are that— (a) the diameter of the dish must not be more than,—
- (i) if antenna A is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or
- (ii) otherwise, 0.38 m; and
- (b) antenna A's protrusion distance must not be more than,—
- (i) if antenna A is a replacement for an existing dish antenna that had a protrusion distance of more than 0.6 m, the protrusion distance of the replaced antenna; or (ii) otherwise, 0.6 m.
- (5) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—
- (a) the height of the baseline pole on the baseline date plus 3.5 m; and
- (b) the height of the baseline pole and all antennas on the baseline date.
- (6) The **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—
- (a) if 1 or more antennas were attached to the baseline pole on the baseline date, 1.3; or
- (b) otherwise, 2.
- (7) The **headframe rules** are that—
- (a) the headframe was on pole A on date A; or (b) the headframe—
- (i) is a replacement for a headframe that was on pole A on date A; and
- (ii) has a width that is not more than the width of the replaced headframe.

Antennas on new poles in road reserve

28 Regulated activity and standard

- (i)
- (1) The installation and operation of an antenna (**antenna B**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna B begins, a pole (**pole B**) is to be erected—
- Part 3 r 29
- at a location that— (A) is in a road reserve; and (B) is within 100 m of an existing pole in the road reserve; and
- (ii) for the purpose of installing antenna B (alone or with 1 or more other antennas) on pole B; and
- (b) pole B is not a replacement for an existing pole.
- (2) The standard for the activity is that— (a) regulation 29 must be complied with; and
- (b) each regulation in subpart 5, if it applies, must be complied with; and
- (c) if the activity includes earthworks, regulation 54 must be complied with; and
- (d) if the antenna is an RFG facility, regulation 55 must be complied with.

29 Antenna on new pole in road reserve

- (1) This regulation applies to the regulated activity described in regulation 28.
- (2) This regulation is complied with if, at the time antenna B is installed,— (a) pole B does not have a headframe; and
- (b) the antenna size rules in subclause (3) are complied with; and
- (c) no more than 2 dish antenna are attached to pole B; and
- (d) the pole height rules in subclause (4) are complied with; and (e) the pole width rules in subclause (5) are complied with.
- (3) The **antenna size rules** are that,—
- (a) if antenna B is a non-dish antenna, pole B's notional envelope must not be larger than 3.5 m in length and 0.7 m in diameter; or (b) if antenna B is a dish antenna,—
- (i) the diameter of the dish must not be more than 0.38 m; and
- (ii) antenna B's protrusion distance must not be more than 0.6 m.

- (i)
- (4) The **pole height rules** are that the height of pole B and all antennas must not be more than,—
- (a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the height of the neighbouring pole plus 3.5 m; or
- (b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the heights of all the neighbouring poles plus 3.5 m.
- (5) The **pole width rules** are that the width of pole B must not be more than,—
- (a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the width of the neighbouring pole multiplied by,—
- Part 3 r 30
- if the neighbouring pole has 1 or more antennas attached to it, 1.3;
or
- (ii) otherwise, 2; or
- (b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the widths of the neighbouring poles multiplied by,—
- (i) if any of the neighbouring poles has 1 or more antennas attached to it, 1.3; or
- (ii) otherwise, 2.
- (6) In this regulation, a pole is a **neighbour** of pole B in a particular direction along the road reserve if the pole— (a) is in the road reserve; and
- (b) was erected before pole B; and
- (c) is not more than 100 m from pole B; and
- (d) is the pole nearest to pole B in that direction along the road reserve.

Antennas on existing poles with antennas not in road reserve and in residential zone

30 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna C**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna C begins (**date C**), there is a pole (**pole C**) that—
- (i) is not in a road reserve; and

- (i)
- (ii) is in a residential zone; and
- (iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and
- (b) the installation and operation of the existing antennas on pole C complies with the Act; and
- (c) antenna C (alone or with 1 or more other antennas) is to be installed—
 - (i) on pole C in pole C's original location; or
 - (ii) on pole C after pole C is moved to a new location; or
 - (iii) on a new pole erected to replace pole C; and
- (d) the pole on which antenna C is to be installed (the **final pole**) is— (i) not in a road reserve; and (ii) in a residential zone.

- (2) The standard for the activity is that— (a) regulation 31 must be complied with; and
- (b) each regulation in subpart 5, if it applies, must be complied with; and
- (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
- (d) if the antenna is an RFG facility, regulation 55 must be complied with.

31 Antenna on existing pole with antenna not in road reserve and in residential zone

- (1) This regulation applies to the regulated activity described in regulation 30.
- (2) This regulation is complied with if, at the time antenna C is installed,— (a) if pole C is moved or replaced, the location of the final pole—
- (i) is not in a road reserve; and
 - (ii) is in a residential zone; and
 - (iii) is not more than 5 m from pole C's location on date C; and
- (b) the antenna size rules in subclause (3) or (4) are complied with; and
- (c) the number of dish antenna attached to the final pole is not more than,—
- (i) if more than 2 dish antenna were attached to pole C on date C, that number; or
 - (ii) otherwise, 2; and
- (d) the width of the final pole must not be more than 1.3 times the width of the baseline pole on the baseline date; and
- (e) the final pole does not have a headframe unless pole C had a headframe on date C; and
- (f) if the final pole has a headframe, the headframe width rules in subclause (5) are complied with; and
- (g) the pole height rules in subclause (6) are complied with.
- (3) If antenna C is a non-dish antenna, the **antenna size rules** are that the width of antenna C must not be more than,—
- (a) if antenna C is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
 - (b) otherwise, 0.7 m.
- (4) If antenna C is a dish antenna, the **antenna size rules** are that— (a) the diameter of the dish must not be more than,—

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- (i) if antenna C is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or
- (ii) otherwise, 0.38 m; and
- (b) antenna C's protrusion distance must not be more than,—
- (i) if antenna C is a replacement for an existing dish antenna the protrusion distance of which was more than 0.6 m, the protrusion distance of the replaced antenna; or (ii) otherwise, 0.6 m.
- (5) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—
- (a) if the width of the headframe on pole C on date C was more than 6 m, the width of that headframe; or (b) otherwise, the lesser of— (i) 6 m; and
- (i) double the width of the headframe on pole C on date C.
- (6) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—
- (a) the height of the baseline pole on the baseline date plus 3.5 m; and
- (b) the height of the baseline pole and all antennas on the baseline date.

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Antennas on existing poles with antennas not in road reserve and not in residential zone

32 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna D**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna D begins (**date D**), there is a pole (**pole D**) that—
- (i) is not in a road reserve; and
- (ii) is not in a residential zone; and
- (iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and
- (b) the installation and operation of the existing antennas on pole D complies with the Act; and
- (c) antenna D (alone or with 1 or more other antennas) is to be installed—
- (i) on pole D in pole D's original location; or
- (ii) on pole D after pole D is moved to a new location; or
- (iii) on a new pole erected to replace pole D; and

- (d) the pole on which antenna D is to be installed (the **final pole**) is—
 - (i) not in a road reserve; and

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- (ii) not in a residential zone.

- (2) The standard for the activity is that—
 - (a) regulation 33 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

33 Antenna on existing pole with antenna not in road reserve and not in residential zone

- (1) This regulation applies to the regulated activity described in regulation 32.
- (2) This regulation is complied with if, at the time antenna D is installed,—
 - (a) if pole D is moved or replaced, the location of the final pole—
 - (i) is not in a road reserve; and
 - (ii) is not in a residential zone; and
 - (iii) is not more than 5 m from pole D's location on date D; and
 - (b) if the antenna is a dish or panel antenna, the antenna size rules in subclause (3) are complied with; and
 - (c) the pole width rules in subclause (4) or (5) are complied with; and
 - (d) if the final pole has a headframe, the headframe width rules in subclause (6) are complied with; and
 - (e) the pole height rules in subclause (7) are complied with.
- (3) The **antenna size rules** are that,—
 - (a) if antenna D is a panel antenna, the width of the panel must not be more than,—
 - (i) if antenna D is a replacement for an existing panel antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
 - (ii) otherwise, 0.7 m; or
 - (b) if antenna D is a dish antenna, the diameter of the dish must not be more than,—

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- (i) if antenna D is a replacement for an existing dish antenna the diameter of which was more than 1.2 m, the diameter of the replaced antenna; or (ii) otherwise, 1.2 m.
- (4) If the final pole is in a rural zone, the **pole width rules** are that the width of the final pole must not be more than,—
- (a) if the width of pole D on date D was more than 6 m, that width; or
- (b) otherwise, the lesser of—
- (i) 6 m; and
- (ii) the width of pole D on date D multiplied by,—
- (A) if the number of antennas attached to the final pole is more than the number that were attached to pole D on date D, 2; or
- (B) otherwise, 1.3.
- (5) If the final pole is not in a rural zone, the **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—
- (a) if the number of antenna attached to the final pole is more than the number that were attached to the baseline pole on the baseline date, 2; or (b) otherwise, 1.3.
- (6) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—
- (a) if pole D had a headframe on date D the width of which was more than 6 m, the width of that headframe; or (b) otherwise, 6 m.
- (7) The **pole height rules** are that the height of the final pole and all antennas must not be more than,—
- (a) if the pole was installed without a resource consent in reliance on regulation 34, the lesser of—
- (i) the height of pole D and all antennas on date D plus the permitted height increase; and
- (ii) 25 m; or
- (b) otherwise, the height of the baseline pole and all antennas on the baseline date plus the permitted height increase.
- (8) In this regulation, the **permitted height increase** is,—
- (a) if the facility operator for antenna D is the facility operator for all antennas attached to the final pole, 3.5 m; or (b) otherwise, 5 m.

Antennas on new poles not in road reserve and in rural zone

34 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna E**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna E begins, a pole (**pole E**) is to be erected—
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- (i) at a location that—
- (A) is not in a road reserve; and
- (B) is in a rural zone; and
- (ii) for the purpose of installing antenna E (whether alone or with 1 or more other antennas) on pole E; and
- (b) the new pole is not a replacement for an existing pole.
- (2) The standard for the activity is that— (a) regulation 35 must be complied with; and
- (b) each regulation in subpart 5, if it applies, must be complied with; and
- (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
- (d) if the antenna is an RFG facility, regulation 55 must be complied with.

35 Antenna on new pole not in road reserve and in rural zone

- (1) This regulation applies to the regulated activity described in regulation 34.
- (2) This regulation is complied with if, at the time antenna E is installed,—
- (a) the height of pole E and all antennas is not more than 25 m; and
- (b) the width of pole E is not more than 6 m; and
- (c) if pole E has a headframe, the width of the headframe is not more than 6 m; and
- (d) pole E is at least 50 m away from any building used for residential or educational purposes; and
- (e) if antenna E is a panel antenna, the width of the panel is not more than 0.7 m; and
- (f) if antenna E is a dish antenna, the diameter of the dish is not more than 1.2 m.

Antennas on buildings

36 Regulated activity and standard

- (1) The installation and operation by a facility operator of an antenna on a building is a regulated activity.
- (2) The standard for the activity is that—
 - (a) regulation 37 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulation 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

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37 Antenna on building

- (1) This regulation applies to the regulated activity described in regulation 36.
- (2) This regulation is complied with if,—
 - (a) for a dish or panel antenna, the size rules in subclause (3) are complied with; and
 - (b) the antenna is attached to the building in a way that complies with the attachment rules in subclause (4).
- (3) The **size rules** are that,—
 - (a) if the antenna is a panel antenna, the area of the panel must not be more than 1.5 m²; or
 - (b) if the antenna is a dish antenna, the diameter of the dish must not be more than 1.2 m.
- (4) The **attachment rules** are that—
 - (a) the top of the antenna must not be more than 5 m above,—
 - (i) if the antenna is attached to a vertical surface, the top of that surface, directly above the point at which the antenna is attached to the building; or
 - (ii) otherwise, the point at which the antenna is attached to the building; and
 - (b) if the building is in a residential zone, the lowest point at which the antenna is attached to the building must be at least 15 m above the ground.

Subpart 3—Small cell units

38 Regulated activity and standard

- (1) The installation and operation of a small cell unit by a facility operator is a regulated activity if it is installed on an existing structure.

- (2) The standard for the activity is that—
- (a) each regulation in subpart 5, if it applies, must be complied with; and
 - (b) if the activity includes earthworks, regulation 54 must be complied with; and
 - (c) if the small cell unit is an RFG facility, regulation 55 must be complied with.

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Subpart 4—Telecommunication lines

Customer connection lines

39 Regulated activity and standard

- (1) The installation and operation of a customer connection line by a facility operator is a regulated activity.
- (2) The standard for the activity is that— (a) regulation 40 must be complied with; and
- (b) regulations 44 and 45, if they apply, must be complied with; and
 - (c) in relation to any part of the customer connection line that is a surfacemounted line, each regulation in subpart 5, if it applies, must be complied with; and
 - (d) if the activity includes earthworks,—
 - (i) in relation to any earthworks that are undertaken at a place that is not in a road reserve, each regulation in subpart 5, if it applies, must be complied with; and
 - (ii) regulation 54 must be complied with.

40 Customer connection line

- (1) This regulation applies to a customer connection line.
- (2) This regulation is complied with if,—
- (a) for any part of the customer connection line that is a surface-mounted line,—
 - (i) the diameter of the line is not more than 30 mm; and
 - (ii) if the line is enclosed in a conduit, the diameter of the conduit is not more than 32 mm; and
 - (iii) the line (and any conduit) is supported solely by existing structures; and
 - (b) for any part of the customer connection line that is an aerial line,—

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- (i) the diameter of the line is not more than 30 mm; and (ii) the line is supported solely by existing structures.

Aerial telecommunication lines along same routes as existing telecommunication or power lines

41 Regulated activity and standard

- (1) The installation and operation of a telecommunication line (**line A**) by a facility operator is a regulated activity if—
- (a) line A is not a customer connection line; and
- (b) before line A is installed, there is an existing aerial power line or telecommunication line (the **current line**); and (c) line A is supported only by 1 or more of the following:
- (i) existing support structures in their original locations;
- (ii) existing support structures after they have been moved to new locations;
- (iii) new structures erected to replace existing support structures; and
- (d) line A is supported by those structures in the same order as the current line.
- (2) The standard for the activity is that— (a) regulation 42 must be complied with; and
- (b) regulations 44 and 45, if they apply, must be complied with; and
- (c) if the activity includes earthworks, in relation to those earthworks,—
- (i) each regulation in subpart 5, if it applies, must be complied with; and
- (ii) regulation 54 must be complied with.
- (3) In this regulation, **existing support structure** means a structure that supported the current line before the installation of line A.

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42 Aerial telecommunication line along same route as existing telecommunication or power line

- (1) This regulation applies to the regulated activity described in regulation 41.
- (2) This regulation is complied with if—
- (a) the diameter of line A is not more than 30 mm; and
- (b) the total volume of ancillary equipment for line A on each support structure (not including any spare line) is not more than 0.4 m³; and

- (c) if an existing support structure (as defined in regulation 41) is moved or replaced, the location of the moved or replacement structure is not more than 3 m from the existing support structure's original location; and
 - (d) if an existing support structure is moved or replaced, the structure size rules in subclauses (3) and (4) are complied with.
- (3) The **structure size rules** are that—
- (a) the height of the replacement structure must not be more than the height of the existing support structure plus 1 m; and
 - (b) the width of the replacement structure must not be more than 1.5 times the width of the existing support structure.

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- (4) However, if the minimum road clearance height for the replacement structure is greater than the height permitted under subclause (3)(a), the **structure size rules** are that—
- (a) the height of the replacement structure must not be more than the minimum road clearance height; and
 - (b) the width of the replacement structure must not be more than is reasonably necessary for a structure of that height.
- (5) The **minimum road clearance height** for a support structure means the minimum height necessary to enable the facility operator to meet its obligations under the Telecommunications Act 2001 relating to the height of line A.

Underground telecommunication lines

43 Regulated activity and standard

- (1) The installation and operation of a telecommunication line by a facility operator is a regulated activity if the line—
- (a) is not a customer connection line; and (b) is an underground line.
- (2) The standard for the activity is that,—
- (a) to the extent that the activity is carried out in a road reserve, regulation 44, if it applies, must be complied with; and
 - (b) to the extent that the activity is carried out at a place that is not in a road reserve, regulations 45 to 51, if they apply, must be complied with; and
 - (c) regulation 54 must be complied with.

Subpart 5—Application of district and regional rules

44 Trees and vegetation in road reserve

- (1) This regulation applies to a regulated activity if—

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- (a) the activity is carried out at a place that is in a road reserve and within the drip line of a tree or other vegetation; and
 - (b) in the absence of these regulations, the relevant district plan or proposed district plan would require the facility operator to obtain a resource consent for the regulated activity.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the district rules about the protection of trees and other vegetation that apply at that place.

45 Significant trees

- (1) This regulation applies to a regulated activity if the activity is carried out at a place that—

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- (a) is not in a road reserve; and
 - (b) is within the drip line of a tree that is, or is in a group of trees that are, identified in the relevant district plan or proposed district plan as being subject to tree protection rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the tree protection rules that apply in relation to that tree.
- (3) In this regulation, **tree protection rules** means district rules about the protection of trees that are identified in the district plan or proposed district plan as being of special significance (however described).

46 Historic heritage values

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to historic heritage rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the historic heritage rules that apply to that place.
- (3) In this regulation, **historic heritage rules** means district rules about the protection of historic heritage values (however described).

47 Visual amenity landscapes

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscapes rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscapes rules that apply to that place.

- (3) In this regulation, **visual amenity landscapes rules** means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).

48 Significant habitats for indigenous vegetation

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant vegetation rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the significant vegetation rules that apply to that place.
- (3) In this regulation, **significant vegetation rules** means district rules about the protection of significant habitats for indigenous vegetation (however described).

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49 Significant habitats for indigenous fauna

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant fauna rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the significant fauna rules that apply to that place.
- (3) In this regulation, **significant fauna rules** means district rules about the protection of significant habitats for indigenous fauna (however described).

50 Outstanding natural features or landscapes

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to outstanding natural features or landscapes rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the outstanding natural features or landscapes rules that apply to that place.
- (3) In this regulation, **outstanding natural features or landscapes rules** means district rules about the protection of outstanding natural features or landscapes (however described).

51 Places adjoining coastal marine area

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to coastal protection rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the coastal protection rules that apply to that place.

- (3) In this regulation, **coastal protection rules** means district rules that regulate the carrying out of activities in places adjoining the coastal marine area for the purpose of protecting the coastal marine area.

52 Rivers and lakes

- (1) This regulation applies to a regulated activity if it is carried out over a river or lake (as referred to in regulation 8(2)).
- (2) This regulation is complied with if the regulated activity is carried out in accordance with any applicable regional rules about carrying out that activity over the river or lake.

Subpart 6—Earthworks

53 Earthworks associated with certain antennas

- (1) This regulation applies to a regulated activity if it—
- (a) is a regulated activity under regulation 30, 32, or 34; and
 - (b) includes earthworks (as referred to in regulation 5(1)(d)).
- (2) This regulation is complied with if—
- (a) all special place earthworks are carried out in accordance with the district rules about earthworks that apply to earthworks carried out at that place; and
 - (b) each time rural earthworks are carried out in relation to the facility,—
 - (i) the volume of the earthworks is not more than 450 m³; and
 - (ii) the management plan requirements in subclause (3) are complied with.
- (3) The **management plan requirements** are that—
- (a) before commencing the earthworks, the facility operator must prepare a management plan in accordance with subclauses (4) and (5); and
 - (b) the earthworks must be carried out in accordance with that management plan; and
 - (c) the facility operator must give a copy of the management plan to the local authority if requested by the local authority at any time before the expiry of 6 months from the completion of the earthworks.
- (4) An earthworks management plan must set out the following:
- (a) where the earthworks will be carried out;
 - (b) the nature and scale of the earthworks;

- (c) when the earthworks will be started and completed:
 - (d) the measures that will be taken to ensure that the earthworks do not, as far as practicable, cause or contribute to any of the following:
 - (i) sediment run-off from the site:
 - (ii) soil or debris from the works entering any water body or the coastal marine area:
 - (iii) instability or subsidence of a slope or another land surface:
 - (iv) erosion of the bed or bank of a water body or the coastal marine area:
 - (v) drainage problems, flooding, or the diversion of overland flow paths:
 - (vi) dust problems on adjoining land:
 - (e) the measures that will be taken to complete the earthworks in a way that will, as far as practicable,—
 - (i) restore the site to its previous condition; and (ii) stabilise the site against subsequent erosion.
- (5) The management plan must be set out in a level of detail that is reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).

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- (6) The measures referred to in subclause (4)(d) and (e) must be—
- (a) designed to minimise the effect on the environment of the earthworks; and
 - (b) reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).
- (7) In this regulation,— **rural earthworks** means earthworks that—
- (a) are carried out in a rural zone and not in a road reserve; and
 - (b) are not special place earthworks **special place earthworks** means earthworks that are carried out at a place referred to in regulation 45(1), 46(1), 47(1), 48(1), 49(1), 50(1), or 51(1).

54 Earthworks: regional rules apply

- (1) This regulation applies to a regulated activity if it includes earthworks (as referred to in regulation 5(1)(d)).
- (2) This regulation is complied with if the earthworks are carried out in accordance with any applicable regional rules about earthworks.

Subpart 7—Radiofrequency fields

55 Radiofrequency fields

- (1) This regulation applies to an RFG facility.
- (2) This regulation is complied with if—
 - (a) the facility is installed and operated in accordance with NZS 2772.1; and
 - (b) before the facility becomes operational, the facility operator gives the local authority—
 - (i) written or electronic notice of the facility's location; and
 - (ii) a pre-commencement report that complies with subclause (3); and
 - (c) either—
 - (i) the facility operator gives the local authority a post-commencement report that complies with subclause (4) within 3 months after the facility becomes operational; or
 - (ii) under subclause (5), the facility operator is not required to give a post-commencement report.
- (3) A pre-commencement report must—
 - (a) be prepared in accordance with AS/NZS 2772.2; and
 - (b) take into account exposures arising from other telecommunication facilities in the vicinity of the facility; and

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- (c) predict whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772.1.
- (4) A post-commencement report must—
 - (a) be prepared in accordance with AS/NZS 2772.2; and
 - (b) provide evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772.1.
- (5) The facility operator is not required to give a post-commencement report if the prediction referred to in subclause (3)(c) was that the radiofrequency field levels will not reach 25% of the maximum level authorised by NZS 2772.1 for exposure of the general public.
- (6) In this regulation,—

AS/NZS 2772.2 means AS/NZS 2772.2:2016 Radiofrequency fields – Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz

NZS 2772.1 means NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz.

Part 4 Miscellaneous

56 District and regional rules may be more stringent

For the purposes of sections 43B and 44A of the Act, the district and regional rules referred to in regulations 25 and 44 to 54 may be more stringent than the standards imposed by the rest of these regulations.

57 District rules about natural hazard areas disappplied

- (1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity.
- (2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.
- (3) In this regulation, **natural hazard rule** means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.

58 Regulations revoked

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (SR 2008/299) are revoked.

Schedule

Schedule Transitional, savings, and related provisions

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Part 1 Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael
Webster, Clerk of the Executive
Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 and come into force on 1 January 2017. The regulations are made under the Resource Management Act 1991 (the **RMA**)

and replace the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, which are revoked.

The regulations prescribe standards for installing and operating antennas, cabinets, small cell units, and telecommunication lines (**facilities**) in the circumstances set out in *regulations 19, 26, 28, 30, 32, 34, 36, 38, 39, 41, and 43* (the **regulated activities**).

Part 2 classifies regulated activities for the purposes of section 87A of the RMA (which sets out the classes of activities for which a resource consent is required and the scope of the consent authority's power to grant or refuse consent or to impose conditions). If a regulated activity is carried out in accordance with the standard, it will be a permitted activity and resource consent will not be required. If it is not carried out in accordance with the standard, the status of the activity will be determined under *regulations 12 to 18* and will depend on the status given to the activity by the relevant district plan. If the activity is classified as a controlled, restricted discretionary, discretionary, or non-complying activity, a resource consent will be required. For controlled and restricted discretionary activities, *regulations 14 and 15* limit the scope of the consent authority's power to grant or refuse consent or to impose conditions.

The standard for each regulated activity is that the specified regulations in *Part 3* must be complied with. Some of these regulations, such as those in *subpart 5 of Part 3*, require compliance with certain district and regional rules.

Explanatory note

Even if a regulated activity is a permitted activity under these regulations, other provisions of the RMA, regulations under the RMA, and district and regional plans may also be applicable. For example,—

- section 17 of the RMA requires a person carrying on an activity to avoid, remedy, or mitigate any adverse effects of the activity, even if it is carried on in accordance with a national environmental standard; and
- section 43A(5) of the RMA allows a district plan to impose terms or conditions on an activity to deal with effects of the activity that are different from those dealt with in a national environmental standard.

These regulations do not apply to—

- activities that relate to facilities but that are not within the scope of installing and operating as defined in *regulation 5*; or
- the installation and operation of facilities in circumstances other than those that constitute regulated activities; or
- the installation and operation of other kinds of telecommunications equipment; or
- anything done in the coastal marine area or in, on, under, or over the bed of a river or lake, although they do apply to things done over rivers or lakes (such as on a bridge).

**Resource Management (National Environmental
Standards for Telecommunication Facilities)**

2016/281

Regulations 2016

Those activities are governed by the RMA, other regulations under the RMA, district and regional plans, and other applicable laws.

Regulatory impact statement

The Ministry for the Environment and Ministry of Business, Innovation and Employment produced a regulatory impact statement on 20 August 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/ris/nestf-2016>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 November 2016.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2016

**Reprint
as at 20 May 2014**



**Resource Management (National
Environmental Standards for
Electricity Transmission Activities)
Regulations 2009**
(SR 2009/397)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 14th day of December 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 43 of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister for the Environment given in accordance with section 44 of that Act, makes the following regulations.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated. **These regulations are administered by the Ministry for the Environment.**

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telecommunication cables

Envelopes for activities relating to towers

Regulations

- 1 Title**
These regulations are the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

2 Commencement

These regulations come into force on 14 January 2010.

3 Interpretation

- (1) In these regulations, unless the context requires another meaning,— **abrasive blasting** means wet abrasive blasting and dry abrasive blasting

Act means the Resource Management Act 1991 **base footprint** means the footprint of a tower at the commencement of these regulations **base height** means the height of a transmission line support structure at the commencement of these regulations **base position** means the position of a pole at the commencement of these regulations **base width** means the length of the longest side of a tower's base footprint **blasting** means water blasting and abrasive blasting **circuit** means conductors on a transmission line that together form a single electrical connection between 2 or more system nodes **conductor**—

- (a) means wire or cable used for carrying electric current along a transmission line; and
- (b) includes any hardware and insulation associated with the wire or cable **dry abrasive blasting** means using abrasive material in air and directing it at pressure to wear down or remove the coatings or corrosion on a structure's surface

earth-wire—

- (a) means a protective wire that provides a path to ground for electrical current from a fault or lightning strike; and
- (b) includes an earth-wire that contains optic fibres; and (c) includes any hardware associated with the wire **earthworks** means the disturbance of the surface of land by activities including blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, re-

compacting, excavating, cutting, and filling earth (or any other matter constituting the land, such as soil, clay, sand, or rock)
envelope for controlled activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 150% of the tower's base width and joining the sides (as shown in the second diagram in the Schedule)
envelope for permitted activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 60% of the tower's base width and joining the sides (as shown in the first diagram in the Schedule) **existing transmission line**—

- (a) means a transmission line that was operational, or was able to be operated, at the commencement of these regulations; and
- (b) includes a transmission line described in paragraph (a) that is altered or relocated in accordance with these regulations; and
- (c) includes a transmission line that, in accordance with these regulations, replaces a transmission line described in paragraph (a)

footprint means the outline of the land occupied by a tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower at ground level **height**, in relation to a transmission line support structure, means the height of the structure measured vertically from the ground level at the centre of the structure to the highest point of the structure (including conductors, but excluding telecommunication devices, earth peaks, and lightning rods)

historic heritage area—

- (a) means an area that is protected by a rule because of its historic heritage; and
- (b) to avoid doubt, includes an area that is protected by a rule because it is a site of significance to Māori

land includes—

- (a) land covered by water and the air space above land; and
- (b) the bed of a lake or river; and
- (c) the surface of water in a lake or river

national grid means the network that transmits high-voltage electricity in New Zealand and that, at the commencement of these regulations, is owned and operated by Transpower New Zealand Limited, including—

- (a) transmission lines; and
- (b) electricity substations

natural area means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna

normal operating conditions has the meaning given by regulation 10(9)

occupied building means a building that is, or is intended to be, regularly occupied by 1 or more people

operation means the use of a transmission line to convey electricity

overland flow path means the path that water takes over land if there is flooding

pole—

- (a) means a structure that supports conductors as part of a transmission line and that—

- (i) has no more than 3 vertical supports; and
 - (ii) is not a steel-lattice structure; and

- (b) includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations

sensitive land use includes the use of land for a childcare facility, school, residential building, or hospital

telecommunication cable—

- (a) means a wire or cable used for telecommunication; and
- (b) includes any hardware associated with the wire or cable

telecommunication device—

- (a) means a device (for example, an antenna) that—
 - (i) facilitates the operation of a transmission line; and
 - (ii) receives or transmits telecommunication signals; and

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- (b) includes any hardware associated with the device;
but

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(c) does not include a telecommunication cable
temporary line deviation means the construction and use of
a temporary section of transmission line to divert electricity
transmission during the maintenance or upgrading of an
existing section of transmission line **temporary structure**—

(a) means a non-permanent structure, and any associated
lighting, erected only for a specific maintenance or
upgrading task; but

(b) does not include a transmission line that is part of a
temporary line deviation

termination structure means a tower or pole used for the transi-
tion between an overhead and an underground transmission line
tower—

(a) means a steel-lattice structure that supports conductors
as part of a transmission line; and

(b) includes the hardware associated with the structure
(such as insulators, cross-arms, and guy-wires) and the
structure's foundations

transmission line—

(a) means the facilities and structures used for, or
associated with, the overhead or underground
transmission of electricity in the national grid; and

(b) includes transmission line support structures,
telecommunication cables, and telecommunication
devices to which paragraph (a) applies; but (c) does not
include an electricity substation **transmission line**

support structure means a tower or pole
undergrounding—

(a) means replacing overhead transmission lines with
underground transmission lines; and

(b) includes altering, relocating, or replacing a tower or
pole at 1 or both ends of the underground transmission
lines so that the tower or pole becomes a termination

structure

upgrading means increasing the carrying capacity, efficiency, security, or safety of a transmission line

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water blasting means directing water at pressure to clean or wash a structure's surface **wet abrasive blasting** means using abrasive material in water and directing it at pressure to wear down or remove the coatings or corrosion on a structure's surface.

- (2) If a transmission line support structure is altered, relocated, or replaced after the commencement of these regulations, the altered, relocated, or replacement structure retains the base footprint, base height, base position, base width, envelope for controlled activities, and envelope for permitted activities of the first structure.
- (3) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in these regulations has the meaning given by the Act.

4 Regulations apply only to certain activities relating to existing transmission lines

- (1) These regulations apply only to an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including any of the following activities that relate to those things:
 - (a) a construction activity:
 - (b) a use of land or occupation of the coastal marine area (within the meanings of use and occupy given by section 2(1) of the Act):
 - (c) an activity relating to an access track to an existing transmission line:
 - (d) undergrounding an existing transmission line.
- (2) However, these regulations do not apply to—
 - (a) the construction or use of a bridge or culvert to access an existing transmission line; or

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- (b) the control of the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; or
- (c) the refuelling of a vehicle or equipment; or
- (d) the use of land as a landing area for helicopters; or
- (e) an activity carried out in relation to an electricity substation; or

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- (f) earthworks to the extent that they are subject to a regional rule.

Operation of transmission line or use of access

track 5 Permitted activities

- (1) The operation of an existing transmission line is a permitted activity.
- (2) The use of an access track to an existing transmission line is a permitted activity.

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits **6 Permitted activities: overhead conductors**

- (1) Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) is a permitted activity if—
 - (a) both of the conditions in subclauses (4) and (5) are complied with; and
 - (b) all of the applicable conditions in regulation 10(2) to (8) are complied with.
- (2) Replacing an overhead conductor, or part of an overhead conductor, on an existing transmission line is a permitted activity if the condition in subclause (6) is complied with.
- (3) Maintaining an overhead conductor on an existing transmission line is a permitted activity. *Conditions*

- (4) The conductors must be configured so that there are no more than 2 conductors in the same phase (duplex configuration).
- (5) The diameter of a new conductor, or a new part of a conductor, must not exceed 50 mm.
- (6) The diameter of a replacement conductor, or a replacement part of a conductor, must not exceed— (a) the diameter of the existing conductor or part; or
(b) 50 mm, if the diameter of the existing conductor or part is less than 50 mm.

7

7 Permitted activities: earth-wires and overhead telecommunication cables

- (1) Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line is a permitted activity if both of the conditions in subclauses (4) and (5) are complied with.
- (2) Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on an existing transmission line is a permitted activity if the condition in subclause (6) is complied with.
- (3) Maintaining an earth-wire or overhead telecommunication cable on an existing transmission line is a permitted activity.

Conditions

- (4) The number of wires and cables must not exceed—
 - (a) 3 earth-wires, or 2 earth-wires and 1 telecommunication cable, per transmission line support structure; or
 - (b) the existing number of wires and cables, if that number is more than is permitted by paragraph (a).
- (5) The diameter of a new wire or cable, or a new part of a wire or cable, must not exceed 25 mm.
- (6) The diameter of a replacement wire or cable, or a replacement part of a wire or cable, must not exceed—
 - (a) the diameter of the existing wire, cable, or part (as the case may be); or

- (b) 25 mm, if the diameter of the existing wire, cable, or part (as the case may be) is less than 25 mm.

8 Permitted activities: adding overhead circuits

- (1) Adding an overhead circuit to an existing transmission line is a permitted activity if—
 - (a) the condition in subclause (2) is complied with; and
 - (b) both of the conditions in regulation 6(4) and (5) are complied with; and
 - (c) all of the applicable conditions in regulation 10(2) to (8) are complied with.

9

Condition

- (2) The transmission line support structures of the transmission line must have been designed and built, at the commencement of these regulations, to carry the additional circuit.

9 Restricted discretionary activities

- (1) Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) is a restricted discretionary activity if—
 - (a) 1 or both of the conditions in regulation 6(4) and (5) are breached; but
 - (b) all of the applicable conditions in regulation 10(2) to (8) are complied with.
- (2) Replacing an overhead conductor, or part of an overhead conductor, on an existing transmission line is a restricted discretionary activity if the condition in regulation 6(6) is breached.
- (3) Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line is a restricted discretionary activity if 1 or both of the conditions in regulation 7(4) and (5) are breached.

- (4) Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on an existing transmission line is a restricted discretionary activity if the condition in regulation 7(6) is breached.
- (5) Adding an overhead circuit to an existing transmission line is a restricted discretionary activity if—
 - (a) first,—
 - (i) the condition in regulation 8(2) is breached; or
 - (ii) 1 or both of the conditions in regulation 6(4) and (5) are breached; and
 - (b) second, all of the applicable conditions in regulation 10(2) to (8) are complied with.

Matters to which discretion restricted

- (6) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
 - (a) visual effects; and
 - (b) the effects and timing of construction works; and

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- (c) the effects on services and infrastructure.

*Increasing voltage or current rating,
underground conductors, and undergrounding
transmission lines* **10 Permitted
activities: increasing voltage or current rating**

- (1) Increasing the voltage or current rating of an existing transmission line is a permitted activity if all of the applicable conditions in subclauses (2) to (9) are complied with.

Conditions

- (2) The electric and magnetic fields produced by the transmission of electricity at 50 Hz through overhead or underground alternating current transmission lines must, after being modelled in accordance with subclauses (4) to (7), be demonstrated to either—
 - (a) not exceed the following reference levels for public exposure:

-
- r **Transmission Activities) Regulations 2009** 20 May 2014
- (i) electric field strength of 5 kV/m; and
 - (ii) magnetic flux density of 100 microteslas; or
 - (b) not exceed the basic restriction level of 2 mA/m² for the density of electric current induced in the body.
- (3) The static electric field strength produced by the transmission of electricity through overhead direct current transmission lines must be demonstrated to have no likely adverse human health effects after—
- (a) modelling the field strength in accordance with subclauses(4)to(6)asifreferencestolectricfieldstrength were references to static electric field strength; and
 - (b) including the likely contribution to the field strength from the space charge around the transmission line caused by corona discharge.
- (4) The electric field strength and magnetic flux density of a transmission line must be modelled at whichever of the following locations is closest to the line:
- (a) 1 metre above the ground in an area above, below, or next to the line that is reasonably accessible to the public; or

- (b) 1 metre above the highest floor level of an occupied building.
- (5) The electric field strength and magnetic flux density of a transmission line may be modelled to take account of any shielding effect from buildings.
- (6) The electric field strength and magnetic flux density of an overhead transmission line must be modelled to result in the highest electric and magnetic fields likely under normal operating conditions using the following climatic conditions to determine conductor position:
 - (a) ambient temperature of 20°C in winter and 30°C in summer:
 - (b) maximum solar radiation of 1 000 W/m²:
 - (c) dry conditions:
 - (d) wind speed of 0.6 m/s.
- (7) The magnetic flux density of an underground transmission line must be modelled to result in the highest magnetic field likely under normal operating conditions.
- (8) The results of modelling the electric field strength, magnetic flux density, density of electric current induced in the body, or static electric field strength under this regulation must be provided to the relevant territorial authority if requested by the territorial authority.
- (9) In subclauses (6) and (7), **normal operating conditions**—
 - (a) means the conditions associated with the highest load current; but
 - (b) does not include conditions in which a short-term increase in voltage or current is caused by a fault such as switching, a lightning strike, a short circuit, or an abnormal operating state of a direct current transmission line.

11 Permitted activities: underground conductors

- (1) Adding an underground conductor, or part of an underground conductor, to an existing transmission line is a permitted

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activity if all of the applicable conditions in regulation 10(2)
to (8) are complied with.

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- (2) Replacing an underground conductor, or part of an underground conductor, on an existing transmission line is a permitted activity.
- (3) Maintaining an underground conductor on an existing transmission line is a permitted activity.

12 Controlled activities: undergrounding transmission lines

- (1) Undergrounding an existing transmission line is a controlled activity if all of the applicable conditions in regulation 10(2) to (8) are complied with.

Matters over which control reserved

- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
 - (a) the location of termination structures, and the route of underground cables, in relation to—
 - (i) visual, landscape, and ecological effects; and
 - (ii) the effects on historic heritage; and
 - (b) the extent and nature of earthworks and control of sediment; and
 - (c) the effects and timing of construction works; and (d) the effects on services and infrastructure.

13 Non-complying activities

- (1) Each of the following activities is a non-complying activity if 1 or more of the applicable conditions in regulation 10(2) to (8) are breached:
 - (a) adding an overhead conductor, or part of an overhead conductor, to an existing transmission line:
 - (b) adding an overhead circuit to an existing transmission line:
 - (c) increasing the voltage or current rating of an existing transmission line:

- (d) adding an underground conductor, or part of an underground conductor, to an existing transmission line: (e) undergrounding an existing transmission line.
- (2) Altering, relocating, or replacing a transmission line support structure of an existing transmission line (other than as part

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of a temporary line deviation or undergrounding) is a noncomplying activity if—

- (a) the requirement described in regulation 15(1)(c) or (2)(c) is breached; and
- (b) 1 or more of the applicable conditions in regulation 10(2) to (8) are breached.

Transmission line support structures: Alteration, relocation, and replacement **14 Permitted activities**

- (1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all of the applicable conditions in subclauses (3) to (6) are complied with.
- (2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all of the applicable conditions in subclauses (3), (4), (7), and (8) are complied with.

Conditions

- (3) If a transmission line support structure is increased in height (including by being replaced with another structure),—
 - (a) the structure may be made no more than 15% higher than its base height; and
 - (b) the additional height must comply with any height restrictions for airport purposes, or any public view shafts, specified in a rule.

- (4) A transmission line support structure must not be relocated, or replaced with another transmission line support structure, so that any part of the structure at ground level is—
- (a) within 12 metres of an occupied building (measured horizontally); or
 - (b) any closer to an occupied building, if the existing structure is within 12 metres of the building (measured horizontally).
- (5) If a tower is widened (including by being replaced with another tower), each side of the tower's footprint may be made no longer than the total of—

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- (a) the length of that side of the tower's base footprint; and
 - (b) 25% of the tower's base width.
- (6) A tower must not be relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for permitted activities.
- (7) A pole must not be replaced with a tower.
- (8) A pole must not be relocated, or replaced with another pole, more than 5 metres from the pole's base position (measured horizontally).

15 Controlled activities

- (1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a controlled activity if—
- (a) all of the applicable conditions in regulation 14(3) to (5) are complied with; and
 - (b) the condition in regulation 14(6) is breached; but
 - (c) the tower is not relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for controlled activities.
- (2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a controlled activity if—

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- (a) all of the applicable conditions in regulation 14(3), (4), and (7) are complied with; and
 - (b) the condition in regulation 14(8) is breached; but
 - (c) the pole is not relocated, or replaced with another pole, more than 10 metres from the pole's base position (measured horizontally).
- (3) Altering, relocating, or replacing a tower or pole of an existing transmission line as part of undergrounding, so that the tower or pole becomes a termination structure, is a controlled activity if all of the applicable conditions in regulation 14(3), (4), and (7) are complied with.

Matters over which control reserved

- (4) Control is reserved over the following matters in relation to a controlled activity under this regulation: (a) visual, landscape, and ecological effects; and

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(b) the effects on historic heritage; and (c) the effects and timing of construction works; and (d) the effects on services and infrastructure.

16 Restricted discretionary activities

- (1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a restricted discretionary activity if—
- (a) 1 or more of the conditions in regulation 14(3) to (5) are breached; or
 - (b) both of the following apply:
 - (i) the requirement described in regulation 15(1)(c) is breached; but
 - (ii) all of the applicable conditions in regulation 10(2) to (8) are complied with.
- (2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a restricted discretionary activity if—

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- (a) 1 or more of the conditions in regulation 14(3), (4), and (7) are breached; or (b) both of the following apply:
- (i) the requirement described in regulation 15(2)(c) is breached; but
 - (ii) all of the applicable conditions in regulation 10(2) to (8) are complied with.
- (3) Altering, relocating, or replacing a tower or pole of an existing transmission line as part of undergrounding, so that the tower or pole becomes a termination structure, is a restricted discretionary activity if 1 or more of the conditions in regulation 14(3), (4), and (7) are breached.

Matters to which discretion restricted

- (4) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) the location and height of the transmission line support structures in relation to—
 - (i) visual, landscape, and ecological effects; and
 - (ii) the effects on historic heritage; and
 - (iii) the effects on sensitive land uses; and

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- (b) earthworks, clearance of trees and vegetation, and restoration of the land; and
- (c) the effects and timing of construction works.

Temporary structures and temporary line deviation 17 Permitted activities

- (1) Erecting or using a temporary structure in relation to an existing transmission line (other than as part of a temporary line deviation) is a permitted activity if the condition in subclause (3) is complied with.
- (2) Carrying out a temporary line deviation of an existing transmission line is a permitted activity if the condition in subclause (4) is complied with. *Conditions*
- (3) Any temporary structures must be—

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-
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- (a) erected no earlier than 20 working days before the start of the relevant maintenance or upgrading; and
 - (b) removed no later than 20 working days after the end of the maintenance or upgrading.
- (4) Any structures involved in a temporary line deviation must be—
- (a) erected no earlier than 60 working days before the start of the relevant maintenance or upgrading; and
 - (b) removed no later than 60 working days after the end of the maintenance or upgrading.

18 Controlled activities

- (1) Erecting or using a temporary structure in relation to an existing transmission line (other than as part of a temporary line deviation) is a controlled activity if the condition in regulation 17(3) is breached.
- (2) Carrying out a temporary line deviation of an existing transmission line is a controlled activity if the condition in regulation 17(4) is breached.

Matters over which control reserved

- (3) Control is reserved over the following matters in relation to a controlled activity under this regulation:

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- (a) the duration of any works; and
- (b) the effects and timing of construction works.

Transmission lines: Removal 19 Permitted activities

- (1) Removing an existing transmission line, or part of an existing transmission line, is a permitted activity if both of the conditions in subclauses (2) and (3) are complied with.
- Conditions*
- (2) The transmission line, or the part of the transmission line, and any associated construction or demolition material must be removed from the land.

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- (3) Any ground that is disturbed from the removal must be restored in a way that minimises the risk of soil erosion, sediment run-off, and weed invasion.

20 Controlled activities

- (1) Removing an existing transmission line, or part of an existing transmission line, is a controlled activity if 1 or both of the conditions in regulation 19(2) and (3) are breached. *Matters over which control reserved*
- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
- (a) earthworks, clearance of trees and vegetation, and restoration of the land; and
 - (b) the effects and timing of construction works.

Telecommunication devices **21 Permitted activities**

- (1) Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line is a permitted activity if both of the conditions in subclauses (3) and (4) are complied with.
- (2) Maintaining a telecommunication device on a transmission line support structure of an existing transmission line is a permitted activity.

22

Conditions

- (3) The width of the telecommunication device must not exceed 1.8 metres.
- (4) The telecommunication device must extend no more than 2.5 metres above the height of the structure.

22 Restricted discretionary activities

- (1) Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line is a restricted discretionary activity if 1 or both of the conditions

22

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in regulation 21(3) and (4) are breached. *Matters to which
discretion restricted*

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) the size, height, and number of telecommunication devices and associated telecommunication cables; and
 - (b) visual and landscape effects.

Signs 23 Permitted activities

- (1) Installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation, is a permitted activity if the applicable condition in subclause (2) or (3) is complied with. *Conditions*
- (2) The signs on a transmission line support structure that are intended to identify the structure or its owner must together cover an area of no more than 1 m².
- (3) The signs on a transmission line support structure that are intended to help with safety or navigation must together cover an area of no more than 6 m².

24 Restricted discretionary activities

- (1) Installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with

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safety or navigation, is a restricted discretionary activity if the applicable condition in regulation 23(2) or (3) is breached.

- (2) Installing or modifying a sign next to a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation, is a restricted discretionary activity. *Matters to which discretion restricted*
- (3) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
 - (a) visual effects; and

- (b) the effects on services and infrastructure.

*Transmission line support structures:
Discharges from blasting and
applying protective coatings* **25**
Permitted activities

- (1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a permitted activity if all of the applicable conditions in subclauses (3) to (9) are complied with.
- (2) Applying protective coatings to a transmission line support structure of an existing transmission line is a permitted activity if the condition in subclause (10) is complied with.
- Conditions*
- (3) Blasting must not be done within 50 metres of a water body or the coastal marine area.
- (4) Blasting must not be done—
- (a) within 50 metres of a public road; or (b) within 100 metres of an occupied building.
- (5) Abrasive material used in abrasive blasting must contain no more than 5% free silica by dry weight.
- (6) Waste and debris resulting from abrasive blasting must be removed from the site of the blasting to the extent practicable.
- (7) Dry abrasive blasting—
- (a) must be done no more than 1 metre above ground level; and
- 26
- (b) may be done only if covers or screens are used to mitigate the effects of any contaminants discharged by the blasting.
- (8) If abrasive blasting is done on a tower coated with lead-based paint, the waste and debris (including abrasive material) resulting from the blasting must be captured and removed by using geotextile material of a filter quality or by any equivalent method.

- (9) The following substances must not be used for surface preparation: paint strippers (unless used on a solvent rag to degrease a surface), fungicides, acids, alkalis, sodium hypochlorite, or any other oxidising agent.
- (10) Protective coatings must be applied— (a) by hand; or (b) by pressurised spray used no more than 1 metre above ground level.

26 Controlled activities

- (1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a controlled activity if—
 - (a) it is not done over a water body or the coastal marine area; and
 - (b) the applicable conditions in regulation 25(4) and (7) are complied with; and
 - (c) 1 or both of the following apply:
 - (i) it is done within 50 metres of a water body or the coastal marine area:
 - (ii) 1 or more of the conditions in regulation 25(5), (6), (8), and (9) are breached.
 - (2) Applying protective coatings to a transmission line support structure of an existing transmission line is a controlled activity if the condition in regulation 25(10) is breached.
- Matters over which control reserved*
- (3) Control is reserved over the following matters in relation to a controlled activity under this regulation:
 - (a) the effects on water quality and ecologically-sensitive receiving environments; and

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- (b) the effects on occupied buildings; and (c) the risk of contamination of soil; and (d) the effects on health.

27 Restricted discretionary activities

- (1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a restricted discretionary activity if—
- (a) it is done over a water body or the coastal marine area;
 - or
 - (b) 1 or both of the conditions in regulation 25(4) and (7) are breached.

Matters to which discretion restricted

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) the effects on water quality and ecologically-sensitive receiving environments; and
 - (b) the effects on occupied buildings and use of public roads; and
 - (c) the risk of contamination of soil; and (d) the effects on health.

Discharges to water 28 Permitted activities

- (1) Discharging contaminants into water, in relation to an existing transmission line, is a permitted activity if, after the water and contaminants are reasonably mixed together, all of the conditions in subclauses (2) to (6) are complied with.

Conditions

- (2) The discharge must not produce conspicuous—
- (a) films of oil or grease; or
 - (b) scums or foams; or
 - (c) floatable or suspended materials.
- (3) The discharge must not create a conspicuous change in colour or visual clarity.
- (4) The discharge must not emit an objectionable odour.
- (5) The discharge must not make fresh water unsuitable for farm animals to drink.

- (6) The discharge must not have adverse effects on aquatic life that are more than minor.

29 Controlled activities

- (1) Discharging contaminants into water, in relation to an existing transmission line, is a controlled activity if, after the water and contaminants are reasonably mixed together, 1 or more of the conditions in regulation 28(2) to (6) are breached. *Matters over which control reserved*
- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation: (a) the effects on water quality; and (b) the effects on aquatic life.

*Trimming, felling, and removing trees and
vegetation* **30 Permitted activities**

- (1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all of the applicable conditions in subclauses (2) to (6) are complied with. *Conditions*
- (2) Any tree or vegetation must not be trimmed, felled, or removed if—
- (a) a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or (b) it is in a natural area.
- (3) Any tree or vegetation located on any land must not be felled or removed if a regional plan controls the use of the land for the purpose of— (a) soil conservation; or (b) avoiding or mitigating flooding.
- (4) Any tree or vegetation must not be trimmed, felled, or removed if it is on land administered by the Department of Conservation under the Conservation Act 1987 or an Act specified in Schedule 1 of that Act.
- (5) The felling or removal of any tree or vegetation must not create or contribute to—

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- (a) instability of a slope or another land surface; or
 - (b) erosion of the bed or bank of a water body or the coastal marine area.
- (6) Debris resulting from the trimming, felling, or removal must not enter a water body or the coastal marine area.

31 Controlled activities

- (1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a controlled activity if—
- (a) first,—
 - (i) the condition in regulation 30(2) is breached because the tree or vegetation is in a natural area; but
 - (ii) the trimming, felling, or removal is done to reduce the risk to a transmission line; and (b) second, all of the applicable conditions in regulation 30(3) to (6) are complied with. *Matters over which control reserved*
- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
- (a) replanting; and
 - (b) disposal of trees and vegetation; and (c) visual, landscape, and ecological effects.

32 Restricted discretionary activities

- (1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a restricted discretionary activity if 1 or both of the following paragraphs apply:
- (a) first,—
 - (i) the condition in regulation 30(2) is breached; and
 - (ii) it does not satisfy the exception in regulation 31(1)(a)(ii):

- (b) second, 1 or more of the conditions in regulation 30(3) to (6) are breached.

Matters to which discretion restricted

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:

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- (a) replanting; and
- (b) disposal of trees and vegetation; and
- (c) control of erosion and sediment; and
- (d) visual, landscape, and ecological effects; and
- (e) the effects on drainage, flooding, and overland flow paths.

Earthworks 33 Permitted activities

- (1) Earthworks relating to an existing transmission line are a permitted activity if all of the conditions in subclauses (2) to (9) are complied with. *Conditions*
- (2) Earthworks in a natural area must not, in a calendar year, exceed—
 - (a) 50 m³ per transmission line support structure; or (b) 100 m³ per access track.
- (3) Erosion sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.
- (4) All areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area.
- (5) The earthworks must not create or contribute to—
 - (a) instability or subsidence of a slope or another land surface; or
 - (b) erosion of the bed or bank of a water body or the coastal marine area; or
 - (c) drainage problems or flooding of overland flow paths.

- (6) Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.
- (7) Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area.
- (8) Earthworks must not be carried out in a historic heritage area unless they are carried out on an archaeological site in ac-

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cordance with the Heritage New Zealand Pouhere Taonga Act 2014.

- (9) Earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment.

Regulation 33(8): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

34 Controlled activities

- (1) Earthworks relating to an existing transmission line are a controlled activity if—
 - (a) 1 or more of the conditions in regulation 33(2) to (7) are breached; but
 - (b) both of the conditions in regulation 33(8) and (9) are complied with.

Matters over which control reserved

- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
 - (a) the extent and nature of any disturbance; and
 - (b) management of the earthworks and the methods used to carry out the earthworks; and
 - (c) control of erosion and sediment and restoration of the land; and
 - (d) visual, landscape, and ecological effects; and
 - (e) the effects on historic heritage; and
 - (f) the effects on drainage, flooding, and overland flow paths.

35 Restricted discretionary activities: historic heritage areas

- (1) Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(8) is breached.

Matters to which discretion restricted

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) the extent and nature of any disturbance; and
 - (b) management of the earthworks and the methods used to carry out the earthworks; and

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- (c) control of erosion and sediment and restoration of the land; and
- (d) visual, landscape, and ecological effects; and
- (e) the effects on historic heritage; and
- (f) the effects on drainage, flooding, and overland flow paths.

36 Restricted discretionary activities: potentially contaminated land

- (1) Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(9) is breached.

Matters to which discretion restricted

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) restoration of the land; and
 - (b) management of the earthworks and the methods used to carry out the earthworks; and
 - (c) the extent and nature of any disturbance in relation to ecological and health effects.

Noise and vibration from construction activity 37

Permitted activities

- (1) A construction activity relating to an existing transmission line is a permitted activity if both of the conditions in subclauses (2) and (3) are complied with. *Conditions*
- (2) The noise from the construction activity must comply with New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise.
- (3) The vibrations from the construction activity must comply with the peak particle velocity limits in table 1 of German Standard DIN 4150–3:1999 Structural Vibration—Effects of Vibration on Structures.

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38 Controlled activities

- (1) A construction activity relating to an existing transmission line is a controlled activity if 1 or both of the conditions in regulation 37(2) and (3) are breached.

Matters over which control reserved

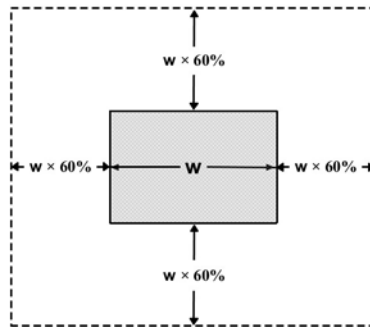
- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
 - (a) the timing of the works; and
 - (b) the effects on sensitive land uses; and
 - (c) the giving of notice of the works to parties who may be affected.

Other transmission activities 39 **Discretionary activities**

An activity to which these regulations apply (under regulation 4) is a discretionary activity if it is not described in these regulations as a permitted activity, controlled activity, restricted discretionary activity, or non-complying activity.

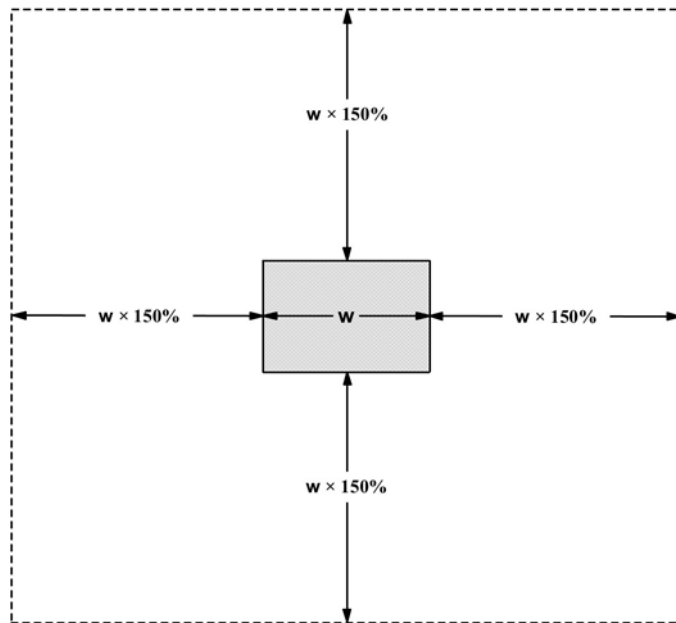
Schedule r 3(1)
Envelopes for activities relating to towers

Envelope for permitted activities



where— w is the base width the inner rectangle is the base footprint the outer rectangle (dashed) is the envelope for permitted activities.

Envelope for controlled activities



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where— w is the base width the inner rectangle is the base footprint the
outer rectangle (dashed) is the envelope for controlled activities.

Rebecca Kitteridge, Clerk of
the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 December 2009.

Reprints notes

1 *General*

This is a reprint of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

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Published under the authority of the New Zealand Government—2014

Appendix 2: Operative Selwyn District Plan Provisions

Attached are extracts from the operative Selwyn District Plan of relevance to the visual amenity of network utilities and energy generating activities. Of particular relevance are (refer highlighting):

Township Volume

Arthurs Pass: Policies B1.4.1 – B1.4.3

Castle Hill: Policies B1.4.7 – B1.4.8

Utilities: Objective B2.2.3 and Policies B2.2.6, B2.2.7, B2.2.10 and B2.2.11

Township Quality of Environment: Objective B3.4.2 and Policies B3.4.2, B3.4.5, B3.4.6 Policy B3.4.25, Policy B3.4.26, Policy B3.4.27

Rules: see Parts C6 and C18

Rural Volume

ONLs and ONFs: Policy B1.4.1

Port Hills ONL: Policies B1.4.6, B1.4.9 and B1.4.11

Te Waihora ONF: Policy B1.4.13

Malvern Hills ONL: Policies B1.4.16, B1.4.17 and B1.4.20

High Country ONL: Policies B1.4.23, B1.4.24 and B1.4.30

Utilities: Objective B2.2.2 and Policies B2.2.5(a), B2.2.6 and B2.2.7

Rural Areas: Objective B3.4.2 and Policies B3.4.1, B3.4.3, B3.4.7

Rules: See Part C5

Appendix 2: Operative Selwyn District Plan Provisions

Selwyn District Plan Review | Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities

B1.4 OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ISSUES

- **Adverse effects of the expansion of townships on outstanding natural features and landscapes located in close proximity to them.**
- **Effects of residential development and the expansion of townships on the landscape values of the Canterbury Plains.**

Introduction

Part of promoting the sustainable management of natural and physical resources is recognising and protecting:

“Outstanding natural features and landscapes from inappropriate subdivision, use and development” (section 6(b)).

Selwyn District Council has used the results of township surveys (November 1998 and April 1999); public workshops (October 1999); work with focus groups in the high country and the Port Hills, and the submissions on the proposed plan 1995 to help identify the outstanding natural features and landscapes in Selwyn District, and appropriate and inappropriate activities in these areas.

All outstanding natural features and landscapes are located in the Rural zone and are comprehensively addressed in the Rural Volume of the Plan. Some townships are in close proximity to some outstanding natural features. Growth of these townships in a particular direction or pattern may adversely affect the values of some outstanding natural features or landscapes.

Adverse Effects on Outstanding Natural Features or Landscapes

The villages of Arthur’s Pass, Castle Hill and Lake Coleridge are located in the Selwyn high country. Arthur’s Pass Village is unusual in that it is surrounded by Arthur’s Pass National Park. The largely unmodified indigenous vegetation, steep mountains and river gorges in the Park have high landscape, ecological and aesthetic values. These values, coupled with the absence of structures or other modifications in the Park, contribute to high amenity and recreational values. Arthur’s Pass Village has an important role as a ‘front door’ to the National Park. Adverse impacts on amenity experienced within the village may therefore colour or detract from people’s perceptions of the Park. Some of the houses in Arthur’s Pass Village are sited within the National Park, including Department of Conservation staff houses and Aniwanuiwa Cottage.

Other parts of the Selwyn high country are used for farming, forestry, recreation and some industry. They are working landscapes with modified vegetation cover, and contain structures and utilities as one would expect to find in most rural areas. However, the sparseness of the population, size of farms, and the topography of the area result in landscape values that are not found in townships or in rural areas on the Plains. Therefore the more intensive settlement and land use patterns occurring in the townships in this area have a greater potential to affect the values of the surrounding landscape, than townships on the Plains.

Other townships in Selwyn District are located close to outstanding natural features. Whitecliffs, Glentunnel and Coalgate are all located between the Waimakariri River, Selwyn River/Waikirikiriri and Malvern Hills. Sheffield Township is located by the Malvern Hills and Springfield Township by the Russell Range. These features were identified by residents in both township surveys (November 1998 and April 1999) and in public workshops (September 1999) as being important to the amenity values of their townships.

Effects of Residential Development on the Canterbury Plains

The Canterbury Plains are an outstanding natural feature – they make up the single, largest area of flat land in New Zealand. It has a distinctive landscape characterised by a predominantly mosaic or patchwork pattern of vegetation cover, interspersed by small townships and clusters of houses. Participants in a public workshop (October 1999) agreed that market forces are likely to maintain the mosaic or patchwork landscape of the Plains through the variety of land uses. However, patterns of settlement and residential density could affect the landscape values of the Plains. This section addresses effects on the landscape values of the Plains from the expansion of townships. Effects from subdividing land and increasing residential density in the rural area are addressed in the Rural Volume of the Plan.

The landscape between rural areas and townships is different due to the ratio of land to buildings and the associated activities. As townships expand and the urban areas increase, some people get concerned about the effects on the ‘rural’ part of the landscape. Usually, the most common effect is the merging of townships which are reasonably close to one another, with an associated change from a ‘rural’ landscape to an ‘urban’ one. In Selwyn District this effect may occur in two places:

- In the area between the boundary with Christchurch City and townships close to that boundary, such as Prebbleton and West Melton.
- Between townships which are close to one another, such as: Lincoln and Springston; or Leeston and Doyleston.

Objective 3 and Policy 5 of Chapter 12 of the RPS recognises the land between Christchurch City and a line extending from Tai Tapu to West Melton as having values because it creates a landscape contrast with the 'urban' area of Christchurch. The RPS advocates that this area remain used for 'rural and recreational' activities. The District Plan must be consistent with the RPS (under section 75(4)(b) of the Act). The RPS acknowledges that not all land in this area is used for recreational or rural activities, now. It does not discuss the issue of expanding townships which exist in this area

The townships of: Arthur's Pass; Castle Hill; and Lake Coleridge Village and the settlement of Bealey Spur, have had rules on building and landscaping in the past. The controls were to promote an alpine or mountain design theme. Some controls on building design, earthworks and landscaping continue to apply within the existing townships of Arthur's Pass and Castle Hill, to reflect the special design themes or character in these two areas. Building design is also addressed in Part B, Section 3.4 – Quality of the Environment.

The provisions are intended to maintain a character within the township as well as protecting the values of outstanding natural features and landscapes around the township. Corresponding controls within the Living zone at Lake Coleridge Village have been removed. The reason is that the style of buildings within the village does not have a unique design or character. It is similar to most townships in the District. However, the special amenity values of the trees and walkways are recognised in Part B, Section 3.4.

Effects of activities at Bealey Spur on outstanding natural features and landscapes are addressed in the Rural Volume of the Plan.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — OBJECTIVES

Objective B1.4.1

The expansion of townships does not adversely affect the values of outstanding natural features and landscapes.

Objective B1.4.2

The landscape and amenity values of the high country surroundings of Arthur's Pass, Castle Hill and Lake Coleridge Village are recognised and retained.

Objective B1.4.3

The special location of Arthur's Pass Village within the National Park is recognised, its alpine and historic amenity values maintained and enhanced and the outstanding landscape values of adjoining areas of the Park protected.

Objective B1.4.4

The distinction between the landscapes of the rural area and townships on the Canterbury Plains is maintained.

Explanation and Reasons

Objective B1.4.1 is to ensure that any proposal to rezone land for new residential or business activities adjoining any townships does not adversely affect outstanding natural features and landscapes. The policies identify the specific landscapes or natural features that may be adversely affected by the expansion of townships.

Objective B1.4.2 recognises unique landscape and amenity values of the high country surrounding Arthur's Pass; Castle Hill and Lake Coleridge Village. The objective and associated policies do not prevent further residential or business development in or adjoining these towns, but require any expansion to be designed and site to complement the landscape values of the surroundings.

Objective B1.4.3 is to try and retain the pattern of rural land uses and pockets of urban settlement on the Canterbury Plains. This is achieved by policies to encourage new settlement to be clustered around existing townships; and to avoid "ribbon" residential or business development along main routes between towns. The objective also recognises the general thrust in the RPS to keep the urban boundary of Christchurch City separated and distinguishable from townships in close proximity to it.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — POLICIES AND METHODS

ARTHUR'S PASS

Policy B1.4.1

Ensure any activity undertaken or any structure erected within Arthur's Pass Village or any expansion of the village does not adversely affect the unique historic and amenity values of the village or the ecological, landscape, aesthetic or recreational values of Arthur's Pass National Park.

Explanation and Reasons

Arthur's Pass Village is surrounded by Arthur's Pass National Park. This unique environment gives the village special amenity values and unique business and recreational opportunities. It also means there are some restrictions which do not apply. These restrictions do not prevent people from undertaking activities, but manage how the activities are undertaken to protect this unique environment.

Methods

District Plan Policies

- To assess resource consent application and plan change requests to rezone land

District Plan Rules

- For a variety of activities as applying to alpine villages

Policy B1.4.2

Avoid multi-storeyed buildings, large structures protruding above roof lines, flashing or reflective structures, or other structures that dominate people's view of the surrounding mountains or Bealey River.

Explanation and Reasons

The mountains and Bealey River gorge at Arthur's Pass are clearly visible, rising steeply above the existing village. One or two storied buildings will not affect this outstanding landscape. Similarly, tall, slim structures like aerials and masts have only a minor effect on the skyline. However, structures which are both tall and wide, such as multi-storeyed buildings, large signs or satellite dishes protruding above rooftops, can dominate the landscape and detract from the natural features. The rules identify maximum height and bulk for structures as permitted activities. Larger structures may require a resource consent.

Method

District Plan Rules

- Buildings — Alpine Villages

Policy B1.4.3

Require buildings and structures to be designed, sited and coloured to reflect or complement either:

- The topography and colours of the surrounding landscape; or
- The character and style of the old construction huts, in accordance with Section 3.4, Policy 3.4.29.

Explanation and Reasons

Many buildings and structures in Arthur's Pass Village originate from the time the village was established as a construction camp for the Otira Tunnel. More recent buildings have adopted an alpine theme, using materials, colours and designs that reflect the surrounding landscape. As a result, existing buildings at Arthur's Pass tend to reflect one of three themes:

- Small construction huts and baches, often made out of corrugated iron or wood and brightly painted.
- The more permanent community buildings and larger houses made of stone and wood.
- More modern, chalet style buildings.

Some of the older style buildings at Arthur's Pass may not complement the natural landscape as well as the newer styles, but they are part of the landscape of the village and its heritage values. Part of promoting sustainable management also involves having particular regard to:

"The recognition and protection of the heritage values of sites, buildings, places or areas" (Section 7(e)).

Method

District Plan Rules

- Structures — Alpine Villages

Policy B1.4.4

Encourage the retention of existing indigenous vegetation within Arthur's Pass Village, and require landscaping and planting in the Village to use indigenous plants of the same species which are genetically sourced from the area. Avoid the planting of exotic trees and shrubs in the Village or other exotic vegetation that has the potential to create weed problems.

Explanation and Reasons

Indigenous vegetation is encouraged at Arthur's Pass Village; to complement the surrounding National Park; and to reduce the risk of exotic species spreading into the Park. There are permanent residents at Arthur's Pass. The Council thinks it would be unreasonable not to allow people to have vegetable or flower gardens with exotic plant species on their own property. However, it is reasonable to ensure these plants are not plants that spread easily, particularly by windborne seed, and that create or exacerbate plant problems in other areas. A rule allows the planting of indigenous tree species as a permitted activity, but requires a resource consent for any exotic tree species. The rule does not apply to other exotic plants on private land.

Method

District Plan Rules

- Landscaping — Alpine Villages

Policy B1.4.5

Discourage erecting fences in Arthur's Pass Village, except where necessary to meet safety requirements under other legislation or temporary fencing to restrain children or animals.

Explanation and Reasons

One of the characteristics of the alpine villages of Arthur's Pass and Castle Hill is the absence of boundary fences between properties. This characteristic is encouraged because it reduces the number of structures in the area and helps buildings to blend in with the landscape. In some cases, fences are necessary to meet safety requirements of other legislation, or to keep small children or animals within the property. In the latter cases, temporary fencing is encouraged, which is removed when it is not used.

Method

District Plan Rules

- Alpine Villages — Fences

CASTLE HILL VILLAGE

Policy B1.4.6

Ensure any new residential or business development outside the Living and Business zones of Castle Hill Village or within any expansion of the Living or Business zones, maintains the existing views from within the township or from the State Highway towards the Thomas River and the Castle Hill Scenic Reserve, the Torlesse Range, Craigieburn Range, Flock Hill and the Waimakariri River.

Explanation and Reasons

Views from Castle Hill Village and SH 73 towards the Thomas River and Scenic Reserve were identified as important landscapes that needed to be protected, as part of the original planning proposal for Castle Hill Village. The Malvern Section of the Transitional Selwyn District Plan includes provisions to protect these views (building line restrictions and visual buffer zones). Policy B1.4.6 ensures on-going protection of these views.

Methods

District Plan Rules

- Building — Setbacks, Castle Hill

District Plan Policies

- To assess any plan change request to rezone land

Policy B1.4.7

Require buildings and structures to be designed, sited and coloured to reflect or complement the colours and topography of the surrounding landscape.

Explanation and Reasons

Castle Hill Village is nestled within a high country basin. The village was designed and sited to:

- Reduce the visual effects of the buildings on the high country landscape; and
- Reflect the colours and vegetation of the surroundings.

The District Plan provisions continue to manage the design, siting and colour of structures and buildings at Castle Hill Village along these lines. Building design should reflect an “alpine, chalet” theme. Over 90% of respondents to the Castle Hill Village survey (April 1999) supported retaining the building design theme in the village. (Greys and earthy tones of the surrounding area). Reflectivity or brightness has more impact than hue, so the rules relate to reflectivity. Timber or local stone may be appropriate, depending on the design of the building or structure and its function. Part B, Section 3.4, Policy B3.4.28 provides more detail on the ‘alpine chalet’ theme.

Method

District Plan Rules

- Alpine Villages
- Rules for size, design and reflectivity of structures and buildings to be erected as permitted activities (no resource consent needed)

Policy B1.4.8

Avoid:

- **multi-storeyed buildings;**

- **large structures protruding from roof tops;**

- **flashing or reflective structures;**

- **large buildings on small sites; or other building or structure designs that dominate people's views of the surrounding area.**

Explanation and Reasons

The mountains and hills surrounding Castle Hill Village are quite visible from within the village. One or two storied buildings are able to harmonise with these features and do not dominate them. Similarly, tall, slim structures like aeriels and masts have only a minor effect on the skyline, provided there are not too many. Structures which are both tall and wide such as multi-storeyed buildings can dominate people's surrounding views. Flashing or reflective structures can also detract from the surrounding views.

When Castle Hill Village was initially established, there were no controls on building size. This, coupled with relatively small sections, is resulting in some large houses being built on small sections. This has two effects. Effects on privacy and amenity values within the village, (addressed in Part B, Section 4.1 – Residential Density); and effects on how built-up the village looks and people's views of their surroundings. A site coverage rule has been introduced to manage this effect. The rule is based on the average site coverage in the village now, to avoid it becoming more dense. The site coverage rule should only be exceeded in special cases or by minor amounts.

Method

District Plan Rules

- Alpine Villages

- Rules for height and size of buildings, signs and other structures

- Site Coverage — Castle Hill Village

Policy B1.4.9

Discourage erecting fences in Castle Hill Village except where necessary to meet safety requirements under other legislation or temporary fencing to restrain children or animals.

Explanation and Reasons

One of the characteristics of the alpine villages of Castle Hill and Arthur's Pass is the absence of boundary fences between properties. This characteristic is encouraged because it reduces the number of structures in the area, and helps buildings blend in with the surroundings. In some cases, fences are necessary to meet safety requirements in other legislation or to keep small children or animals within the property. In the latter cases, temporary fencing is encouraged, which is removed when it is no longer required.

Method

District Plan Rule

- Alpine Villages: Fences

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ANTICIPATED ENVIRONMENTAL RESULTS

The following outcomes should result from implementing Section B1.4:

- Facilities, structures, earthworks and landscaping at Arthur's Pass and Castle Hill villages complement the surrounding landscapes.
- Any future expansion of the townships at Arthur's Pass, Castle Hill or Lake Coleridge Village protects the views of outstanding natural features and reflect the surrounding landscape values.
- The landscapes of the Malvern Hills and Russell Range are maintained with few or no structures or buildings on them.
- The natural character and ecological, cultural, aesthetic, recreational and landmark values of the Waikirikiri/Selwyn River are not adversely affected by the expansion of Glentunnel, Coalgate or Whitecliffs townships.
- The visual distinction between a township and its rural surrounds is maintained around each township in Selwyn District.
- The landscape pattern of small townships dotted amongst a landscape dominated by 'rural' activities and features is maintained on the Canterbury Plains in Selwyn District.
- The special character and landscape and amenity values of Arthur's Pass village and of the surrounding areas of Arthur's Pass National Park are maintained and preserved.

B2.2 UTILITIES — ISSUES

- **The need for utilities and adverse effects of activities on utilities.**
- **Efficient use of utilities.**
- **Adverse effects of utilities on the environment.**

What Are Utilities?

Utilities are physical resources – the infrastructure which provides services such as: transport; water supplies; drainage; effluent and waste disposal; energy; meteorological functions and telecommunications. This section addresses issues associated with utilities, generally. Part B, Section 2.1 addresses transport networks. Part B, Section 2.3 addresses issues associated with community facilities; and Part B, Section 2.4 with waste disposal.

Utilities have the following characteristics which differentiate them from other activities:

- They are essential, ancillary requirements for most activities to mitigate adverse effects of these activities on the environment: e.g. reticulated water supplies; and sewage treatment and disposal systems.
- People expect to have access to utilities, – to a certain standard and at an affordable price, to enable them to carry out their activities.
- Some utility providers have a statutory duty to provide utilities to a certain standard and within a certain price.
- Many utilities operate in networks. They are installed and operate over a variety of geographical areas, and may have different effects in different places.

People expect utilities to be available and affordable. They also expect themselves and their environment to be protected from any adverse effects from the installation or operation of utilities.

Issues With Utilities

Need for Utilities

Utilities are essential for people to carry out economic and social activities. Utilities need to keep pace with residential and business growth. Under the RMA, any person may request a plan change to rezone land for new residential or business development at, almost, any time. Therefore the size and location of new residential or business areas is controlled less by the Council than in the past. Previously the Council rezoned land for the next 10 years of growth, at which the planning schemes were reviewed. Co-ordination is needed between plan change requests to rezone land for new residential or business development and providing utilities.

When work is required on utilities, an issue can emerge over who pays for it, particularly with utilities funded out of rates or taxes specific to the area. If existing residents or users have already paid for a utility service which is adequate to meet their needs, they may object to paying for further works on the utility to enable it to meet the additional needs of new residents.

The LTP Development Contribution Policy requires the provision of development contributions toward the cost of utilities based on service catchments. All new developments in the service catchments will be subject to a development contribution. Development contributions are generally taken at the subdivision consent stage, though they may apply at the building consent stage or at the service connection stage on residential or rural development where additional units of demand are created in the absence of subdivision.

Effects of Activities on Utilities

Activities can adversely affect utilities:

B2/36

- Demand to use utilities can exceed their design capacity, requiring additions or upgrades.
- Activities located next to a utility can affect how it operates: e.g. trees growing under power lines.
- Activities located next to utilities may be sensitive to effects from the utility and seek to restrict its operation: e.g. residential activities next to a sewage disposal area or a generator that “hums”. These are known as ‘reverse sensitivity’ effects.

Specific issues relating to efficient use of utilities in townships in Selwyn District include:

- Demand for residential development, which results in upgrades to or new utilities in some townships, while other townships have under-utilised utilities.
- Some townships need utilities to mitigate adverse effects of activities on the environment, but do not have the population (or likely population growth) to make these utilities affordable; or are not in areas where further residential development should be encouraged, due to other adverse environmental effects.
- The general settlement pattern in Selwyn, with small communities scattered over a large area, is more expensive to supply with utilities than metropolitan areas with large numbers of people concentrated in a small area.

Efficient use of utilities can also be hampered by unnecessary or unequal restrictions on their installation and use. Any planning controls should relate to the effects of the utility, not the type of utility or who is providing it.

Effects of Utilities on the Environment

Utilities are often used to mitigate adverse effects of activities on the environment. They can also cause adverse effects. People want the convenience of utilities, but often do not want to live near the infrastructure that provides the services.

A predominant effect of utility buildings and structures is their visual effect. Visual effects can depend on the type of utility and how long it has been around. For example, many people do not consider the visual effects of roads and power lines as adverse, even though they use more collective space than a satellite dish or cellphone tower. People are used to roads and power lines – they have become part of the “natural” environment.

Some utilities have adverse effects such as: noise, odour or glare from operating; shading from buildings. These effects are managed in the District Plan in the same way as similar effects on the environment from other activities.

Some utilities emit electromagnetic radiation. However the provision of these utilities will be permitted subject to compliance with NZ Standard 2772.1:1999.

Earthworks required for the construction of utilities can damage or destroy items of cultural and/or historical significance, which should be taken into account when such works are undertaken.

Provision of Utilities

Traditionally, utilities were provided by central or local government. This was usually done by designations. Increasingly, private organisations are providing utilities, as well. Some private organisations are requiring authorities (they can designate land). However, the District Plan needs to make provision for utilities using other methods than designations, because:

- It is consistent with Part II and section 32 of the Act to allow activities which have only minor effects as permitted activities.

- It is necessary to provide for the installation, maintenance and upgrade of utilities on sites which are not designated; or by utility operators that are not requiring authorities.

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UTILITIES — OBJECTIVES

Objective B2.2.1

Access to utilities to enable people and communities to carry out their activities.

Objective B2.2.2

Efficient use of utilities is promoted.

Objective B2.2.3

The provision of utilities where any adverse effects on the receiving environment and on people's health, safety and wellbeing is managed having regard to the scale, appearance, location and operational requirements of the facilities.

Explanation and Reasons

Utilities are necessary to enable many activities to take place and to mitigate adverse effects of activities on the environment. Co-ordination is needed between new activities, such as residential or business developments, and utilities to ensure that:

- Any potential activity can be supplied with the utilities it needs.

Efficient use of utilities helps to reduce the cost of providing them. Efficient use is fostered by:

- Ensuring any controls on utilities relate to effects, not the type of utility or who supplies it; and
- Encouraging the costs of supplying a utility in an area is factored into the decisions people make about where they choose to live or do business.

Utilities may have adverse effects on the environment. Objective B2.2.3 addresses these potential effects. Utilities usually have less effect, or no more effects, than other activities, and their impacts are primarily visual. These effects are managed with regard to the sensitivity of the host environment, with Living areas and Outstanding Landscapes being the most sensitive. This protection also takes into account the operational requirements of utilities. Potential health effects are addressed through reference to appropriate New Zealand Standards.

UTILITIES — POLICIES AND METHODS

Policy B2.2.1

Require that the need to supply utilities and the feasibility of undertaking, is identified at the time a plan change request is made to rezone land for residential or business development.

Explanation and Reasons

Utilities need to be co-ordinated with zones for new residential or business development, to enable people to carry out these activities. Therefore, the Council needs to know, when it decides to rezone land for residential or business development, that:

- The land can be physically supplied with utilities; and
- Any adverse effects of the utilities can be appropriately addressed.

Some utilities will require resource consents from the Regional or District Councils, separately from the plan change. Selwyn District Council does not expect those consent applications to be made at the same time as the plan change request.

However, the plan change request will need to include sufficient information to satisfy the Council that the necessary utilities can be provided to the site; and any associated adverse effects on the environment avoided, remedied or mitigated. Part E, Appendix 14 outlines the information the Council suggests be included with plan change requests.

Method

District Plan Policies

- Information to assess requests for plan changes

Policy B2.2.2

Ensure activities have access to the utilities they require at the boundary prior to any new allotment being sold; or prior to any new activity taking place on an existing allotment.

Explanation and Reasons

This standard may vary between townships. For example, in some townships reticulated sewage treatment and disposal is needed to avoid adverse effects on groundwater. In a few townships, on-site effluent treatment and disposal is adequate.

Policy B2.2.2 requires utility services to be available at the boundary of any allotment either: before it can be sold as a separate allotment, for new subdivisions; or before the activity takes place, for existing allotments. The reason is to avoid people purchasing allotments to undertake an activity only to find it cannot be supplied with the utilities they need.

Part B, Section 1.2 - Water and Part B, Section 2.4 – Waste Disposal, have policies that identify standards of water supply and waste disposal needed in various townships in Selwyn District. The method of water supply or sewage treatment and disposal may vary between townships, due to their size, ground conditions and depth to groundwater. The policies to protect water and land resources from pollution apply to all townships.

Method

District Plan Rules

- Subdivision
- Buildings
- Water Supply
- Sewage Disposal

Policy B2.2.3

Encourage the “market” to determine the efficient use of utilities.

Explanation and Reasons

The Council thinks the users and providers of utilities are the best people to determine the efficient use of them. For ‘the market’ to work efficiently, all the costs associated with installing and maintaining utilities need to be able to be charged to the “users”. They should not be distorted by planning provisions. Planning provisions should focus on addressing adverse environmental effects. Therefore the District Plan does not:

- Actively promote or restrict residential or business growth in any township based on the current capacity of its infrastructure; or
- Differentiate between rules for establishing utilities in different locations unless the effects differ.

The District Plan does:

- Set the standard of utility services needed for activities in each township to address effects, whether the utility services currently exist or not; and
- Costs for utility services are generally met through the LTP Development Contribution Policy process.

The Plan notes, in Part B, Section 4.3 – Residential and Business Development, where new or upgraded utilities, which Council supplies, are needed before a township can have additional residential or business development. It does not have policies to promote or restrict future residential growth in townships relative to the current capacity of utilities. The reason is:

- Most utilities can increase their capacity. Therefore any adverse effects of new residential or business development on the utility, are able to be mitigated.

Methods

LTP

- Development Contribution Policy

District Plan Policies

- Policies to assess plan change requests to rezone land for the expansion of townships, do not relate to the capacity of

existing utilities District Plan Rules

- Subdivision

- Building

- Utilities

- Utility Rules:

- Ensure all activities have the standard of utility services they need to address environmental effects
- Do not differentiate between types of utilities or who provides them, only effects
- Only require utility services that are needed to address environmental effects Only require utility services that are needed to address environmental effects

Policy B2.2.4

Ensure provision is made for the ongoing maintenance and repair of utilities which do not vest in the Council, and that the users of these utilities are informed of any responsibility they have for ongoing maintenance or repair.

Explanation and Reasons

In the past most utilities were provided by local or central government agencies. Increasingly, private organisations are involved in arranging utilities, such as water supplies, sewage treatment and disposal, and stormwater disposal, as part of new residential or business development. In most cases these utilities are vested in the Council who takes over responsibility for ongoing maintenance and repair. These utilities may not be vested in the Council in all cases. For example:

- A community system may be too small to be vested in the Council; or
- The Council may not be prepared to accept responsibility for a utility if they think the site or design is inappropriate or too costly to maintain.

The Council prefers community water supplies, and community stormwater and sewage disposal systems, to comply with its Engineering Design Standards (2000) and be able to connect into the public system when it is available. This means residents are not faced with individual responsibilities for the maintenance and repair of essential utilities. If responsibility for community water supplies, sewage and stormwater systems or other utilities remains with residents, there needs to be:

- A method to make purchasers of allotments aware of their responsibilities; and
- A management system put in place to organise any maintenance or repair work.

This needs to be outlined at the stage land is rezoned for new residential or business development and appropriate conditions imposed on subdivision consents.

Methods

District Plan Policies

- To assess requests for plan changes to rezone land

District Plan Rules

- Subdivision

Policy B2.2.5

Avoid potential 'reverse sensitivity' effects of activities on the efficient development, use and maintenance of utilities.

Explanation and Reasons

'Reverse sensitivity' effects occur when activities, which are sensitive to the effects of utilities, establish close to the utility and then complain about its operation. The complainants can force expensive relocation of or restrictions on the operation of the utility.

'Reverse sensitivity' effects can occur with many activities. The topic is addressed, in general terms, under Part B, Section 3.4 of the Plan.

Method

District Plan Zones

- Provide through policies and rules zones which are appropriate areas for utilities to locate likely to have adverse effects on the environment

- Restrict “sensitive” activities from establishing in these zones unless potential ‘reverse sensitivity’ effects will be minor

Policy B2.2.6

Ensure the effects of utilities are compatible with the amenity values and environmental characteristics of the zone in which they locate, also having regard to operational, functional and economic constraints.

Explanation and Reasons

Utilities encompass a diverse range of activities, structures and associated effects. Policy B2.2.6 ensures that utilities likely to have nuisance effects such as glare, odour and noise are located away from activities likely to be sensitive to these effects, where this is practical having regard to operational and functional efficiency, and economic factors. If the utility is part of a network and must be located in a Living or Business 1 Zone, other rules are also used to mitigate potential adverse effects of utilities. These include rules for visual effects: size of structures; shading; and landscaping; and reference to compliance with the appropriate New Zealand Standards to address potential health effects.

Method

District Plan Rules

- Utilities
- Non-complying activities
- Discretionary activities

Policy B2.2.7

Ensure any adverse effects of utilities on or near waterbodies, or on any ecological, heritage, cultural, recreational, aesthetic or amenity values of the waterbody, are avoided, remedied or mitigated. Explanation and Reasons

Utilities are often near waterbodies, either:

- As network utilities which must traverse the area; or
- Utilities associated with waterbodies such as water supplies or flood protection works.

Waterbodies are recognised in sections 5(2)(b), 6 and 7 of the Act as having many special values, including (but not limited to):

- Water quality and quantity;
- Aquatic life and habitats, including the habitat of trout and salmon;
- Sites of waahi tapu and mahinga kai for local Rūnanga;
- The natural character and ecological values of the edges of waterbodies (riparian margins);

- Landscape, recreational, aesthetic and amenity values; and
- Public access along natural waterbodies;
- Heritage values

Any adverse effects of utilities on these values should be avoided, remedied or mitigated. Part B, Section 1.2 addresses, generally, effects of activities on water and Part B, Section 1.3, effects of activities on ecosystems.

Method

District Plan Rules

- Utilities
- Waterbodies
- Sites of Waahi Tapu and Waahi Tonga

Policy B2.2.8

Require utilities located in areas identified in the District Plan as areas likely to be subject to natural hazards, to be designed and sited considering possible effects of the potential natural hazard.

Explanation and Reasons

Part B, Section 3.1 – Natural Hazards, Part B, Section 4.3 – Residential and Business Development, and the Planning Maps identify areas in and around townships which are known to have been subject to natural hazards in the past (for example, inundation, erosion and land instability). These are not the only areas in Selwyn District likely to experience natural hazards in the future. They are the areas where there is some information that indicates that they have been natural hazard areas in the past.

Policy B2.2.8 does not prevent utilities being located in these areas. The policy requires particular attention be given to the function, design and siting of these facilities, to minimise the environmental effects likely to result if the site is flooded, slips, erodes, shakes or ruptures. Some utilities which may have significant adverse effects if damaged may be better located away from these areas, for example: a large-scale sewage treatment plant, waste disposal facility or dam. Most of these activities will require resource consents under the Plan. In deciding on any consent application, regard must be had to all relevant objectives and policies in the District Plan, including Policy B2.2.8.

Method

District Plan Rules

- Non-complying Activities
- Discretionary Activities

Policy B2.2.9

Encourage utilities located in road reserves to be installed, maintained and replaced with minimal adverse effects on traffic safety or flow.

Explanation and Reasons

Many utilities are located in road reserves. Some network utility operators are empowered by specific statutes to enter road reserves to install, maintain and replace these utilities. Policy B2.2.9 is to encourage these network utility operators and the roading authorities to work together to reduced any adverse effects of these activities on traffic safety and efficiency. This policy should be read in conjunction with Policy B2.1.12. The safety of people working on utilities located inroad reserves is addressed under separate legislation.

Method

Advocacy

- Encourage network utility operators and road managers to discuss or develop protocols over activities within road reserves.

Policy B2.2.10

Encourage the co-siting of utilities, where appropriate.

Explanation and Reasons

As the number of network utility operators increases through competition in the private sector, the number of utility structures in an area may also increase.

Policy B2.2.10 encourages the co-siting of utilities to reduce the visual effects of utility structures. It may also reduce potential 'reverse sensitivity' effects by lessening the number of places where utilities may be sited next to activities which are 'sensitive' to their effects. The policy recognises that it is not always appropriate to co-site utilities: for example, where utilities affect one another; or have different siting requirements.

Competing network utility operators may resist policies to be co-sited with their competitors. Trade competition is a matter consent authorities are to disregard under section 104 of the Act. Therefore, co-siting of utilities will be encouraged where it mitigates potential adverse effects on the environment. Network utility operators are not expected to share facilities rather to occupy the same or adjoining sites, where practical.

Method

District Plan Rules

- Utilities
- Subdivision

Advocacy

Policy B2.2.11

Underground cables are required to be laid in Living and Business zones unless the network utility operator advises that it is technically not feasible to lay cables underground, or it only involves a minor extension of existing overhead lines.

Explanation and Reasons

Selwyn District Council encourages network utility operators to lay cables underground in townships. This reduces adverse visual effects of poles and safety effects from poles or broken wires. Some smaller townships in the District are unlikely to have existing overhead cables laid underground before a set of poles will need replacing. Policy B2.2.11 provides for overhead cables in these cases or where it may be technically difficult to lay cables underground. The consent authority may consult with the network utility operator about the feasibility or timing of laying cables underground in townships.

Method

District Plan Rules

- Subdivision

- Utilities

- Alpine Villages

UTILITIES — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental outcomes are expected from implementing Section B2.2:

- Allotments have connections to utilities when they are created.
- Activities have the standards of utilities they need to mitigate their effects on the environment, prior to the activity being established.
- The cost people pay for using utilities reflects the costs of providing the utility to that site. The cost people pay for using utilities reflects the costs of providing the utility to that site.
- Utilities are less visually prominent in the future, particularly in Living zones and along waterbodies and other areas with high aesthetic or amenity values.
- The number of sites where utility sites reduces as a result of co-location.
- Establishment or operation of utilities will not have any adverse effects on any archaeological or heritage site.

B3.4 QUALITY OF THE ENVIRONMENT—ISSUES

- **Effects of activities which make townships or areas within townships less pleasant places to live or work in.**
- **“Reverse Sensitivity” from activities with incompatible effects locating too close to one another.**

What are the Issues?

Townships in Selwyn District generally have very pleasant conditions for living or working in. The District Plan seeks to maintain these conditions.

“Environmental Quality” is the character and conditions of people’s surroundings, which influence what people think or feel about a ‘place’.

“Amenity Values” are part of the character of a place. They are defined in the Act (section 2) as:

‘Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes’.

Whether areas are perceived by people as being attractive or pleasant places to live or work in, or not, affects how people feel about being in those areas. It influences people’s social and cultural well-being and their perceptions about their health or safety. Conditions, which influence ‘environmental quality’, include (but are not limited to):

- Levels of dust, litter, odour or discharges that give perceptions of how ‘clean’ a place is.
- Levels of noise, traffic, outdoor signs, lighting and people affect how ‘busy’ a place seems.
- The size of buildings, ratio of buildings to land area, number of ‘green’ areas, access to sunlight, and outlooks affect how ‘built up’ an area seems.
- The ‘type’ of activities or buildings can also affect people’s perceptions of whether an area is a ‘living’ or ‘working’ area or a mix of both. In particular if an area includes activities that are perceived to affect people’s health, safety, outlook or property values, it may be perceived as inappropriate as a “living” area.

This section of the Plan addresses effects of activities on the quality of the environment and amenity values in townships, generally. The effects of residential density, subdivision and town growth on amenity values is addressed specifically in Part B, Section 4.1.

‘Reverse Sensitivity’ is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. The most common examples in Selwyn District arise from houses (residential activities) built next to industrial activities; in the rural area; or near busy roads or railway lines. Examples in other places in New Zealand and overseas include houses being built under approaches to airports and around landfills.

The distinction between ‘reverse sensitivity’ effects and other effects or activities on the environment, is that the effects of the less ‘sensitive’ activity exist, as part of the environment, before the sensitive activity locates there.

Quality of the Environment, Amenity Values and The Act

Effects of activities on the pleasantness of an area, its environment and amenity values is a matter to be addressed as part of promoting sustainable management.

Promoting ‘sustainable management’ of natural and physical resources includes:

- “Enabling people and communities to provide for their economic, social and cultural well-being and their health and safety”, (section 5(2));

- "Avoiding, remedying or mitigating any adverse effects of activities on the environment" (section 5(2)(c)); and

- Having 'particular regard' to:
 - "The maintenance and enhancement of amenity values" (section 7(c)); and

 - "Maintenance and enhancement of the quality of the environment" (section 7(f)).

"Reverse sensitivity" is also a matter to be addressed as part of promoting sustainable management of natural and physical resources. "People" and "natural and physical resources" are part of the definition of "environment" in section 2 of the Act. Potential adverse effects of new activities on existing activities must be "avoided, remedied or mitigated" under section 5(2)(c) of the Act. Potential "reverse sensitivity" effects have been recognised by the Environment Court as an issue under the Act, in many cases.

QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.1

The District's townships are pleasant places to live and work in.

Objective B3.4.2

A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

Objective B3.4.3

“Reverse sensitivity” effects between activities are avoided.

Objective B3.4.4

Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.

Objective B3.4.5

Urban growth within and adjoining townships will provide a high level of connectivity both within the development and with adjoining land areas (where these have been or are likely to be developed for urban activities or public reserves) and will provide suitable access to a variety of forms of transport.

Objective B3.4.6

Within the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement, to provide for rural residential development only in the locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014.

Explanation and Reasons

Townships in the Selwyn District are pleasant places to live and work in with, generally, low levels of pollution or nuisance effects and high aesthetic and amenity values, compared with metropolitan areas. Objective B3.4.1 is to maintain this quality of the environment.

Many townships in the District often have a variety of activities intermixed, rather than separated into residential and business areas. The small scale of many activities means this mixing can occur without creating adverse effects. Objective B3.4.2 recognises and provides for this land use pattern, provided potential, adverse effects are managed.

In the case of rural residential development there is the potential for reverse sensitivity effects to arise from the proximity to rural activities. This issue is addressed through Objective B3.4.3 and B4.1.2.

Some townships in Selwyn District have 'reverse sensitivity' issues. These are usually caused between 'industrial type' and 'residential type' activities, but may also arise when residential development or other noise sensitive activities establish within the 50 dBA Ldn noise contour of Christchurch International Airport. They arise when either:

- The industry or Christchurch International Airport alters its operation and its effects increase; or

- The township grows and residents live closer to the industry or within the 50 dBA Ldn noise contour of the Christchurch International Airport; or

- New residents arrive who object to the industry or operations of the Christchurch International Airport.

Objective B3.4.3 recognises and addresses this effect.

Objective B3.4.4 recognises and provides for greater management of urban development whilst providing for anticipated population growth through a diversity of housing options and living environments, including medium density housing types. A

compact urban form restricts the amount of land used for residential activities whilst providing for an increasing population. Medium density developments provide for a greater diversity of living environments catering for a variety of housing choices for

residents. Medium density developments are to be developed in accordance with Outline Development Plans to ensure that such areas are appropriately located within a wider development and are located in close proximity to public amenity areas such as open space reserves and/or shops and services.

Residential developments that have strong transport connections with small, easily navigable blocks encourage the use of a variety of forms of transport. Objective B3.4.5 seeks to ensure that new developments are well integrated with the existing urban form.

The objectives are achieved using policies and rules. A regulatory approach is used for three reasons:

- These effects are often not factored in to people's decisions about where to locate activities.

- The effects are adverse enough that they need to be addressed under the Act.

- Regulations to protect the quality of the environment and amenity values in townships, have been successful to date.

QUALITY OF THE ENVIRONMENT — POLICIES AND METHODS

ZONES

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.2

To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.

Explanation and Reasons

Policies B3.4.1 and B3.4.2 provide for the use of zones to manage the quality of the environment and amenity values in townships. Policy B3.4.1 provides for maintaining the existing character and amenity in existing areas. To achieve a more compact urban form and provide for anticipated population growth, sites in Greenfield areas of existing townships in the Greater Christchurch area have been identified for medium density developments as specified in Outline Development Plans. This policy allows for the character of these areas to differ from the low density character that is typical of the existing townships and will enable development opportunities in association with ODPs to be taken up while maintaining high levels of amenity. Policy B3.4.2 recognises that any activity may locate in a zone, provided that its effects do not detract from the quality of the environment or the amenity values in that zone. For example, small businesses and community facilities such as schools, halls and recreation grounds are part of the environment in Living zones.

Changing the zoning of land to provide new areas for Living or Business zones is addressed in Part B, Section 4.3 – Residential and Business Development.

Methods

District Plan Maps

- Identify zones

District Plan Provisions

- Zone policies
- Policies for quality of environment and amenity values in different zones
- Rules for effects in each zone
- Medium Density Design Guide
- Subdivision Design Guide
- Township Structure Plans

Policy B3.4.3

To provide Living zones which:

- are pleasant places to live in and provide for the health and safety of people and their communities;

- are less busy and more spacious than residential areas in metropolitan centres;

- have safe and easy access for residents to associated services and facilities;

- provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;

- ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities and

- ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following design principles:
 - access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes;

 - block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;

 - streets are aligned to take advantage of views and landscape elements;

 - section proportions are designed to allow for private open space and sunlight admission;

 - a subdivision layout that minimises the number of rear lots;

 - layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;

 - a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;

 - a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;

 - any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.

Policy B3.4.4 (a)

To provide for rural residential living environments through the Living 3 Zone. Where new Living 3 Zone areas are proposed, these are to be in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014 and developed in a manner that:

Is in accordance with an Outline Development Plan contained within the District Plan that sets out the key features, household density, infrastructure servicing and methods to integrate the rural residential area with the adjoining Township;

- Facilitates the provision of housing choice and diverse living environments outside of the greenfield residential priority areas shown in the Canterbury Regional Policy Statement;
- Ensures that rural residential development only occurs where it is located adjacent to a township in order to achieve a consolidated pattern of urban growth;
- Ensure that rural residential development is able to effectively connect to reticulated wastewater and water services (including the provision of a fire fighting water supply to the standards set out in SNZ PAS 4509:2008; either as provided within the reticulated system, or as supplementary on-site storage);
- Integrates with existing townships through the provision of efficient linkages and provides for a choice of travel modes;
- Avoids significant adverse landscape and visual effects on rural character and amenity and retains the distinctiveness between rural and urban environments;
- Avoids development in areas where natural hazard risk or ground contamination cannot be adequately managed;
- Avoids adverse effects on sites of significance and values to Te Taumutu Rununga and Ngāi Tahu;
- Avoids adverse effects on the safe and efficient functioning of the arterial road network;
- Avoid significant reverse sensitivity effects with strategic infrastructure, including State Highways, quarrying activities, Christchurch International Airport, Transpower high voltage transmission lines and associated infrastructure, Burnham Military Camp and the operational capacity of the West Melton Military Training Area, Council's Rolleston Resource Recovery Park and wastewater treatments plants in Rolleston and Lincoln, education facilities, and tertiary education facilities and agricultural research farms associated with Crown Research Institutes and Lincoln University.

Policy B3.4.4 (b)

Rural residential living environments are to deliver the following amenity outcomes and levels of service:

- Appropriate subdivision layouts and household numbers that allow easy and safe movement through and between neighbourhoods, and which in terms of their scale, density and built form achieves a degree of openness and rural character;

- **Avoids the provision of public reserves, parks and peripheral walkways unless required to secure access to significant open space opportunities that benefit the wider community, assist in integrating the development area with adjoining urban development, or where located in an urban growth path where future intensification is likely;**
- **Avoids suburban forms of services such as kerb and channel road treatments, paved footpaths, large entrance features, ornate street furniture and street lighting (unless at intersections);**
- **Provides fencing that is reflective of a rural vernacular, in particular fencing that is transparent in construction or comprised of shelter belts and hedging (see Appendix 43 for examples of such fencing).**

Policy B3.4.4 (c)

Rural residential areas in the adopted Selwyn District Council Rural Residential Strategy 2014 that are located within a township urban growth path identified in an adopted structure plan shall only be rezoned and developed for rural residential activities where robust methods are established to ensure that future comprehensive intensification of these areas to urban densities can be achieved. This includes methods to deliver functional and efficient infrastructure services for both the initial rural residential development and future urban intensification. Consideration shall be given to the methods referenced in Section 7 of the adopted Selwyn District Council Rural Residential Strategy 2014, including appropriate design techniques, servicing requirements and legal mechanisms developed in consultation with the Council.

Explanation and Reasons

Living zones are the zones which have the character and quality of the environment most compatible with residential activities. Other activities can be located in Living zones, provided their effects do not detract from the amenity values of the zone. All townships in Selwyn District have a Living zone. In most townships, that zone has a variety of residential, business and community activities.

The policy seeks to ensure that the Living zones provide for a variety of high quality living environments that cater for the housing choices and needs of residents. This includes providing for medium density residential areas identified in Outline Development Plans. These medium density developments encourage urban consolidation and provide for greater diversity in housing to respond to a variety of lifestyle choices to accommodate the needs of residents.

The policy seeks to ensure that medium density developments are located within close proximity of open spaces, community facilities, or neighbourhood centres. The co-location of medium density developments with open space seeks to ensure that new developments achieve a balance between the built environment and open space to ensure compatibility with the existing 'spacious' low density amenity values in the townships. Further, locating medium density close to community facilities or neighbourhood centres improves access to services and efficient movement of people, reduces the daily travel distance for residents and encourages more sustainable forms of transport, including a more effective and efficient public transport system.

The policy seeks to provide a healthy and safe living environment that reflects the lifestyle choices and needs of the community. This can be achieved through the design of new developments that respond to the surrounding natural environment, provide public and private open spaces, are easily accessed and navigated, and are positioned to make the most of sunlight.

The integration of new developments with surrounding neighbourhoods can be achieved through the creation of a variety of transport connections. The key design elements to achieve greater connectivity include providing multifunctional thoroughfare streets, a variety of transport linkage options, including access to public transport, walking and cycling routes, and green networks and neighbourhood blocks that are pedestrian friendly. To provide a high quality medium density environment the design of the development must consider street design and the layout of blocks to take advantage of the natural and physical elements of the site. This can include creating long narrow blocks to ensure that all properties receive sunlight and daylight into living areas and private open space, designing streets to respond to the landscape, and providing a strong interface with open spaces.

It is important that at higher densities new developments deliver high amenity outcomes. Medium density developments shall maintain amenity values through well designed buildings and streets that are compatible with the existing character of the township. Compatibility is to be retained through limiting building heights and scale of medium density houses. Medium density housing shall be designed to be in keeping with the surrounding environment by providing space between houses or blocks of terraces to provide privacy, sunlight and daylight access and to maximise access of private and public open space. Further, quality medium density residential development shall address and engage the street and the public realm through

quality urban design at the interface. Housing developments need to be designed with sufficient variety in building form, alignment, materials and colour to achieve an attractive composition as a whole.

Retaining existing natural, historical and other unique features of the area within the development provides a sense of identity and uniqueness to a new development.

Each of these elements when combined contribute to creating opportunities for neighbours to meet, provide opportunities for passive surveillance and contribute to a positive sense of place, community and identity for the area.

Method

District Plan Rules

- Living zones

- Medium Density Design Guide

- Subdivision Design Guide

Policy B3.4.5

To provide Business 1 Zones which enable a range of business activities to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people.

Explanation and Reasons

Business 1 Zones are areas which accommodate activities that have noise, traffic, signage, visitors, large scale buildings and similar effects that would detract from the environment in the relatively “quieter” Living zones. They are areas where people gather for work, social occasions or higher density living environments. Therefore, low levels of nuisance effects and good aesthetic standards are required. The larger townships in Selwyn District have Business 1 Zones.

Method

District Plan Rules

- Business 1 Zones

Policy B3.4.6

- (a) **To provide Business 2 and 2B Zones with few requirements for aesthetic or amenity values, but which have sufficient provisions: to safeguard people’s health and well-being and to avoid pollution of natural resources or potential ‘reverse sensitivity’ effects.**
- (b) **To provide a Business 2A Zone which can cater for business activities requiring large footprint buildings and/or sites but which have sufficient provisions to safeguard people’s health and well-being and avoid pollution of natural resources or potential ‘reverse sensitivity’ effects.**

Explanation and Reasons

Business 2 and 2B Zones are areas where activities may be able to locate that have effects which are incompatible with the character or amenity values of Living, Business 1 or Rural Zones. Activities which may be sensitive to these effects, such as residential activities, are managed in Business 2, 2A and 2B Zones to avoid potential ‘reverse sensitivity’ issues. Business 2 and 2B Zones tend to adjoin or be close to townships, so effects of some activities still need to be managed or may be inappropriate in Business 2 Zones. The Rural (Outer Plains) Zone may be an alternative location for “rural-based” industrial activities. The Business 2A Zone does not adjoin any residential area and as such caters for a larger scale of activities than other Business 2 Zones.

In the case of Rolleston the Business 2A Zone is surrounded by rural zoned land with the nearest Living Zone being located on the southern side of SH1 and the South Island Main Trunk Railway Line. A rural residential enclave (Armack Drive) exists to the west of the Business 2A Zone (beyond Railway Road and the Midland Railway) and this has been recognised in the development controls that apply along the western boundary of the Business 2A Zone.

The Business 2A Zone at Rolleston provides for a range of business activities in particular those requiring larger allotment sizes with good access to State Highway 1 and/or the Main Trunk Railway Line. In this regard this zone has an important role in the economic prosperity of the Greater Christchurch area as well as providing significant employment opportunities for Selwyn District residents.

Business 2 Zones currently exist at: Leeston, Rolleston, Darfield and Coalgate. The Business 2A Zone exists at Rolleston. The Business 2B Zone exists at Lincoln.

Method

District Plan Rules

- Business 2 Zone

- Business 2A Zone

- Business 2B Zone

Policy B3.4.7

To provide a Business 3 Zone to accommodate specialist agricultural research, education and associated business activities in surroundings that maintain the environmental quality needed to undertake these activities; and avoids potential 'reverse sensitivity' effects with other activities.

Explanation and Reasons

The effects of some of the research and business activities in Lincoln are unique in the Selwyn District. The activities often have effects that residential or other business activities may be sensitive too. On the other hand, these same activities may also be sensitive to effects from other activities, such as those typical of Business 2 Zones. Therefore, the Plan has created a specialist zone providing the character, quality of the environment and amenity values demanded by these activities.

Some of the rules for the Business 3 Zone list types of activities rather than effects. The reasons are:

- The specialist nature of this zone means that it is more efficient to describe activities than effects.

- Many of the effects being managed are difficult to write as rules.

- Pursuant to section 94 of the Crown Research Institutes Act 1993, all CRI activities in this zone are permitted activities.

Method

District Plan Rules

- Business zone

Policy B3.4.8

To recognise parts of the Rural zone around a township as an alternative area to locate certain activities which cannot locate in Living zones due to adverse effects, and there is no appropriate Business zone.

Explanation and Reasons

At present many townships in the Selwyn District do not have Business zones because they do not have areas with this character. This does not preclude future businesses from locating in these townships. As discussed in the 'explanation' to Policy B3.4.3, many small scale businesses can locate in Living zones. Where a business will have effects that are incompatible with the character of a Living zone, that activity may be able to locate in the Rural Zone around the township.

The Rural Volume of the Plan, recognises the Rural Zone as a low population density area, providing for activities that need space to operate or to mitigate their effects. There are parts of the Rural Zone that have special landscape, ecological or amenity values, and areas where natural hazards or 'reverse sensitivity' effects may occur. Any particular site within the Rural Zone would need to be appropriate for the proposed activity.

This policy does not apply to "rural-based" industrial activities of a size and scale beyond that permitted by the District Plan within the Rural (Inner Plains) Zone around existing townships, given that the effects of these types of activities may be incompatible with the higher population density and smaller allotment sizes in this area, compared to that of the Rural (Outer Plains) Zone. Similarly, this policy does not apply to that of the Rural (Outer Plains) Zone. Similarly, this policy does not apply to "other" types of industrial activities (being those not directly associated with the rural area). The effects associated with "other" types of industrial activities (being those that are not directly associated with the rural area) may detract from the amenity values of all parts of the Rural Zone and are therefore encouraged to locate within Business 2 Zones only.

This policy does not apply to the establishment of utilities in Rural Zones. For the establishment of such activities, the objectives and policies located in Physical Resources, Section B2.2 – Utilities shall apply.

A similar policy is contained in the Rural Volume of the Plan as Policy B3.4.1.

Method

District Plan Policies and Rules

- Rural Volume

Policy B3.4.9

Where an existing activity, which is not a permitted activity in a zone, applies for a resource consent to alter or expand, consider the effects of the change in the activity on the character, quality of the environment and amenity values of the zone.

Explanation and Reasons

Many townships in the Selwyn District have a mix of business and residential activities and community facilities. Policy B3.4.9 recognises that where this mix occurs the effects of established activities are part of the environment. The consent authority should consider this when assessing the effects of any proposed changes to that activity, rather than assessing the effects as if the existing activity was a new activity applying to establish in the zone.

Method

District Plan Policy

- To assess resource consent applications

BUILDING DESIGN

Policy B3.4.23

Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to:

- **Avoid, remedy or mitigate adverse effects on adjoining sites; or**

- **Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values; or**

- **Maintain and establish pleasant and attractive streets and public areas in the Business 1 zone.**

Explanation and Reasons

In general, the District Plan does not have provisions that tell people what colour, shape or materials to use when building structures. The Plan does, however have rules for the height, bulk of buildings and recession planes, to avoid adverse effects of shading and loss of privacy or outlook, on adjoining sites. In the case of the Business zones some of these provisions are either relaxed or do not exist where adjoining another business zoned site. An exception is within the Business 1 zone where it is considered that active management of design is needed in order to address the effects on public spaces.

Some areas have been identified in the Plan as having either: outstanding natural features or landscapes values or special heritage or amenity values. In these areas, the Plan has design criteria for erecting a building or structure, including signs, as a permitted activity (no resource consent needed). Buildings or structures that cannot comply with the rules, may be able to be erected through the granting of a resource consent, if the proposed design is appropriate to the area.

The areas subject to building design controls due to the proximity of outstanding natural features or landscapes are identified in

Part B, Section 1.4 of the Plan. Such controls affect the expansion of the townships of: Arthur's Pass, Castle Hill and Lake Coleridge, and the expansion of other townships in certain directions. It will also affect parts of the Rural Zone. This matter is addressed in the Rural Volume of the Plan.

The townships of Arthur's Pass and Castle Hill also have building design controls in their existing villages. These controls are to maintain the special building styles and associated character that exist in those villages, at present. This matter is addressed in policies 28 and 29 of this Section.

Building Act 2004

A building consent is still required for the erection, alteration or demolition of any building under the Building Act 2004, whether that building requires a resource consent or not. All buildings must comply with any relevant structural criteria in the New Zealand Building Code.

Method

District Plan Rules

- Height of Buildings (All Zones)

- Size of Buildings (Living zones)

- Recession Planes (All Living Zones and some Business Zones)

- Urban Design Guides

Policy B3.4.24(a)

Ensure that Business 1 zoned town centres are walkable and well integrated, and that development in those town centres contributes to the economic and social vibrancy of the District's towns by:

- **complementing public spaces (both those in public ownership and on-site public space) with high quality active frontage**

- **ensuring the provision of high quality public space**

- **bringing activity to street frontages by, where possible, positioning buildings and active frontage along the street boundary and not locating car parking between buildings and a road**

- **providing for a high quality pedestrian experience in places the public may be present**

- **ensuring that development supports the urban structure by providing for direct and logical pedestrian routes within and through larger sites and to entranceways along pedestrian desire lines**

- **ensuring entranceways are positioned in logical places for pedestrian access**

- **allowing for a variety of building typologies including large format retailing where appropriate.**

Explanation and Reasons

Town Centres are the hub of a community and the venue for a variety of transactions. A vibrant and vital town centre results from the variety of experiences and transactions on offer from a single journey. The presence of people on the street is an essential component of a vital town centre, adding interest, excitement and commercial opportunities.

An inviting and walkable town centre allows people to combine shopping and other activities (such as using the library or meeting with friends). The social fabric of the town is strengthened by the opportunities for chance encounters. There are health benefits from allowing people to incorporate walking into their daily routine. But people will only walk around a centre if it is safe, attractive and convenient.

The integration of adjacent sites is important for the economic success of the centre, increasing opportunities for multi-use visits and broadening the range of activities taking place in the centre.

For these reasons, a centre must have a layout which supports pedestrian activity and buildings must be designed to bring interest and activity to streets and areas where people may be present. Developments which turn their backs on the street and neighbouring development and which do not contribute to a pleasant and convenient pedestrian experience will undermine the opportunity for a community hub to be developed.

The plan differentiates between small developments (with floor areas below 450m²) and large ones.

Small developments have a reduced scale of effects, but there is more potential for adverse cumulative effects from development which is undertaken at different times. Effects are managed with bottom line standards designed to ensure regular development with good street interaction.

Large developments have a greater scale of effects but can be designed comprehensively and include on-site public space. These proposals need a greater degree of scrutiny, so they are restricted discretionary activities, but assessment can include the overall effects of the development on the environment (rather than rigid compliance with standards).

The policy recognises that there is a demand for large format retail; that it is appropriately located in the B1 zone; and that its presence can be an important contribution to the economic and social vitality of a town centre. It seeks a balance between the positive contribution such retail makes and the adverse effect it can have if poorly designed.

Methods

District Plan Rules (Business 1 zones)

- Streetscene

- Retail Activities

- On-Site Public Spaces

- Entranceways

- External finish

- Landscaping

- Urban Design Guides

Policy B3.4.24(b)

Support the use of building or landscaping concept plans or ideas developed for townships in Selwyn District where such plans or ideas:

- **Are appropriate to the proposed activity;**

- **Do not contravene any District Plan policies or rules; and**

- **The builder/developer is interested in using them.**

Explanation and Reasons

Some townships in Selwyn District, such as Rolleston, Lincoln, Prebbleton and Tai Tapu have town concept plans. These plans include ideas for building, design and landscaping to enhance the quality of the environment and amenity values in the township. Other townships have particular themes which are provided by business or community groups, such as verandas on shops. The Council shall encourage people to consider these ideas provided that they are appropriate, that people are interested, and that they do not conflict with any of the policies or rules in the District Plan. The Council shall not require people to adhere to these concept plans or ideas. They are not statutory documents prepared under any legislation, and are not necessary to address adverse environmental effects.

Method

Information

- Make people aware of any township concept plans where appropriate

Policy B3.4.25

In all zones in townships, ensure buildings:

- **Do not shade adjoining properties; and**

- **Maintain a predominantly low rise skyline.**

Explanation and Reasons

Policy B3.4.25 describes effects which all buildings should have, in any zone in a township. Access to sunlight is important to most sites, to make them attractive. Even if activities are predominately indoors, sunlight is a potential source of light or heating.

Townships in Selwyn District have predominately low rise buildings, except for Lincoln University and some business areas. In consultation (township surveys and landscape workshops) many residents considered multi-storey apartment blocks or other high rise buildings will adversely affect the amenity values of townships in Selwyn District because they are characteristic of more 'metropolitan' areas, and because they reduce the outlook on to the rural area.

Within the Business 2A Zone and the Business 3 Zone at Lincoln provision is made for taller buildings to reflect needs of both locations given the importance of both to the District and the Greater Christchurch area.

In the case of the Business 2A Zone at Rolleston whilst it has the same permitted height limit (15m) as the Business 2 Zones, provision is made for buildings between 15m to 20m to be considered as a restricted discretionary activity. In addition, there is no recession plane applicable within the Business 2A Zone recognising the nature and character of this Zone. The location of the Business 2A Zone is well separated from Living zones to ensure that the lack of recession plane will not result in any unacceptable effects.

In the case of the Business 3 Zone at Lincoln provision is made for multi stored buildings which is a distinctive character of the existing development in this area.

Method

District Plan Rules

- Recession Planes (all Living Zones and some Business Zones)

- Building Height (all zones)

- Building Setbacks (all zones)

Policy B3.4.26

Ensure buildings are setback an appropriate distance from road boundaries to maintain privacy and outlook for residents and to maintain the character of the area in which they are located.

Explanation and Reasons

Policy B3.4.26 manages the effects from the location of buildings relative to property boundaries. In residential areas, buildings located too close to road boundaries can affect both the outlook and privacy of neighbouring residents. They can also affect the character of the residential area, particularly if other buildings are setback from road boundaries. In business zones a setback from the road boundary may not be necessary or appropriate. This policy is implemented by rules for the setback of buildings. It should be read in conjunction with Part B, Section 2.1, Transport, Policy B2.1.6(b).

Method

District Plan Rules

- Building Setbacks (all zones)

Policy B3.4.27

Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.

Explanation and Reasons

Policy B3.4.27 and associated rules ensure non-residential activities in Living zones do not detract from the quality of the environment in Living zones. This quality includes the following things:

- Large buildings are set back from the property boundary to protect people's privacy and outlook.

- Buildings do not cover the whole of the section or site and the surrounding area is kept in lawns, gardens, paving or similar features.

- Buildings are of a similar size and height to dwellings.

There is often a market incentive for residential properties to avoid these effects, because they may reduce the value of the property. There is less direct market incentive for non-residential activities to do so. Therefore, the District Plan has a policy and rules to address these effects.

Method

District Plan Rules

- Building Setbacks (Living zones and sites adjoining Living zones)

- Site Coverage (Living zones)

- Landscaping (Living zones)

- Building Height (Living zones)

- Building Size (Living zones)

QUALITY OF THE ENVIRONMENT — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B3.4:

- Townships develop with zones of distinctive character.
- Living zones maintain a quality of the environment and amenity values compatible with residential areas.
- Most new residential activities occur in Living zones, with some higher density living areas in Business 1 Zones.
- Any new residential activities in Business 2, 2A and 2B Zones or the Business 3 Zone are ancillary to other activities in the zone.
- Increases in the variety of small scale businesses and other non-residential activities in Living zones.
- Business 1 Zones have more variety in activities and associated infrastructure.
- Business 1 Zones are attractive places for people to visit, work in or reside in.
- Lower standards of aesthetic and amenity values are maintained in Business 2, 2A and 2B Zones.
- The Business 3 Zone remains dominated by specialist research, education and associated activities.
- No increase in 'reverse sensitivity' issues in townships.

QUALITY OF THE ENVIRONMENT — MONITORING

Please refer to Part E, Appendix 1.

PART C

6 LIVING ZONE RULES — UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 2 (Earthworks), except where the provisions of Rule 3 (Heritage) apply.
2. The rules in this Plan are applicable to activities generally, including utilities. However, the following rules do not apply to utilities:

Land Use Rules for Living Zones:

- Rule 4.15 (Setbacks from Waterbodies)
- Rule 11 (Landscape Management, Alpine Villages)
- Rule 4.2 (Landscaping)
- Rule 4.8 (Building Height)
- Rule 4.9 (Building Position)
- Rule 4.7 (Site Coverage)

Rules in respect to the above matters are contained in the following rules on utilities

- 3 Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
- 4 Earthworks affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, "Archaeological Sites").
- 5 Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.

6.1 UTILITIES — ACTIVITIES

Permitted Activities — Utilities – Activities

6.1.1 Any utility which meets the following provisions and complies with all other relevant rules shall be a permitted activity:

- 6.1.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:
 - (a) The replacement of support structure cross arms;

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- (b) The reconductoring or replacement of lines;
 - (c) The resagging of conductors or lines;
 - (d) The addition of longer or more efficient insulators or mountings;
 - (e) The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;
 - (f) The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
 - (g) Pole replacement;
 - (h) Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
 - (i) The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
 - (j) An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.
- 6.1.1.2 Any utility which emits electromagnetic radiation that meets the following conditions:
- (a) Exposures comply with NZS2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
 - (b) Prior to commencing any radiofrequency emissions, the following is sent to and received by the Selwyn District Council:
 - Written notice of the location of the facility or proposed facility; and
 - A report prepared by a radio engineer/technician or physical scientist containing a prediction of whether the New Zealand standard will be complied with (note – this requirement shall not apply to the holder of an amateur radio license).
 - (c) If the report provided to the Council under condition Rule 6.1.1.2(b) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within three months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.
- 6.1.1.3 Any power frequency electric and magnetic fields created which do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public.
- Note:** Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines
- 6.1.1.4 Any transformer, line or wire does not exceed a voltage of 110kV or a capacity of 100 MVA per circuit.
- 6.1.1.5 Any new cable or line is laid underground; except for the provision of additional service connections to a maximum of three additional poles within, areas where services are already above ground.
- 6.1.1.6 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs.
- (This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located).
- 6.1.1.7 The digging of channels or ditches to convey water is limited to maintenance or minor realignment of existing drains and stock water races.
- 6.1.1.8 Any pipe used for distribution of gas (manufactured or natural) does not exceed a gauge pressure of 2000 kilopascals, including household connections and compressors.

- 6.1.1.9 The utility may involve the maintenance, operation, and improvement of existing coastal protection works, flood protection and river maintenance works, including the planting and harvesting of trees.
- 6.1.1.10 The utility does not involve the treatment of sewage or effluent, apart from the treatment and disposal of effluent on site.
- 6.1.1.11 The utility does not involve the treatment or disposal of solid waste, apart from solid waste permitted in terms of Rule 9.
- 6.1.1.12 Any pipe to convey water, sewerage or gas, is laid underground.

Restricted Discretionary Activities — Utilities – Activities

- 6.1.2 Any activity which does not comply with Rule 6.1.1.5 shall be a restricted discretionary activity.
- 6.1.3 Under Rule 6.1.2 the Council shall restrict its discretion to:
- 6.1.3.1 whether surrounding sites have overhead or underground cables;
- 6.1.3.2 if surrounding sites have overhead cables, the time frame with which they are likely to be replaced with underground cables;
- 6.1.3.3 any physical or technical difficulties with laying cables underground to the site.

Discretionary Activities — Utilities – Activities

- 6.1.4 Any activity which does not comply with Rules 6.1.1.4, Rule 6.1.1.7, Rule 6.1.1.8, Rule 6.1.1.9 and 6.1.1.12 shall be a discretionary activity.

Non-Complying Activities — Utilities – Activities

- 6.1.5 Any activity which does not comply with Rules 6.1.1.2, Rule 6.1.1.3, Rule 6.1.1.6, Rule 6.1.1.10 and Rule 6.1.1.11 shall be a non-complying activity.

6.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities — Height and Setbacks – Utility Buildings

- 6.2.1 Erecting any utility building, or any addition or alterations to, or modification of any utility building which complies with all of the following conditions shall be a permitted activity.
- 6.2.1.1 The height of the utility building shall not exceed 8m. For Rule 6.2.1.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building.
- 6.2.1.2 Except as specified under subclauses (a) or (b) below, the utility building is setback a minimum distance of 4 metres from a road boundary, and 2 metres from an internal property boundary except that a utility building may be sited along the internal boundary of a site if the boundary shares a common wall with another building.

- (a) Prebbleton

Any utility building in the Living 1A Zone at Prebbleton shall be set back from the road boundary of Trices Road by not less than 10 metres, provided that the 10 metre area is landscaped.

Any utility building shall be set back not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.

- (b) Castle Hill

Any utility building shall be set back not less than 6m from the south eastern boundaries of Lots 1 and 2 DP 22544 in the Living 1A Zone at Castle Hill Village.

Any building or structure shall be set back not less than 1.5 metres from all internal and road boundaries within the Living 1A zone at Castle Hill, except that:

- along the Living 1A zone boundaries the minimum setback shall be 3 metres; and

- where an internal boundary is also the boundary of a reserve (other than a road reserve) exceeding 1 metre in width or of an access lot or right of way there shall be no minimum setback.

6.2.1.3 The utility building is positioned so that it complies, at the property boundary with the recession plane angles in Appendix 11.

Restricted Discretionary Activities: Height and Setbacks — Utility Buildings

6.2.2 Any activity which does not comply with Rule 6.2.1.2 shall be a restricted discretionary activity.

6.2.3 Under Rule 6.2.2 the Council shall restrict its discretion to:

6.2.3.1 Internal Boundary

Any adverse effects on:

- (a) Privacy;
- (b) Outlook;
- (c) Shading; or
- (d) Amenity values of the adjoining property, it's occupiers and their activities; and

6.2.3.2 Road Boundary

Any adverse effects on:

- (a) The character of the street;
- (b) Safety and visibility of pedestrians, cyclists and motorists, and;
- (c) Shading of the road or footpath in winter.

Discretionary Activities: Height and Setbacks — Utility Buildings

6.2.4 Any activity which does not comply with Rules 6.2.1.1 and Rule 6.2.1.3 shall be a discretionary activity.

6.3 HEIGHT — UTILITY STRUCTURES

Note: For the purposes of Rules 6.3.1, Rule 6.3.2, Rule 6.3.3 and Rule 6.3.4, the maximum height of any utility structure is measured from the ground surface to the top of the highest point of the utility structure and includes any attachments. Where a utility structure is attached to a building or another structure, the height of the utility structure will still be measured from the ground level.

Permitted Activities — Height – Utility Structures

6.3.1 Any utility structure (except dish antenna) which complies with all of the following conditions shall be a permitted activity:

- 6.3.1.1 The structure does not exceed a height of 15 metres; or in the case of an aerial or antenna attached to a building, does not extend more than 2.5 metres above the point of attachment on the building to which it is attached.
- 6.3.1.2 The structure comprises any pole or mast which does not exceed 500mm in diameter beyond a height of 6m above ground level
- 6.3.1.3 The structure comprises any pole or mast which exceeds 500mm in diameter beyond a height of 6 m above ground level, provided it complies with the recession planes in Appendix 11 as if that pole or mast were a building.

For the avoidance of doubt, Rules 6.3.1.2 and Rule 6.3.1.3 do not apply to cross arms or antenna.

6.3.2 Any dish antenna which complies with the relevant following condition shall be a permitted activity.

- 6.3.2.1 A dish antenna of not more than 1.2m diameter shall not exceed a height of 8m, or if attached to a building, it shall not extend more than 2.5m above the point of attachment.
- 6.3.2.2 A dish antenna of more than 1.2m but not more than 2m in diameter shall not exceed a height of 8m, or if attached to a building, it shall not extend more than 2.5m above the point of attachment. It shall not be located in the front yard of any dwelling; and shall comply with the recession plane in Appendix 11.

Restricted Discretionary Activities — Height – Utility Structures

6.3.3 Any dish antenna which complies with the following condition shall be a restricted discretionary activity:

6.3.3.1 A dish antenna of more than 2m but less than 4m in diameter shall not exceed a height of 8m, shall not be located in the front yard of any dwelling; and shall comply with the recession plane in Appendix 11}.

6.3.4 Any resource consent application made under Rule 6.3.3 shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of:

- 6.3.4.1 The colour and reflectivity of the structure; and
- 6.3.4.2 The type of materials used, taking into account the technical requirements of the dish antenna; and
- 6.3.4.3 The design and scale of the structure; and
- 6.3.4.4 The technical suitability of the dish antenna position; and
- 6.3.4.5 The integration of the dish antenna within the site and with the surrounding environment including, but not limited to, the extent of any landscaping where this is appropriate.

Discretionary Activities — Height – Utility Structures

6.3.5 Any utility structure which does not comply with Rule 6.3.1, Rule 6.3.2 or Rule 6.3.3 shall be a discretionary activity.

6.4 LANDSCAPE MANAGEMENT ALPINE VILLAGES — UTILITIES

Arthurs Pass and Castle Hill

Permitted Activities — Landscape Management Alpine Villages – Utilities

6.4.1 The following activities shall be permitted activities in Arthurs Pass and Castle Hill Alpine Villages:

Utility Structures

- 6.4.1.1 Any utility pipe or cable laid underground.
- 6.4.1.2 Any dish antenna less than 0.75 metres in diameter, the height of which does not exceed that of the building or structure to which it is attached.

Antennas and Masts

- 6.4.1.3 Any antenna (other than a dish antenna) or mast no part or element of which exceeds a height of 10.5 metres above the ground immediately below.

Utility Building and Utility Structure Materials and Colour

- 6.4.1.4 Any utility building or utility structure which is constructed using one or more of the following materials:
- (a) Timber;
 - (b) Stone of the same type as that found in the local area; or
 - (c) Coloured corrugated metal sheeting (Arthur's Pass only).
- 6.4.1.5 Any building or structure is painted or coloured having a reflectivity value between 0 and 37% inclusive.

Restricted Discretionary Activities — Landscape Management Alpine Villages – Utilities

- 6.4.2 Any activity which does not comply with Rules 6.4.1.1 to Rule 6.4.1.5 shall be a restricted discretionary activity, which shall not be notified and shall not require the written approval of affected parties.
- 6.4.3 Under Rule 6.4.2 the Council shall restrict its discretion to:
- 6.4.3.1 The effects of the activity on the landscape values of the area.
 - 6.4.3.2 Whether the proposed activity reflects the design of any heritage buildings or general heritage values of the area.
 - 6.4.3.3 The cost to the applicant and practicality of modifying the proposed activity to better complement the landscape values of the area.
 - 6.4.3.4 Any compensatory works proposed to enhance the landscape values elsewhere in the village and the appropriateness of this work as a mitigation measure.
 - 6.4.3.5 For dwellings and principal buildings erected at Castle Hill, the appropriateness of the design of the building in relation to the 'chalet or alpine theme' of the village.

6.5 LANDSCAPING — UTILITY BUILDINGS

Permitted Activities — Landscaping — Utility Buildings

- 6.5.1 Any utility building shall be a permitted activity if the following conditions are met:
- 6.5.1.1 The area between the road boundary and the utility building is:
 - (a) Planted in lawn, and/or
 - (b) Paved or sealed, and/or
 - (c) Dressed with bark chips or similar material

Note: Except that fences on boundaries adjoining reserve areas, cycleways or pedestrian accessways identified in the Outline Development Plan for Lincoln in Appendix 18 shall not exceed 1.2m in height.

Discretionary Activities — Landscaping — Utility Buildings

- 6.5.2 Any activity which does not comply with Rule 6.5.1 shall be a discretionary activity.

PART C

18 BUSINESS ZONE RULES — UTILITIES

Notes

- 1 The undergrounding or ducting of any utility is permitted subject to compliance with Rule 14 (Earthworks), except where the provisions of Rule 15 (Heritage) apply.
- 2 The rules in this Plan are applicable to activities generally, including utilities. However, the following rules do not apply to utilities:
- Land Use Rules for Business Zones:
- Rule 23 (Landscape Management, Alpine Villages)
 - Rule 16.1 (Buildings and Landscaping)
 - Rule 16.6 (Building Height)
 - Rule 16.7 (Building Position)
- Rules in respect to the above matters are contained in the following rules on utilities.
- 3 Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
- 4 Earthworks affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).
- 5 Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.

18.1 UTILITIES — ACTIVITIES

Permitted Activities — Utilities Activities

- 18.1.1 Any utility which meets the following provisions and complies with all other relevant rules shall be a permitted activity:
- 18.1.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:
- (a)
- The replacement of support structure cross arms;
- (b)
- The reconductoring or replacement of lines;
- (c)
- The resagging of conductors or lines;

- (d)
 - The addition of longer or more efficient insulators or mountings;
- (e)
 - The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;
- (f)
 - The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- (g)
 - Pole replacement;
- (h)
 - Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- (i)
 - The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
- (j)
 - An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.

18.1.1.2 Any utility which emits electromagnetic radiation that meets the following conditions:

- (a)
 - Exposures comply with NZS2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
- (b)
 - Prior to commencing any radiofrequency emissions, the following is sent to and received by the Selwyn District Council:
 - Written notice of the location of the facility or proposed facility; and
 - A report prepared by a radio engineer/technician or physical scientist containing a prediction of whether the New Zealand standard will be complied with.

Note: this requirement shall not apply to the holder of an amateur radio license.

- (c)
 - If the report provided to the Council under condition 18.1.1.2(b) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within three months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.

18.1.1.3 Any power frequency electric and magnetic fields created do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public.

Note: Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines.

- 18.1.1.4 Any transformer, line or wire does not exceed a voltage of 110kV or a capacity of 100 MVA per circuit.
- 18.1.1.5 Any new cable or line is laid underground; except for the provision of additional service connections to a maximum of three additional poles within, areas where services are already above ground.
- 18.1.1.6 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs.
Note: this rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located.
- 18.1.1.7 Any pipe used for distribution of gas (manufactured or natural) does not exceed a gauge pressure of 2000 kilopascals, including household connections and compressors.
- 18.1.1.8 Any pipe to convey water, sewage or gas, is laid underground.
- 18.1.1.9 The construction and use of a rail siding undertaken in the area identified on the Outline Development Plan at Appendix 43.

Restricted Discretionary Activities — Utilities Activities

- 18.1.2 Any activity which does not comply with Rule 18.1.1.5 shall be a restricted discretionary activity.
- 18.1.3 Under Rule 18.1.2 the Council shall restrict its discretion to:
 - 18.1.3.1 Whether surrounding sites have overhead or underground cables;
 - 18.1.3.2 If surrounding sites have overhead cables, the time frame with which they are likely to be replaced with underground cables;
 - 18.1.3.3 Any physical or technical difficulties with laying cables underground to the site;

Discretionary Activities — Utilities Activities

- 18.1.4 Any activity which does not comply with Rules 18.1.1.4, 18.1.1.7 and 18.1.1.8 shall be a discretionary activity.

Non-Complying Activities — Utilities Activities

- 18.1.5 Any activity which does not comply with Rules 18.1.1.2, 18.1.1.3 and 18.1.1.6 shall be a non-complying activity.

18.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities — Height and Setbacks – Utility Buildings

- 18.2.1 Erecting any utility building, or any addition or alterations to, or modification of any utility building which complies with all of the following conditions shall be a permitted activity.
 - 18.2.1.1 The height of the utility building shall not exceed the following standards:
 - (a) Business 1A Zone; 8m
 - (b) Business 1 Zone; 10m
 - (c) Business 2 Zone; 15m
 - (d) Business 2A and 2B Zones; 15m
 - (e) Business 3 Zone; 25m

For Rule 18.2.1.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building.

- 18.2.1.2 The setback of the utility building shall not be less than the following standards:

- (a) Business 1A Zone – 6m from a road boundary, or from the boundary of Lots 1 and 2 DP 22544.
- (b) Business 2 Zone: 2m from a road boundary, or any boundary adjoining a Living Zone.
- (c) Business 2A Zone:

- Road Boundaries: 10m

- Internal Boundaries: adjoining a rural zoned property: 10m, except that this requirement shall be 15m in those locations identified on the Outline Development Plan attached at Appendix 22.

- (d) Business 2B Zone:

- Road Boundaries: 5m

- Internal Boundaries: adjoining a rural zoned property: 3m, adjoining a Living Z zone: 50m,

- (e) Business 3 Zone: 10m from a road boundary or a Living Zone boundary.
- (f) In all Business Zones, the building shall be positioned so that it complies on a Living Zone boundary, with the recession plane angles in Appendix 11.

Restricted Discretionary Activities — Height and Setbacks – Utility Buildings

18.2.2 Any activity which does not comply with Rule 18.2.1.2 (a) – (e) shall be a restricted discretionary activity.

18.2.3 Under Rule 18.2.2 the Council shall restrict the exercise of its discretion to consideration of:

18.2.3.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter.

18.2.3.2 Road Boundary

Any adverse effects on:

- (a) Roadscape; and
- (b) Landscaping potential; and
- (c) Shading of the adjoining road.

18.2.3.3 Internal Boundary

Any adverse effects on:

- (a) Privacy; and
- (b) Outlook; and
- (c) shading; and
- (d) any other amenity values of the adjoining property.

Discretionary Activities — Height and Setbacks – Utility Buildings

18.2.4 Any activity which does not comply with Rule 18.2.1.1 or 18.2.1.2(e) shall be a discretionary activity.

18.3 HEIGHT – UTILITY STRUCTURES

Note: For the purposes of Rules 18.3.1 and 18.3.2, the maximum height of any utility structure is measured from the ground surface to the top of the highest point of the utility structure and includes any attachments. Where a utility structure is attached to a building or another structure, the height of the utility structure will still be measured from the ground level.

Permitted Activities — Height – Utility Structures

18.3.1 Any utility structure (except dish antenna) which complies with all of the following conditions shall be a permitted activity:

18.3.1.1 The structure does not exceed the following heights:

- (a) Business 1 and 2 Zones: 25m
- (b) Business 1A Zone: 20m
- (c) Business 2A and 2B Zones: 25m
- (d) Business 3 Zone: 30m

18.3.1.2 The structure comprises any pole or mast which does not exceed 500mm in diameter beyond a height of 6m above ground level; or

18.3.1.3 The structure comprises any pole or mast which exceeds 500mm in diameter beyond a height of 6m above ground level, provided it complies with the recession planes in Appendix 11 as if that pole or mast were a building.

Note: For the avoidance of doubt, Rules 18.3.1.2 and 18.3.1.3 do not apply to cross arms or antenna.

18.3.2 Any dish antenna which complies with the relevant following condition shall be a permitted activity.

18.3.2.1 A dish antenna of less than 1.2m in diameter shall not exceed a height of 25m; or if attached to a building, it shall not extend more than 2.5m above the point of attachment.

18.3.2.2 A dish antenna of more than 1.2m but less than 4m in diameter, on a site adjoining a Living Zone, shall not exceed a height of 25m; or if attached to a building, it shall not extend more than 2.5m above the point of attachment. It shall also comply with the recession plane in Appendix 11.

18.3.2.3 A dish antenna of more than 1.2m in diameter but less than 4m, on a site not adjoining a Living Zone, shall not exceed a height of 25m; or if attached to a building, it shall not extend more than 2.5m above the point of attachment.

Discretionary Activities — Height – Utility Structures

18.3.4 Any utility structure which does not comply with Rule 18.3.1 or 18.3.2 shall be a discretionary activity.

18.4 LANDSCAPE MANAGEMENT ALPINE VILLAGES (ARTHUR'S PASS AND CASTLE HILL) – UTILITIES

Permitted Activities — Landscape Management Alpine Villages (Arthur's Pass and Castle Hill) – Utilities

18.4.1 The following activities shall be permitted activities in the Arthur's Pass and Castle Hill Alpine Villages:

Utility Structures

18.4.1.1 Any utility pipe or cable laid underground.

18.4.1.2 Any dish antenna less than 0.75 metres in diameter, the height of which does not exceed that of the building or structure to which it is attached.

Antennas and Masts

18.4.1.3 Any antenna (other than a dish antenna), mast or utility or other structure that is not a building, no part or of which exceeds a height of 15 metres above the ground immediately below.

Building Materials and Colour for Utility Buildings and Utility Structures

18.4.1.4 Any utility building or utility structure which is constructed using one or more of the following materials:

- (a) Timber; or
- (b) Stone of the same type as that found in the local area, provided that it complies with all other “relevant” rules, and
- 18.4.1.5 The exterior roof and wall colour(s) of any utility building or utility structure, except for trim items, has a reflectivity value between 0 and 37% (inclusive).

Restricted Discretionary Activities — Landscape Management Alpine Villages (Arthur’s Pass and Castle Hill) – Utilities

- 18.4.2 Any activity which is not listed in Rules 18.4.1.1 to 18.4.1.5 shall be a restricted discretionary activity, which shall not be notified and shall not require the written approval of affected parties.
- 18.4.3 Under Rule 18.4.2 the Council shall restrict its discretion to:
- 18.4.3.1 The effects of the activity on the landscape values of the area.
- 18.4.3.2 Whether the proposed activity reflects the design of any heritage buildings or general heritage values of the area.
- 18.4.3.3 The cost to the applicant and practicality of modifying the proposed activity to better complement the landscape values of the area.
- 18.4.3.4 Any compensatory works proposed to enhance the landscape values elsewhere in the village and the appropriateness of this work as a mitigation measure.
- 18.4.3.5 For principal buildings erected, the appropriateness of the design of the building in relation to the ‘chalet or alpine theme’ of the village.

18.5 LANDSCAPING – UTILITY BUILDINGS

Permitted Activities — Landscaping Utility Buildings

- 18.5.1 Any utility building shall be a permitted activity if the following conditions are met:
- 18.5.1.1 The area between the road boundary and the utility boundary is:
- (a) Paved or sealed; or
- (b) Planted in lawn; or
- (c) Landscaped with shrubs, bark chips or similar materials
- (d) For the purpose of screening in the Business 2, 2B and 3 zones, landscaping methods listed in (a)–(c) can be employed.
- 18.5.2 Any principal building in the Business 2A Zone shall be a permitted activity if the following standard is met:
- 18.5.2.1 A landscaping strip of at least 3 metres width shall be provided along every road frontage, except along the frontage with Railway Road. The landscaping shall meet the following standards:
- (a) The landscaping shall consist of only those species listed in Appendix 21. Planting for each allotment shall include:
- A minimum of two trees from Group A for every 10 metres of road frontage. For boulevard roads the species selected shall match any Group A species in the adjacent road.
 - At least 35% of the required area shall be planted in species from Group C.
 - At least 10% of the required area shall be planted in species from Group D.

- Group B and C species shall be used when screening blank walls and vehicle courts.
- (b) All plants shall be of the following maximum spacings:
- Group B – 1.5 metre centres;
 - Group C – 1.5 metre centres;
 - Group D – 700mm centres.
- (c) The landscaping planted shall be maintained and if dead, diseased or damaged shall be removed and replaced.
- (d) No fences or structures shall be erected within the 3 metre landscaping strip. Footpaths of up to 1.5m in width and generally at right angles to the road frontage may be provided in the landscape strip.
- (e) All new planting areas shall be mulched.
- 18.5.3 Any utility building within the Business 2B Zone shall be a permitted activity, if the following standards are met:
- 18.5.3.1 A landscape strip of at least 5m width shall be established and maintained along the Springs Road frontage of every site, comprising one Podocarpus totara tree for every 5m of the road frontage, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity.
- 18.5.3.2 A landscape strip of at least 3m width shall be established and maintained along all other boundaries of the Business 2B and Outer Plains zone, comprising one Podocarpus totara tree for every 10m, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity, with spacing of no less than 5m and no greater than 15m.
- 18.5.3.3 Before any utility building is erected on any parcel of land subject to Rule 16.1.5.1 to 16.1.5.3, all of the landscape planting on that allotment shall be completed.
- 18.5.3.4 The landscaping planted shall be maintained, and if dead, diseased or damaged, shall be removed and replaced.

Discretionary Activities — Landscaping – Utility Buildings

- 18.5.4 Any activity which does not comply with Rule 18.5.1, 18.5.2 or 18.5.3 shall be a discretionary activity.

Reasons for Rules

Rule 18 manages effects of establishing, maintaining, upgrading and replacing utilities on the environment.

Many activities involving utilities are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply. However, it is still necessary to have rules in the Plan, because:

- (a) Not all utilities are managed by requiring authorities;
- (b) Often utilities are installed by private developers as part of subdivisions or land uses. Some utilities may vest in the Council. The Plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of utilities which will vest in the Council;
- (c) If the rules in the District Plan allow activities as permitted activities, it may reduce the need for network utility operators to designate land; and
- (d) It is consistent with Part II and Section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

The Plan clarifies situations where the upgrading, maintenance and replacement of utilities can occur as of right, to provide legal certainty. The rules for the height and bulk of utility structures and building are specific to those activities, and rules applicable to other buildings do not apply in most cases. This reflects the specialised (and usually minor) scale of buildings

and structures such as poles, masts and antenna associated with utilities. However the sensitivity of important landscapes and living environments is recognised in the thresholds rule set in the Plan. Rules 18.1.1.2 and 18.1.1.3 address potential effects from electromagnetic radiation and power frequency electric and magnetic fields. The rules are firmly based on recognised national standards concerning these effects.

Rules 18.1.1.4 and 18.1.1.5 concern cables and lines. The rules encourage undergrounding of such lines where this is a realistic expectation. New high voltage lines will require consent and assessment given their significant visual impacts, with particular regard to siting.

Rule 18.1.1.6 discourages on site energy production or treatment of solid waste (subject to specific exemptions).

Rule 18.1.1.7 provides for reticulated gas supplies of a scale appropriate to a residential or light industrial environment.

Rule 18.2 relates to utility buildings. It allows them to be at the same scale as buildings in Living Zones generally, but also recognising that they do not require as much surrounding space as dwellings. Setback and recession plane requirements are set in place to protect neighbours and any Living zone, from the bulk of utility buildings.

Rule 18.3 relates to utility structures which comprise very small buildings, or poles, masts, pylons and antenna. For operational efficiency these are allowed to be higher than buildings, but also require compliance with recession planes on Living Zone boundaries where a utility support structure has a "thick" profile of more than 500mm. The rules relate to the sensitivity of the receiving zone environment.

B1.4 OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ISSUE

- **Activities which damage or destroy the values of Areas of Outstanding Natural Features and Landscapes, or views of these areas and features.**

Introduction

Part of promoting the sustainable management of natural and physical resources is recognising and protecting:

Outstanding natural features and landscapes from inappropriate subdivision, use and development” (section 6(b)).

The Act does not state how to identify or measure “outstanding” or “inappropriate”. These matters must be determined in the District Plan. This section describes the ‘outstanding landscapes’ in the District, explains how these areas were identified, and provides for appropriate uses in these areas.

Identifying Outstanding Landscapes and Appropriate Uses

Identifying outstanding landscapes involves making qualitative judgements about landforms. It can be subjective, because it relies on opinions about attractiveness. To identify any areas of outstanding natural features and landscapes within the Selwyn District, the District was divided into five geomorphic areas:

- Port Hills

- Canterbury Plains

- Te Waihora/Lake Ellesmere

- Malvern Hills

- High Country

A 'shared values' approach was adopted. The Council consulted with residents, landowners, occupiers, Tāngata whenua and interest groups about any areas or natural features which they considered to be outstanding in each geomorphic area. The participants then identified activities which they thought had effects which were appropriate and inappropriate within these outstanding areas or natural features. The discussions were facilitated by a professional landscape architect, and form

the basis of the policies and rules in this plan. Throughout this process the Canterbury Plains were identified as special, but did not meet the rigorous test that section 6(b) requires when determining landscapes are “outstanding”.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues with outstanding natural features and landscapes in the rural area:

- Policies to identify the outstanding natural features and landscapes in the District.

- Policies and rules manage inappropriate uses in these areas.

- Policies and rules to maintain the rural character of the Rural zone outside the Areas of Outstanding Landscapes.

- A policy gives the Council discretion to waive all or part of the costs of resource consents for activities in Areas of Outstanding Landscapes to help “balance” private costs and community benefits.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES – OBJECTIVES

Objective B1.4.1

The Outstanding Natural Features and Landscapes of the District are recognised and protected from inappropriate use and development while still enabling people to provide for their economic and social well-being.

Explanation and Reasons

Part of promoting sustainable management of natural and physical resources is recognising and protecting Areas of Outstanding Natural Features and Landscapes (section 6(b)). Many of the Areas of Outstanding Natural Features and Landscapes are on properties which are owned or leased for farming or other purposes. Part of promoting sustainable management is:

Enabling people and communities to provide for their social, economic and cultural well being... (section 5(2)).

Unless Areas of Outstanding Natural Features and Landscapes are going to be purchased by the Crown or by the community for conservation or protection, it is essential that landholders and occupiers are able to continue their existing land uses and to be able to diversify into other activities. This may mean further changes to vegetation cover and new structures or earthworks.

Objective B1.4.1 is achieved through policies which:

- Identify the Areas of Outstanding Natural Features and Landscapes in the District.

- Allow activities that will have complementary or only minor effects on the landscape values of these areas.

- Recognise the surrounding rural area as a backdrop to these Areas of Outstanding Natural Features and Landscapes; and have conditions by which activities are permitted (no resource consent needed) to help maintain the character of the surrounding area.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — POLICIES AND METHODS

DISTRICT WIDE

Policy B1.4.1

Provide for the mix of physical and natural elements that are often contained in Outstanding Natural Features and Landscapes to continue.

Policy B1.4.2

Recognise that landscapes will change over time and allow changes to landscapes provided that they complement the landscape and retain its core values.

Policy B1.4.3

Control the effects of clearance of indigenous vegetation in the Outstanding Landscape Areas and encourage the restoration and enhancement of indigenous vegetation generally, and the mitigation of practices which are adversely impacting on indigenous vegetation cover.

Explanation and Reasons

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and Landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example, modified vegetation cover such as pasture or exotic trees, stock fences, roads and other utilities, dwellings, accessory buildings and Ski Area infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Porters Ski and Recreation Area. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country.

Policy B1.4.2 recognises that most landscapes change naturally over time. Climate, geomorphic processes and biological processes can change the appearance of a landscape over time. Landscapes can also change temporarily with seasons or time of the day. Changes are an integral part of landscapes and protecting Areas of Outstanding Natural Features and Landscapes does not mean freezing them in time. Changes should be allowed, provided that these changes maintain the fundamental values of the landscape and fit with the character of the area.

Policies B1.4.1, B1.4.2 and B1.4.3 apply generally throughout the District. They are complemented by specific policies to manage each Area of Outstanding Landscape in the District.

Methods

District Plan Policies

- Outstanding Landscapes

District Plan Rules

- Earthworks
- Tree Planting
- Buildings
- Structures and Other Utilities
- Subdivision

- Indigenous Vegetation Clearance

Policy B1.4.4

To use discretion to waive all or part of resource consent processing fees for activities in Areas of Outstanding Natural Features and Landscapes, where:

- (a) The proposed activity would not otherwise require a resource consent; and**
- (b) The proposed activity will maintain or enhance the landscape values of the area.**

Explanation and Reasons

The Council has discretion to waive all or part of the charges for processing resource consent applications. Policy B1.4.4 indicates that the Council may do so for resource consent applications for activities in Areas of Outstanding Natural Features and Landscapes. The rules in Areas of Outstanding Landscape can impose private costs on landholders and occupiers, for a public or general benefit. Remitting resource consent fees is a way of reducing those private costs.

The policy has two conditions. Firstly, the application must be for an activity which would not need a resource consent if the site was not in an Area of Outstanding Landscape. Secondly, the proposed activity must be one that will maintain or enhance the landscape values of the area. The Council does not believe that general rates should cover the costs of processing resource consent applications for activities that will not maintain the landscape values of the area (and are likely to be declined anyway).

Policy B1.4.4 is similar to policies for landholders and occupiers with heritage or cultural sites on their properties (see Policy B3.3.9).

Method

District Plan Rules

- Waive or reduce resource consent processing fees

PORT HILLS

Policy B1.4.5

Recognise the Port Hills as an Area of Outstanding Natural Landscape, and protect the following features:

- (a) The visibility of prominent landforms – ridges, spurs, rocky outcrops and volcanic dykes.
- (b) The summit and its outcrops such as Gibraltar Rock, and Cooper’s Knob, which form part of the ‘Ring of Seven Ladies.’

Policy B1.4.6

Avoid locating any dwelling, any other large structure or building, or any exotic plantation, shelterbelt or amenity planting in the area from 30.46m vertically below the Summit Rd to the summit of the Port Hills unless it must be located in that area and cannot reasonably be located elsewhere.

Policy B1.4.7

Restrict subdivision and development of land for residential purposes within the Port Hills Area, recognising that such activities are more appropriate on the lower slopes (below 160m above sea level).

Policy B1.4.8

Keep residential density and site coverage with buildings at a low level which maintains the predominance of vegetation cover and the sense of low levels of human occupation and building development, which are characteristic of the Port Hills in Selwyn District.

Policy B1.4.9

Ensure any building or structure erected on the Port Hills and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which:

- Blend in with the surrounding landscape; and
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road; and
- Avoid or mitigate any adverse effects on openness, visual coherence or legibility of the landscape.

Policy B1.4.10

Recognise exotic plantations as part of the land uses on the Port Hills and, wherever practical, encourage these plantations to be:

- (a) Planted in patterns which reflect the contours of the landscape;
- (b) Planted in places which do not screen the visibility of the landforms listed in Policy B1.4.5 as viewed from any public road; and
- (c) Interspersed with other land uses and vegetation cover.

Policy B1.4.11

Avoid, remedy or mitigate adverse visual effects associated with earthworks in the Port Hills Area by ensuring that:

- (a) Earthworks are limited in volume; and
- (b) The site is, to the greatest extent practicable, recontoured and replanted to the same state as surrounding land either when earthworks cease or at the end of appropriate stages (in the case of a large-scale operation).

Explanation and Reasons

The Port Hills area within Selwyn District has been identified as an Area of Outstanding Landscape. This classification reflects a combination of the geomorphology of the Port Hills (its volcanic origins), its prominent position as a backdrop to the Plains and to Christchurch City, and the predominantly rural land uses on the Port Hills within Selwyn District. The rural land uses help maintain the visibility of geomorphic features such as ridges, spurs, dykes and outcrops, and help make the area popular for outdoor recreation. The Port Hills also has significant landscape values for Tāngata whenua, particularly the summit and rocky outcrops, ridges and spurs. Gibraltar Rock and Cooper's Knob form part of a ring of rocky outcrops known by local Rūnanga as The Ring of Seven Ladies.

Policy B1.4.5 identifies the Port Hills as an Area of Outstanding Landscape and lists those features of the Port Hills which contribute most to these values. Policies B1.4.6 to B1.4.11 describe the activities and effects which are appropriate and inappropriate to maintain the landscape values of the Port Hills.

The Port Hills is not a pristine natural landscape. Māori and Europeans have occupied the area and vegetation cover has been modified for cultivation and pastoral farming. More recently, land uses have diversified to include residential developments with a rural lifestyle, outdoor recreation and exotic plantations. Policies B1.4.6 to B1.4.11 recognise that all these activities may be appropriate or inappropriate on the Port Hills, depending on the number, scale and nature of these activities. The policies address effects of erecting houses (dwellings), other large structures or buildings, earthworks and tree planting.

Policy B1.4.6 recognises and protects the special landscape values of the summit of the Port Hills. The area between the Summit Road and the summit is the most visible part of the Port Hills landscape from the Plains and Christchurch. It is an area which is much used for recreation. The summit and ridgelines are important landforms for Tāngata whenua. Mountains and hills are part of their ancestry or whakapapa, and erecting structures on the summit of a hill or mountain is inappropriate. Policy B1.4.6 does not allow for large structures, buildings or exotic plantations in that area from 30.46 metres vertically below the Summit Road to the summit. This policy reflects the tenor of the Summit Road (Canterbury) Protection Act 2001, but acknowledges, as does that Act, that there may be circumstances in which exceptions are appropriate.

Policies B1.4.7, B1.4.8 and B1.4.9 deal with effects of buildings and structures on the Port Hills, generally. Policies B1.4.7 and B1.4.8 acknowledge that there will be a demand for subdivision and erecting houses (dwellings) within the Port Hills in the future. Policy B1.4.7 recognises that this activity may more appropriately occur in that area shown on the planning maps as the Lower Slopes (the area below the 160m contour). The Lower Slopes is an area slightly less prized for its recreational and landscape values than the Upper Slopes (the area above the 160m contour). Residential subdivision and development on the Port Hills within the Christchurch City has occurred largely below that contour. The policy does recognise that there may be some sites in the Upper Slopes where the visual effects of erecting a dwelling may be minor. The rules are tougher in this area, and allow for public notification of any resource consent application.

While there is some scope for further subdivision for residential purposes on the Port Hills, Policy B1.4.8 seeks to keep residential density and building site coverage generally, at a low level. The current low level of building development on the Port Hills in Selwyn District is a major contributor to its landscape and recreational values. Policy B1.4.8 should be read in conjunction with Policy B4.1.1, which sets a residential density standard for the Port Hills.

Policy B1.4.9 is to manage the design and siting of all large buildings and structures on the Port Hills to try and mitigate adverse visual effects. Policy B1.4.9 is not intended to prevent houses and other buildings from being erected on the Port Hills, provided they are designed and sited in sympathy with the surrounding landscape. The policy relates to both buildings and any associated access, utilities and infrastructure. Often roads or vehicular accessways, power pylons and similar features can have a greater visual effect on the landscape than the building they serve. The policy is implemented by a rule which manages the reflectance value of the exterior finish of buildings. The reflectivity of a surface can determine how prominent a structure or building looks, more so than hue or colour. In some cases, a finish with a high reflectance value may be appropriate, for example, where the building is screened or the material is a natural stone which is appropriate for the area.

Policy B1.4.10 applies to planting of exotic plantations on the Port Hills. As with Policy B1.4.9, Policy B1.4.10 is not intended to prevent exotic plantations on the Port Hills. Rather the policy is to manage the location and pattern of planting to reduce the visual effects of the plantation on landscape values. In particular, the policy encourages plantations to be planted in patterns that follow landforms, rather than rectangular shapes which cut across or dominate landforms, and in patterns which do not screen prominent features listed in Policy B1.4.5. Policy B1.4.10 does recognise that these patterns of planting may not always be practical to achieve, eg where there are sites which are unsuitable for planting for other reasons, where there is difficulty with access to sites or property boundaries which cut across landforms.

Policy B1.4.11 manages the effects of earthworks in the Port Hills Area. Earthworks have the potential adversely to affect the outstanding natural landscape values of the Port Hills as well as having impacts upon land stability, sedimentation, soil productivity and habitats. District Plan provisions will ensure that effects on landscape values are avoided, remedied or mitigated by limiting the volume of earthworks and requiring site rehabilitation where appropriate. The 'Land and Vegetation Management Plan – Part II: Earthworks and Vegetation Clearance on the Port Hills', administered by the Canterbury Regional Council, contains specific provisions to manage those effects of earthworks that have to do with soil conservation

and the use or diversion of water – in particular those pertaining to slope stability, soil erosion, sedimentation, water quality and alterations to watercourses. Additional consents may be required from that Council.

Methods

Regional Rules

- Earthworks on the Port Hills

District Plan Rules

- Earthworks
- Buildings
- Residential density
- Utilities and other structures
- Tree planting
- Subdivision

Summit Road (Canterbury) Protection Act 2001

CANTERBURY PLAINS AND TE WAIHORA/LAKE ELLESMERE

Policy B1.4.12

Recognise that the land between the Christchurch City and a line extending from West Melton to Tai Tapu is identified in the RPS as providing a significant 'rural' landscape in contrast with the 'urban' landscape of the City.

Explanation and Reasons

Objective 3 and Policy 5 of Chapter 12 of the RPS identify land lying between Christchurch City and a line from West Melton to Tai Tapu as a 'rural' landscape that provides an important contrast to the 'urban' landscape of the City. The RPS states that this land should remain in "rural or recreational" uses.

There are a number of townships within and bordering the area so identified in the RPS. Policies in this volume dealing with residential density and the growth of townships and policies in the Townships volume on township growth are relevant to this issue. These are relevant matters to be considered in any plan change that seeks to rezone land within or bordering on the identified area for Living or Business purposes.

Policy B1.4.13

- (a) **Recognise Te Waihora/Lake Ellesmere and its margins as an Outstanding Natural Feature; and**
- (b) **Ensure that any structures, earthworks or tree planting located along the margins of the lake, or any structure located across the surface of the lake do not detract from its natural character or the views across the lake or from the lake across the Plains; and**
- (c) **Control the clearance of existing areas of indigenous vegetation and wetlands, and encourage the restoration and enhancement of these areas in and around the vicinity of the lake.**

Policy B1.4.14

Avoid locating any structure or removing rock from the rocky outcrop at Motukarara which is shown on the planning maps as a landmark for Tāngata whenua.

Explanation and Reasons

Te Waihora/Lake Ellesmere is an Outstanding Natural Feature and the views from the lake across the Plains and from the lake edge across the water, have been identified as Outstanding Landscapes in the shared values approach for the District Plan. Te Waihora/Lake Ellesmere and its surrounding wetlands is a site of immense cultural importance to Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga. Maintaining or enhancing the natural character of the lake and its margins is important to local Rūnanga.

Policies B1.4.13 (a) and (b) recognise these values and manages the activities which are most likely to affect them, structures and tree planting in the margins of the lake and structures extending across the surface of the lake. Policies B1.4.13 (a) and (b) do not prevent these activities from occurring, provided they are appropriately designed and sited to maintain the natural character of the lake and these views. Policies B1.4.13 (a) and (b) should be read in conjunction with policies in Part B Section 1.3 – Water, to maintain the natural character of waterbodies. The policy is implemented by District Plan rules for activities in the margins of waterbody and structures which extend across the surface of waterbodies. Section 13 of the RMA controls structures in the beds of lakes and rivers.

Policy B1.4.13 (c) recognises the importance of indigenous vegetation and wetlands to the ecosystem functioning and natural character of the Lake. Policy B1.4.13 (c) should be read in conjunction with the policies in Part B, Section 1.2 Vegetation and Ecosystems.

Policy B1.4.14 applies to a site which has been identified as a landmark of significance to Te Taumutu Rūnanga. The rocky outcrop at Motukarara once formed an island within Te Waihora/Lake Ellesmere. The quarrying or removal of rock from this feature or erecting any structure on this feature is an inappropriate use.

Methods

District Plan Policies

- Riparian margins

District Plan Rules

- Earthworks

- Tree Planting

- Buildings

- Utilities and Other Structures

- Activities

- Clearance of Indigenous Vegetation

MALVERN HILLS

Policy B1.4.15

Recognise the following Areas of Outstanding Landscape and Outstanding Natural Features within the Malvern Hills area, as shown on the Planning Maps:

- The upper slopes of the Russell Range;
- The south face of Flagpole Hill;
- The ridge of the Rockwood Range;
- The rock outcrops at Glenroy.

Policy B1.4.16

Avoid locating dwellings or other large buildings, structures or utilities in the Areas of Outstanding Landscape in the Malvern Hills, unless the building or structure must be located in that area.

Policy B1.4.17

Where a building or structure must be located in an Area of Outstanding Landscape under Policy B1.4.16:

- Ensure the building or structure and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which minimise the visual effects on the landscape.

Policy B1.4.18

Avoid locating plantations (exotic or indigenous) in the Areas of Outstanding Landscape in the Malvern Hills, unless it is the only practical option to manage soil erosion or the spread of plant pests on that land.

Policy B1.4.19

If a plantation is planted under Policy B1.4.18, ensure it is planted to reflect landform patterns and shapes and maintain the landscape values of the area as much as practical.

Policy B1.4.20

Avoid, remedy or mitigate any adverse effects associated with earthworks in Outstanding Natural Features and Landscapes by ensuring that:

- Earthworks are limited in volume; and
- The site is recontoured and replanted to the same state as surrounding land either when the operation ceases, or at the end of appropriate stages for a large-scale operation.

Explanation and Reasons

The Malvern Hills is used in the Plan to describe the foothills. The area is shown on the planning maps. It comprises both rolling downs and higher peaks. Policy B1.4.15 identifies the Areas of Outstanding Natural Features and Landscapes within the Malvern Hills, identified through the 'shared values' approach for the District Plan. There are also sites within the Malvern Hills which have significant landscape values for Tāngata whenua, including the south face of Flagpole Hill. Mountains and

hills generally are important landscape features for Tāngata whenua. They are part of the ancestry of Tāngata whenua, their whakapapa, and erecting structures on the hilltops or the summit of mountains is inappropriate.

Policies B1.4.16 to B1.4.20 manage activities within the Areas of Outstanding Landscape.

Policy B1.4.16 manages houses (dwellings) and other large buildings and structures. These objects should be avoided in Areas of Outstanding Landscape unless the building or structure must be located in that area, that is, there is no alternative site where it can be located and serve its purpose. Where a building or structure must be located in the Area of Outstanding Landscape, Policy B1.4.17 requires the building and any associated access, utilities or other infrastructure, to be designed and sited to mitigate any adverse visual effects. The policy applies to associated activities such as access and infrastructure because roads, power pylons or other utilities can have greater visual effects than the building or structure they serve. Policy B1.4.16 is implemented by a rule which requires a resource consent for larger structures and buildings in Areas of Outstanding Landscape. The policy and rule do not apply to accessory buildings and other structures which are less than 40m² in gross floor area, less than 4m in height and have a reflectance value on exterior finishes of 37% or less.

Policy B1.4.18 applies to plantations. Plantation forestry (exotic or indigenous) should be avoided in the Areas of Outstanding Landscapes in the Malvern Hills. These areas are valued for the prominence and visibility of the landforms, which are likely to be adversely affected if the area is planted in trees and these landforms are no longer visible. Policy B1.4.18 contains an exception, where plantation forestry is the only practical method to manage soil erosion or the spread of plant pests in these areas.

Policy B1.4.20 manages earthworks in Areas of Outstanding Natural Features and Landscapes. The policy does not encourage earthworks, but recognises that they may be necessary in Areas of Outstanding Natural Features and Landscapes.

In addition, the Council must be satisfied that any adverse visual effects will be adequately avoided, remedied or mitigated. This includes effects from the earthworks operation and the rehabilitation of the site once earthworks cease. Where large-scale earthworks are occurring, such as quarrying, site rehabilitation is to occur in stages as each area is worked, rather than at the end of the entire operation. This policy reduces the duration and extent of any adverse visual effects.

HIGH COUNTRY

Policy B1.4.21

Recognise and protect the Areas of Outstanding Landscape in the high country, shown on the Planning Maps, and the following Outstanding Natural Features and sites with landscape significance to Tāngata whenua: ● Moana Rua/Lake Pearson and St Bernard Hill

- Ribbonwood Fan

- Red Hill and Red Lakes

- Torlesse Range

- Fighting Hill

- Woolshed Hill

- Gorge Hill, Pebble Hill and Flock Hill formation

- Castle Hill.

Explanation and Reasons

The Areas of Outstanding Landscape in the high country are shown on the planning maps. They encompass large areas of unimproved or lightly improved tussocklands, conversation areas, lakes, wetlands, river valleys, areas with unusual geomorphic features and areas which have landmark or other cultural significance to Tāngata whenua. The areas listed in Policy B1.4.21 are all included within the Areas of Outstanding Landscape, but have been listed in the policy to highlight that they have other significant values too. Moana Rua/Lake Pearson and St Bernard Hill, the Ribbonwood Fan, Red Hill and Red Lakes and the Torlesse Range were all identified as Outstanding Natural Features, using the shared values approach for the District Plan. The Torlesse Range is also a significant landmark for some local Rūnanga Fighting Hill, Woolshed Hill, the formation of Gorge Hill, Pebble Hill and Flock Hill, and Castle Hill are also significant landmarks for local Rūnanga.

The Planning Maps also show areas marked as Forestry Exclusion Areas. These areas are excluded from the Areas of Outstanding Landscape, because they are areas where more intensive pasture improvements, structures and buildings, earthworks or other activities may be appropriate landscape changes, but where exotic plantations may have adverse effects on the landscape. Rather than limiting other uses of that land by classifying it as Areas of Outstanding Landscape, the Plan has confined the restrictions to the one land use which may be inappropriate in those areas (Policies B1.4.25 and B1.4.26). For other land uses in the Forestry Exclusion Areas, the policies and rules for the high country, generally (Policies B1.4.30 to B1.4.32) apply.

Policies B1.4.22 to B1.4.29 identify activities and effects which are appropriate and inappropriate in Areas of Outstanding Landscape. Policies B1.4.30 to B1.4.32 apply to land in the high country which is not within the Areas of Outstanding Landscape.

Policy B1.4.22

Recognise pastoralism, outdoor recreational activities and associated pasture improvements, shelter belts and small-scale earthworks and structures, as appropriate activities in Areas of Outstanding Landscape in the high country.

Explanation and Reasons

The Areas of Outstanding Landscape in the high country are areas which are dominated by brown tussocklands or indigenous scrub or forest. Much of the land in the Areas of Outstanding Landscape in the high country is not a pristine, natural landscape (except for Arthur's Pass National Park and some reserve areas). It has been occupied by Māori and Europeans. The original vegetation cover has been altered by fires and pastoralism, and the area contains some improved pasture, shelter belts, small structures, ski field infrastructure and earthworks associated with activities such as pastoralism, outdoor recreation and access tracks. These uses and features are part of the Areas of Outstanding Landscape in the high country and are appropriate activities within them. In many areas continued grazing or some other form of land management is necessary to manage the spread of plant pests and to retain a predominantly tussock vegetation cover.

Policy B1.4.23

Avoid locating dwellings or other large buildings, structures or utilities in the Areas of Outstanding Landscape in the high country unless:

- **The building or structure must be located in that area to serve its purpose; or**
- **The building or structure is associated with an activity in the Area of Outstanding Landscape and there is no suitable site outside the Area of Outstanding Landscape.**

Policy B1.4.24

Where a building or structure must be located in an Area of Outstanding Landscape under Policy B1.4.23, ensure the building or structure and any associated access, utilities or other infrastructure, is designed and sited to blend in with the landscape and be as visually unobtrusive as possible.

Policy B1.4.25

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, commercial activities and services that complement and support the ski field whilst ensuring that the layout, design and development of the Village complements the landscape values of the locality.

Explanation and Reasons

The Areas of Outstanding Landscape contain very few buildings or structures, other than those associated with outdoor recreational activities on the site and some utilities. Policy B1.4.23 identifies houses (dwellings) and other, larger buildings and structures as generally inappropriate uses in the Areas of Outstanding Landscape. These areas are valued because of the absence of larger structures or buildings. This absence of buildings and structures makes the landscape appear as if it is untouched or unmodified by humans and adds to the sense of wilderness or isolation from human settlement or occupation.

The Areas of Outstanding Landscapes in the high country are large and Policy B1.4.24 recognises that in some cases erecting structures or buildings may be necessary. For example, to enable a network utility to pass through the area or as part of an activity in the area such as facilities for a skifield. Where there is no alternative site for the building or structure outside the Areas of Outstanding Landscape it may be erected within the area, provided the Council is satisfied that it is designed and positioned in a way which minimises the extent to which it is visible in the landscape. Policy B1.4.23 is implemented by a rule which requires a resource consent for larger structures and buildings in Areas of Outstanding Landscape. The policy and rule do not apply to accessory buildings and other structures which are less than 40m² in gross floor area, less than 4m in height and have a reflectance value on exterior finishes of 37% or less.

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Area provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its role as a tourist and recreation destination.

The provision of a Ski and Recreation Area acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and economic wellbeing. It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.

Policy B1.4.26

Control forestry planting in the high country generally and avoid exotic tree planting in the Areas of Outstanding Landscape and the Forestry Exclusion Areas in the high country, unless it is the only practical option to manage soil erosion, wilding tree spread or the spread of plant pests on that site.

Policy B1.4.27

If an exotic plantation is planted under Policy B1.4.26, ensure it is planted to reflect landform patterns and shapes and maintain the landscape values of the area as much as practical.

Policy B1.4.28

Allow indigenous plantations, planted to enhance the landscape values in Areas of Outstanding Landscape, provided that:

- (a) Indigenous species are planted which may be found naturally occurring in the area; and**
- (b) The indigenous plantation is designed and sited to complement the landforms in the area and does not dominate the tussock lands or screen views of Areas of Outstanding Landscape as viewed from any public road.**

Policy B1.4.29

Recognise Fighting Hill as a site which has special landmark significance to Tāngata whenua and as a site which is susceptible to plant pests, and encourage future management of that site which accommodates the interests of both the landholder and Tāngata whenua, wherever practical.

Explanation and Reasons

Policies B1.4.26 to B1.4.28 apply to plantations. Exotic plantations should be avoided in the Areas of Outstanding Landscapes in the high country. These areas are valued for the prominence and visibility of the landforms and the dominance of brown tussock cover, with some pasture improvement. These features of the landscape are likely to be adversely affected if large areas are planted in exotic trees. Policy B1.4.26 contains an exception, where plantation forestry is the only practical method to manage soil erosion or the spread of wilding trees or other plant pests in these areas.

Policy B1.4.28 applies to indigenous plantations. Planting indigenous tree species for the purposes of enhancing the landscape (or managing soil erosion or plant pest problems) may be appropriate in some parts of the Areas of Outstanding Landscape. Policy B1.4.22 recognises that the landscapes within these areas, although outstanding, are not pristine natural landscapes and therefore some landscape enhancement may be appropriate. The location, design and extent of any such planting is managed to ensure it maintains or enhances the landscape values of the area. Indigenous plantations which are planted to enhance the landscape values of the area should not be clear-felled.

Policy B1.4.29 applies specifically to Fighting Hill. Fighting Hill is a landmark of significance to Tāngata whenua and ideally local Rūnanga would prefer that the area is not planted in exotic forestry. However, Fighting Hill is also an area which is susceptible to the spread of plant pests such as gorse and some form of tree planting may be a practical way to manage that area. Policy B1.4.29 does not preclude tree planting at Fighting Hill and suggests that any change in the current pastoral land uses on Fighting Hill should be managed considering both its landmark values to Tāngata whenua and the need of the landholder to have a practical and inexpensive method to manage plant pests on the site.

Policy B1.4.30

Avoid, remedy or mitigate any adverse effects associated with earthworks in Outstanding Natural Features and Landscapes ensuring that:

- (a) Earthworks are limited in volume;**
- (b) The site is recontoured and replanted to the same state as surrounding land either when the operation ceases, or at the end of appropriate stages for a large-scale operation.**

Explanation and Reasons

Policy B1.4.30 manages earthworks in Outstanding Natural Features and Landscapes. The policy does not encourage earthworks, but recognises that they may be necessary as part of roads or other permitted activities in Outstanding Natural Features and Landscapes. Limestone is already mined from areas in Porters Pass and Castle Hill and shingle is quarried from various sites for both private use and the maintenance of metalled roads. The policies and rules provide for these activities, but the Council must be satisfied that any adverse visual effects will be adequately avoided, remedied or mitigated. This includes both effects from the earthworks operation and the rehabilitation of the site once earthworks cease. Where

largescale earthworks are occurring, such as quarrying, site rehabilitation is to occur in stages, as each area is worked, rather than at the end of the entire operation. This policy reduces the duration and extent of any adverse visual effects.

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Porters Ski and Recreation Area provides a separate set of rules for managing the effects of earthworks in that zone.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ANTICIPATED ENVIRONMENTAL RESULTS

The following outcomes should result from implementing Section B1.4:

- Activities on land in Areas of Outstanding Natural Features and Landscapes have only minor visual effects.

- Most structures and buildings are located on the Lower Slopes of the Port Hills.

- The area from the Summit Road to the Summit is kept free of buildings, other structures or plantations.

- The expansive views across the Outer Plains and the mosaic or patchwork quilt landscape are maintained.

- The distinction between the more intensely settled Inner Plains and the Outer Plains increases.

- The margins of Te Waihora/Lake Ellesmere look natural.

- The higher peaks of the Russell Range, the south face of Flagpole Hill and the ridge of the Rockwood Range remain free of structures and trees.

- The Areas of Outstanding Natural Features and Landscapes in the high country retain their natural and open character, with a dominance of natural landforms and features and predominance of pasture and tussock cover, indigenous vegetation, and are free of intrusive structures, buildings, earthworks and exotic plantings.

- Land uses diversify in the high country but the landscape remains predominantly pastoral, with a dominance of natural landforms and features, and with few, isolated and dispersed clusters of buildings.

B2.2 UTILITIES — ISSUES

- **The cost of providing utilities in the rural area.**
- **Adverse effects of utilities on the landscape and amenity values of the rural area.**

What are Utilities?

Utilities are physical resources – the infrastructure which provides services such as: transport; water supplies; drainage; effluent and waste disposal; energy; meteorological functions and telecommunications. This section addresses issues associated with utilities, generally. Part B, Section 2.1 addresses transport networks. Part B, Section 2.3 addresses community facilities and recreation areas; and Part B, Section 2.4 addresses waste disposal.

Utilities have the following characteristics:

- They are often necessary for people to carry out their activities, eg telecommunications and water supplies.
- People expect to have access to utilities, to a certain standard and at an affordable price, to enable them to carry out their activities.
- Some utility providers have a statutory duty to provide utilities to a certain standard and within a certain price.
- Many utilities operate in networks which cover large areas.

People expect utilities to be available and affordable. They also expect themselves and their environment to be protected from any adverse effects from the installation or operation of utilities.

Issues with Utilities

Need for Utilities

Utilities are essential for people to carry out economic and social activities. The rural area is an important business area in the District and access to utilities at a reasonable cost is vital. It can be more expensive to provide utilities in rural areas than townships, because people are more widespread and access into remote areas can be difficult.

If residential density increases and allotment sizes get smaller, some parts of the rural area will require additional utilities, for example: reticulated water supplies, reticulated sewage treatment and disposal, and waste collection. The District Plan allows for residential development at higher densities in the Rural zone immediately surrounding townships and in the Porters Ski and Recreation Area (see Section B4.1 Residential Density and Subdivision). These allotments will need utilities similar to those in townships.

Under the LTP Development Contribution Policy, the costs associated with these additional utilities can be met through development contributions. The LTP Development Contribution Policy requires the provision of development contributions toward the cost of utilities based on service catchments. All new developments in the service catchments will be subject to a development contribution. Development contributions are generally taken at the subdivision consent stage, though they may apply at the building consent stage or at the service connection stage on residential or rural development where additional units of demand are created in the absence of subdivision.

Effects of Utilities on the Environment

Utilities are often used to mitigate adverse effects of activities on the environment. They can also cause adverse effects. People want the convenience of utilities, but often do not want to live near the infrastructure that provides the services.

There are three types of effects from utilities in the rural area:

Visual

Visual effects are the most obvious effects from utility buildings and structures. Utility structures and buildings may affect the character of the rural area, which people perceive as having fewer buildings and structures than urban areas.

Nuisance

Some utilities have nuisance effects such as noise, odour, or glare. The Rural zone is often an attractive place to locate utilities that cannot operate close to people due to nuisance effects, for example, sewage treatment stations or landfills. Once established, these activities need to be protected from new residential development occurring too close and creating reverse sensitivity issues.

Potential Health Issues

There has been much publicity over whether utilities which emit electromagnetic radiation or electromagnetic fields, affect people's health. Policy B3.4.16 of the Township Volume of the Plan, encourages these utilities to be located in Rural zones rather than Living zones.

To address potential health issues research undertaken by the Ministry of Health in conjunction with the Ministry for the Environment resulted in New Zealand Standard NZS 2772.1:1999 on Radiofrequency Fields Exposure. This has largely been formulated by drawing on international standards so to arrive at an outcome that affords a high degree of public health protection.

Provision of Utilities

Traditionally, utilities were provided by central or local government. This was usually done by designations. Increasingly, private organisations are providing utilities. Some private organisations are Requiring Authorities under section 167 of the Act (they can designate land). However, the District Plan needs to make provision for utilities using other methods than designations, because:

- It is consistent with the RMA (Part II and Section 32) to allow activities which have only minor effects as permitted activities.
- It is necessary to provide for the installation, maintenance and upgrade of utilities on sites which are not designated.

UTILITIES — STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues associated with utilities:

Efficient Use

- Avoid unnecessary restrictions on the installation of utilities.
- Any controls on utilities relate to effects on the environment, not the type of utility or who provides it.

Effects of Utilities

- Effects of utilities on the environment are managed.
- Potential reverse sensitivity effects of activities on utilities are managed.

UTILITIES — OBJECTIVES

Objective B2.2.1

Utilities are recognised as essential tools for people’s economic and social well-being, and to mitigate effects of other activities, on the environment.

Objective B2.2.2

The provision of utilities where any adverse effects on the environment and on people’s health, safety and wellbeing is managed having regard to the scale, appearance, location and operational requirements of utilities.

Explanation and Reasons

Utilities are necessary to enable many activities to take place and to mitigate adverse effects of activities on the environment. For example, reticulated sewerage treatment and disposal can reduce the risk of groundwater contamination. Co-ordination is needed between new activities, and installing the utilities that activity needs.

Objective B2.2.1 recognises the importance of utilities for the many business and residential activities which occur in the Rural zone. Obtaining access to these utilities can be difficult because the number of users is small and the distance between them large compared with a township. Objective B2.2.1 is achieved through policies and rules which:

- Outline the utilities that must be provided to allotments before activities can take place.
- Manage effects, not the type of utility or who supplies it.
- Protect established utilities from potential reverse sensitivity effects with new activities.

Utilities may have adverse effects on the environment. Objective B2.2.2 addresses these potential adverse effects. Utilities usually have less effect, or no more effects, than other activities, and their impacts are primarily visual. These effects are managed with regard to the sensitivity of the host environment, with living areas and outstanding landscapes being the most sensitive. This protection also takes into account the operational requirements of utilities. Potential health effects are addressed through reference to appropriate New Zealand Standards.

UTILITIES — POLICIES AND METHODS

Policy B2.2.1

Ensure any activity has access to the utilities it requires when the allotment is created, if practical; or before the activity starts on the site.

Explanation and Reasons

Policy B2.2.1 requires utility services to be available at the boundary of any allotment. Policy B2.2.1 is to ensure activities have access to the utilities they require, to mitigate their effects, under the Plan. The policy encourages utility connections to be installed at the boundary of allotments when they are subdivided. The reason is to avoid people buying allotments that do not have or cannot be supplied with the access to the utilities they need. The policy recognises that supplying utility connections when land is subdivided is not always practical. For example, if there is no subdivision, if it is unclear what the allotment shall be used for and thus the utilities needed. The Council (as consent authority) shall determine the conditions for access to utilities on subdivision consents.

The District Plan policies and rules describe the utility services which must be available for activities in the Rural zone. Please refer to Sections B1.3 Water; B2.4 Waste Disposal; and B4.1 Residential Density and Subdivision.

Method

LTP

- Development Contribution Policy

District Plan Rules

- Subdivision
- Water supply
- Sewage disposal

Policy B2.2.2

Ensure provision is made for the ongoing maintenance and repair of utilities which are not vested in the Council, and that the users of these utilities are informed of any responsibility they have for ongoing maintenance or repair.

Explanation and Reasons

In the past most utilities were provided by local or central government agencies. Increasingly, private organisations are supplying utilities, such as water supplies, sewage treatment and disposal, and telecommunications. Sometimes the users are responsible for the ongoing maintenance and repair of these utilities. The Council does not advocate for the proliferation of numerous small water supply and sewage treatment schemes. It is important that the number of connections meets a critical mass to enable the long term sustainability of such schemes.

The Council prefers community water supplies, and community stormwater and sewage disposal systems, to comply with its Engineering Design Standards (2000) and be able to connect into the public system when it is available. In these cases, it is likely the Council will take over the utility and responsibility for its maintenance and repair. If responsibility for community water supplies, sewage and stormwater systems or other utilities remains with residents, there needs to be:

- A method to make residents aware of their share of responsibilities to maintain and repair the utility.
- An agreement between residents for how they will manage the utility and fund its maintenance and repair.

Methods

District Plan Policies

- To assess requests to subdivide land

District Plan Rules

- Subdivision and Residential Density

Policy B2.2.3

Avoid potential reverse sensitivity effects of activities on the efficient operation development, use and maintenance of established utilities.

Explanation and Reasons

Reverse sensitivity effects occur when activities, which are sensitive to the effects of utilities, establish close to the utility and then complain about its operation. The complainants can force the utilities to relocate to new sites or restrict the operation of the utility.

Policy B2.2.3 is implemented by:

- Rules to manage the location of utilities likely to have effects beyond the site; and
- Policies and rules to manage residential density in the rural area generally, and close to existing utilities, specifically.

This policy should be read in conjunction with Section B3.4 Quality of the Environment.

Method

District Plan Rules

- Residential density
- Discretionary activities

Policy B2.2.4

To ensure that emissions of electromagnetic radiation are managed to avoid any adverse effects on health.

Explanation and Reasons

Some people are concerned about the possible effects of electromagnetic radiation on health. This is addressed in the Plan by reference to the need to comply with the New Zealand Standard NZS 2722.1:1999.

Method

District Plan Rules

- Utilities

Policy B2.2.5(a)

Avoid siting utility structures or buildings on hilltops in the margins of lakes or rivers or in areas identified as outstanding natural features and landscapes, sites with special cultural values (Silent File Areas, Wāhi Taonga Sites and Management Areas or Mahinga Kai Sites) or Heritage Sites in the Plan, unless operational necessity makes this impractical.

Policy B2.2.5(b)

Where not practical mitigate any adverse effects of the utility, and of any access road or ancillary features, on the landscape values of the area.

Explanation and Reasons

Outstanding natural features and landscapes in the rural area are identified in Section B1.4, and margins of lakes or rivers in Section B1.3. Silent File Areas, Wāhi Taonga Sites and Management Areas and Mahinga Kai Sites are listed in Appendix 5 and shown on the Planning Maps. Heritage sites are listed in Appendix 4. Section B3.3 contains provisions to protect all these sites. This policy should be read in conjunction with these sections.

Policies B2.2.5(a) and (b) recognise that hilltops and the margins of lakes or rivers, sites with cultural significance to Tāngata whenua, and sites with heritage values are also areas where utilities can have adverse effects, and it is desirable to avoid locating utilities on such sites. However, it is not always practical. Utilities which rely on remote sensing need to be located on hilltops. Network utilities may need to pass through areas of outstanding landscape or across waterbodies. In most cases, the Council expects there will be alternatives to locating utilities on sites with cultural significance to Tāngata whenua or on sites with heritage values. In some cases, these cultural sites encompass a large area and network utilities may have to pass through them. Some heritage sites are still used as buildings or structures, and utility services to those buildings and structures are necessary. Where it is not practical to avoid these areas, the utility must be designed and sited to mitigate adverse visual effects. This includes ancillary features such as access roads and power supply lines.

NOTE: Erecting any structure in the bed of a lake or river is controlled under Section 13 of the RMA.

Method

District Plan Rules

- Earthworks
- Structures

Policy B2.2.6

Require utility structures to be made of low reflective materials.

Policy B2.2.7

Encourage the co-siting of utilities, where practical.

Explanation and Reasons

The rural area is characterised by a dominance of vegetation, trees and open space over buildings and structures. Policies B2.2.6 and B2.2.7 are to reduce the visual prominence of utility structures in the rural area through the use of low reflective materials (Policy B2.2.6) and co-siting of utilities, where practical (Policy B2.2.7).

As the number of network utility operators increases through competition in the private sector, the number of utility structures in an area may also increase. Finishing utility structures in materials with low reflectivity helps them to blend into the landscape and reduce the prominence of structures. Co-siting utilities may reduce the number of different sites in the rural area which have utility structures and the perception of structures and buildings everywhere. It may also reduce potential reverse sensitivity effects by lessening the number of places where utilities may be sited next to activities which are sensitive to their effects. The policy recognises that it is not always practical to co-site utilities, for example: where utilities affect one another; or have different siting requirements.

Competing network utility operators may resist Policy B2.2.7. Trade competition is a matter consent authorities are to disregard under section 104 of the Act. Therefore, co-siting of utilities will be encouraged where it mitigates potential adverse effects on the environment. Network utility operators are not expected to share facilities. It may not be practical to co-locate utilities if they adversely affect each other or the site of an existing utility does not comply with the policies of the District Plan.

Methods

District Plan Rules

- Subdivision

Advocacy

Policy B2.2.8

Ensure utilities located in areas subject to flooding or slips, do not create or exacerbate natural hazards.

Explanation and Reasons

Part B, Section 3.1 – Natural Hazards and the Planning Maps identify areas in the Rural zone which are known to have been subject to flooding hazards in the past. These are not the only areas in Selwyn District likely to experience natural hazards in the future.

Policy B2.2.8 addresses effects of flooding, slips and other events on utilities. The policy should be read in conjunction with Section B3.1 – Natural Hazards.

Policy B2.2.8 does not prevent utilities being located in rural areas subject to natural hazards. The policy requires particular attention to be given to the function, design and siting of these utilities to ensure any effects which may occur if the site is flooded, slips, erodes, shakes or ruptures will be minor. This may mean some utilities are better located elsewhere.

Policy B2.2.8 is implemented through general rules for earthworks, structures and activities, and through the Council's duties under sections 71 to 74 of the Building Act 2004. The Council cannot issue a building consent in an area subject to inundation or slippage, unless it is satisfied any adverse effects will be mitigated.

Methods

District Plan Rules

Building Act 2004

- Earthworks
- Utilities
- Discretionary activities

Policy B2.2.9

Encourage utilities located in road reserves to be installed, maintained and replaced with minimal adverse effects on traffic safety or flow.

Explanation and Reasons

Many utilities are located in road reserves. Some network utility operators are empowered by specific statutes to enter road reserves to install, maintain and replace these utilities. Policy B2.2.9 is to encourage these network utility operators and the roading authorities to work together to reduce any adverse effects of these activities on traffic safety and efficiency. This policy should be read in conjunction with Policy B2.1.13.

Method

Advocacy

- Encourage network utility operators and road managers to discuss or develop protocols over activities within road reserves.

Policy B2.2.10

Enable the provision of utility networks that serve extensive areas to be located in rural areas commensurate with operational requirements.

Explanation and Reasons

Many large scale utilities need to be located according to operational requirements and the topography of the areas to be served. As a consequence, the opportunity for alternative locations may be relatively restricted. While this is the case, it is important that such utilities are designed so as to minimise potential adverse effects on the environment.

Method

District Plan Rules

- Utilities

UTILITIES — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B2.2:

- Activities have the standards of utilities they need to mitigate their effects on the environment, prior to the activity being established.
- Utilities are less visually prominent in the future, particularly along ridge tops and waterbodies, and in other areas with high landscape values.
- More utilities are finished in low reflective materials and co-located.
- Utilities which emit electromagnetic radiation or have nuisance effects are separated from schools and houses.

B3.4 QUALITY OF THE ENVIRONMENT — ISSUES

- **Activities which affect the character of the rural area or which make it a less pleasant place to live or work in.**
- **“Reverse Sensitivity” from activities with incompatible affects locating too close to each other.**

Introduction

This section deals with two issues:

- The effects of activities on the amenity values of the rural area – its character and quality of the environment.
- Reverse sensitivity effects – when a new activity sets up near an existing activity and complains about the effects of the existing activity.

Amenity Values/Rural Character

Protecting amenity values is part of achieving the purpose of the Act. Section 7 requires particular regard be had to:

- The maintenance and enhancement of amenity values' (section 7(c)); and
- Maintenance and enhancement of the quality of the environment (section 7(f)).

Amenity values is defined in the Act (section 2) as including:

“Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

The rural area has a character which is distinct from townships. There are common perceptions which many people share about the character of the rural area. These include:

- Predominance of vegetation cover.
- Dominant land uses (but not all land uses) are associated with primary production: agriculture, horticulture, forestry, pastoralism.
- Views of mountains, basins and river valleys which are not modified by structures.
- Being able to see, hear and smell animals and birds.

Rural character can also mean different things to different people.

- People who live in the rural area as an alternative to living in a town may value a sense of open space, panoramic views and their perception of a rural outlook.
- People carrying out farming and other business activities may share some of these values. They also perceive the rural area as a business area and expect to be able to carry out existing activities; adopt new technology and practices; and to diversify activities as markets change.
- Some people value the rural area as a place to locate activities that need lots of space. These people may value large areas of land and distance from neighbours.

Conflicts can be created by the combination of different activities, effects and perceptions of the character of the rural area.

In particular, issues are emerging in the District over effects of activities which are typical or normal for rural areas, but which some residents do not expect or dislike. These effects fall into two categories:

- Temporary effects from seasonal activities such as burning stubble, harvesting crops or topdressing.
- Effects from day to day activities in the rural area are part of the rural area which are different from effects in townships

such as, the smell of crops like silage, turnips or garlic; or noise from irrigators or tractors; and stock being driven along roads.

The Council believes these effects are part of the character of the rural area. This District Plan has policies and rules to maintain a generally pleasant living and working environment. However, residents should not expect an environment which is as conducive to residential activities as Living zones. The Rural zone is principally a business area and the policies and rules are designed to allow people to undertake farming and other business activities relatively freely. In addition, the policies and rules acknowledge sites established for dairy processing activities and provides for the continued development of these sites in the Rural Outer Plains for the processing, testing, storage, handling and packaging and distribution of milk and dairy products, related by-products and ancillary activities.

Reverse Sensitivity

Reverse Sensitivity is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. Reverse sensitivity is one of the major resource management issues in the rural area. It occurs principally between residential activities and activities associated with primary production or rural industries.

Reverse sensitivity issues arise when:

- Subdivision of rural land and erecting houses occurs in the vicinity of established activities; or
- Houses and other activities are located side by side, and the effects of the other activity alter.

The nature of reverse sensitivity issues varies in the District. There are examples of quite significant issues which have involved considerable time and cost to all parties, including the Council. For example:

- Mushroom composting at Prebbleton.
- Dairy cow droving along Old Tai Tapu Road.
- Noise from audible bird scaring devices.
- Houses and restaurants close to intensive pig or poultry farms.
- Nightglow from houses erected close to the West Melton Observatory.

Reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. People and natural and physical resources are part of the definition of environment in section 2 of the Act. Potential adverse effects of new activities on existing activities must be avoided, remedied or mitigated under section 5(2)(c) of the Act, and part of promoting sustainable management is enabling people and communities to provide for their economic, social and cultural wellbeing (section 5(2)). Potential reverse sensitivity effects have been recognised by the Environment Court as an issue under the Act, in several cases.

The District Plan has provisions to manage potential reverse sensitivity effects when the effects may be significant enough to create an unpleasant living or working environment. In these cases, reverse sensitivity effects may have significant costs on residents or businesses. The District Plan does not address effects which the Council considers are a typical or normal part of the rural environment, and which are mild or of short duration.

QUALITY OF THE ENVIRONMENT — STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues affecting environmental quality, rural character and reverse sensitivity:

Amenity Values

- The Plan identifies what rural character is and manages activities which may affect it.
- Temporary effects and mild effects which are typical of rural areas are part of the rural environment.
- Policies and rules manage effects of activities, which may be more severe or adverse.

Reverse Sensitivity

- Policies and rules manage the location of activities which may have significant effects on surrounding properties, when they set up.
- Once set up, policies and rules protect these activities from reverse sensitivity effects from other activities locating near them.

Objectives and policies in this section should be read in conjunction with the following:

- Section B1.4 Outstanding Landscapes and Natural Features
 - Effects of activities and landscapes and rural character.
- Section B2.1 Transport
 - Stock droving and airfields.
- Section B4.1 Residential Density and Subdivision –
 - Managing residential density in the rural area.

QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.1

The District's rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Explanation and Reasons

The rural area has a character which is distinct from townships and people value this distinction – the rural outlook. The rural area of Selwyn District is a pleasant place to live and work in. Objective B3.4.1 is to maintain this quality of the environment. It is achieved by policies and rules to manage effects such as noise, vibration, outdoor signage; glare and odour. The policies and rules allow for day to day farming and other activities which have effects typical of a rural area, but manage activities that have potentially stronger effects. The policies and rules are not as stringent as those for Living zones. The Rural zone is recognised principally as a business area rather than a residential area, in the Plan.

Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place:

- All sorts of primary production
- Outdoor recreation
- A variety of business activities
- Residential activities; and community facilities.

This diversity may increase in the future if farming and other business activities continue to diversify; and District Plans do not require activities in the rural area to be associated with primary production.

A variety of activities in the rural area creates the potential for reverse sensitivity effects, particularly between residential activities and other activities. Objective B3.4.2 recognises that while a variety of activities may be appropriate in the rural area, rural character must be maintained; and potential reverse sensitivity effects must be avoided.

Objective B3.4.2 is achieved by policies and rules which:

- Describe the character of the rural area and seek to maintain it.
- Require resource consents for activities to set up which may affect surrounding properties; and recognise and protect existing lawful activities from potential reverse sensitivity effects once they are set up.

The Council has chosen to use District Plan rules to manage effects of activities on amenity values and reverse sensitivity effects. Often people do not consider the effects of existing activities when making decisions about where to build houses in the rural area.

The policies are split into 3 groups:

- Those to identify and maintain rural character.
- Those to maintain the quality of the environment.
- Those to manage reverse sensitivity effects.

Policies and rules to manage reverse sensitivity effects are also found in Section B2.1 Transport, for airfields and airports. Policies and rules to manage residential density are found in Section B4.1 Residential Density and Subdivision.

QUALITY OF THE ENVIRONMENT — POLICIES AND METHODS

RURAL CHARACTER

Policy B3.4.1

Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Explanation and Reasons

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests, ski areas and other rural activities are businesses and they need to be able to operate efficiently and with as few restrictions as practical. Residential activities occur in the Rural zone, both ancillary to farming and other business activities, and as the principal use of the site. The Plan provisions, coupled with the distance between houses and activities in the Rural zone, should combine to maintain a pleasant living environment. However, the rules will not be as stringent as those in Living zones and residents can expect to tolerate mild effects associated with 'day-to-day' farming activities and temporary effects associated with seasonal activities.

Method

District Plan Rules

- Rules manage effects not types of activities, except in Policy B3.4.2

Policy B3.4.2

In the areas shown on the Planning Maps as the Port Hills, Malvern Hills and the High Country, restrict activities to those which use natural resources in the area, and activities which are ancillary to those uses or utilities.

Explanation and Reasons

The Port Hills, Malvern Hills and the High Country are special places in the Rural zone. They are valued by residents and visitors as having amenity values which are remote and different from townships or urban areas. They are valued for their relative lack of structures, people and symbols of urbanisation. The Port Hills are particularly valuable as a rural outdoor recreation area in very close proximity to the City. The Malvern Hills are valued as a rural setting for residents wanting a certain lifestyle. The High Country is cherished as an outdoor recreation and holiday destination that is very remote from civilisation and back to nature.

The location of factories, warehouses, offices, shopping malls and other activities associated with urban areas, on the Port Hills, in the Malvern Hills and in the High Country would adversely affect the special amenity values of these areas. Policy B3.4.2 restricts the types of activities which can locate in these areas, to activities which use the natural resources of the areas. This includes, but is not limited to:

- Farming
- Forestry
- Ski Areas
- Outdoor recreation and mining
- Activities ancillary to those uses such as houses
- Holiday accommodation
- Hospitality and retail sales.

Utilities are provided for in these parts of the Rural zone. They are necessary to serve other activities in these areas, and network utilities need to pass through these areas. The use of lakes or rivers to generate hydroelectricity is a use of a natural resource in the area. Resource consents will be required for activities involving large-scale earthworks or structures.

Method

District Plan Rules

- Type of activities

Policy B3.4.3

Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.

Explanation and Reasons

There are many places in the rural area which are not outstanding landscapes or natural features or which do not contain significant ecological sites but which people find pleasant places to live in or visit, for example, rolling hills, meandering streams, and fields with animals and crops, which are all typical rural scenes. These areas can be sought after locations for activities that need large sites and to be separated from people. Some of these activities can make areas less pleasant – they can affect their amenity values.

Policy B3.4.3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. Part of promoting sustainable management under the Act is having particular regard for:

"The maintenance and enhancement of amenity values." (section 7(c)).

Policy B3.4.3 should not be used as a catch-all policy to oppose any changes to land uses in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where an activity will detract from the amenity values of an area, Policy B3.4.3 requires those effects be mitigated.

The requirement to mitigate adverse effects of activities in Policy B3.4.3 of this section does not replace more specific duties to protect areas and avoid adverse effects, in other policies in the Plan.

Method

District Plan Rules

- Discretionary activities
- Dairy Processing Management Area

Policy B3.4.4

Ensure that any adverse effects arising from “rural based” industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and “other” types of industrial activities in all Rural zones are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.

Explanation and Reasons

While the Rural zone may be able to better accommodate the potential adverse effects associated with industrial activities than Living or Business 1 Zones due to a lower population density and larger allotment sizes, certain types and scales of industrial activities are unlikely to be appropriate in all parts of the Rural zone. For the purposes of the Rural Volume, industrial activities have therefore been categorised into either a “rural-based” or an “other” type of industrial activity. Rural-based industrial activities are those that involve a raw material or product that is derived directly from the rural area (e.g. timber yard, winery or dairy factory), as opposed to other types of industrial activities (e.g. panel beating, dry cleaning or spray painting).

The effects associated with permitted small scale rural-based industrial activities are appropriate in all rural areas. Where these activities are of a scale and size beyond what is permitted by the District Plan there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness. There is also likely to be a higher demand for servicing requirements, such as water supply and stormwater disposal, which may be constrained in some parts of the rural area. Overall, the Council recognises that it may be necessary for an industrial activity that relies on a raw material or primary product derived from the rural environment to locate in proximity to its source.

However, the potential adverse effects of rural-based industrial activities that are of a size and scale beyond that which is permitted by the District Plan may be avoided by locating in a Business 2 Zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. Provision is also made for Dairy Processing Management Areas. This is an overlay within the Rural Outer Plains that is limited to sites of existing and established dairy processing facilities. Dairy processing facilities can be anticipated within, and form part of a cohesive rural character in the Rural Outer Plains and the Management Area limits activities to those associated with a dairy processing plant and manages the scale of development through the use of an Outline Development Plan (ODP) and a specific set of rules. Accordingly, the DPMA enables economic efficiency to be achieved whilst ensuring the integrated management of effects at the boundary with the rural area, avoiding effects on the rural character and amenity values of the Outer Plains. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that rural

based industrial activities of a size and scale beyond that which is permitted by the District Plan are unlikely to be able to locate in this area without generating significant adverse amenity effects.

The effects associated with other types of industrial activities (i.e. those that are not defined as “rural-based” industrial activities) are considered to be generally inappropriate in all parts of the Rural Zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills or High Country. While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry are likely to detract from the quality of the rural environment resulting in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided, remedied or mitigated.

Methods

District Plan Policies

- Residential Density
- Rural Character & Amenity Values

District Plan Rules

- Tree Planting
- Buildings
- Utilities and Other Structures

Policy B3.4.5

Enable the continued and enhanced operation, innovation and development of established dairy plant sites for the purposes of administration, processing, testing, storage, handling, packaging and distribution of milk and dairy products, related by-products and ancillary activities within specifically identified Dairy Processing Management Areas within the Rural (Outer Plains) Zone, whilst ensuring the integrated management of effects on the environment at the boundary of the Management Areas through ODPs. The establishment of non-dairy processing related industrial activities shall be avoided.

Explanations and Reasons

Policy B3.4.5 provides the basis for the rules controlling the use and development of land within Dairy Processing Management Areas. The buildings associated with the processing of milk and dairy products, along with the buildings required for storage and distribution, are very large and industrial in appearance. The scale and concentration of this built development exceeds that anticipated on a working farm however the processing of milk and dairy products is directly related to rural production and there are significant economic and operational benefits from enabling milk and dairy processing facilities within the Rural Area. Whilst the Policy is providing for a concentration of buildings, including very tall buildings, and activities, it is appropriate that the District Plan sets development standards beyond which new development will require a resource consent.

This policy is intentionally limited to sites of established Dairy Processing facilities as at 2013 and is not intended to provide a policy basis for new sites, or other types of rural industrial activities to be established in the Rural Outer Plains. Further this policy seeks to enable only activities that are directly associated with a dairy processing plant, so as to prevent other types of rural industries or business activities being established within the Dairy Processing Management Area.

This policy is also limited to enabling the establishment of dairy processing related activities only within the DPMA. Other nondairy processing related industrial activities shall be avoided as these activities are more appropriately located in other zoned areas within the district.

Underpinning Dairy Processing Management Areas is a requirement to comply with an ODP. The ODP represents a comprehensive approach to landuse and development, controlling the overall layout of development. The proposed rules specific to the Dairy Processing Management Area are to be read in conjunction with the ODP. While the scale and density of development is greater than elsewhere in the Rural Area, this reflects the already established scale of dairying within the District and the ODP provides certainty for the community and the landowner on the pattern of future development for the processing of milk and dairy products.

Methods

 District Plan Rules

- Dairy Processing Management Area
- Outline Development Plan

Policy B3.4.6

Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

Explanation and Reasons

One of the most predominant characteristics of the Rural zone is the low level of building density compared with townships; and the land uses which this allows. The density of buildings, generally and houses in particular, varies throughout the Rural zone. In all areas, it is much lower than the density in townships, although there are specific locations such as the Dairy Processing Management Areas which recognise the existing higher density of development.

Policy B3.4.6 recognises the effect which building density has on rural character. Section B4.1 Residential Density and Subdivision, of the Plan addresses residential density, specifically. Policy B4.1.1 of that section prescribes residential density for different parts of the Rural zone.

Policy B3.4.6 and the District Plan rules manage the ratio of buildings to land area. The reason is to maintain the dominance of vegetation cover over buildings which is characteristic of rural areas. Policy B3.4.6 is implemented by a rule which limits the area of a site which may be covered by buildings. The rule does not apply to buildings which do not have built in floors, such as hay barns and tunnel houses. The rule does not apply to the expansion of existing intensive livestock farms. The reason is that these farms were established under a different planning regime and are unlikely to be able to comply with the rules. There is a fixed number of such farms, so the cumulative effects of the higher site coverage will be limited. The rules for site coverage apply to new intensive livestock farms. Similarly, the rule does not apply to buildings in the Dairy Processing Management Areas which provide for a concentration of large buildings for processing, packaging and distribution of milk and dairy products only.”

The rule also exempts community facilities and utilities from the site coverage requirements in the Rural zone. The small number and size of most of these sites means that there is unlikely to be a cumulative effect on building density in the Rural zone and may help reduce compliance costs for community facilities and utilities. Similarly, an exemption is also made for the Porters Ski and Recreation Area. Within this zone there is provision for the establishment of a Village Base Sub-Zone to provide on-mountain accommodation and commercial services complementary to the Porters Ski Area. The Village is defined to a specific and discrete location and the planning rules limit built development and confine its layout within an Outline Development Plan. The nature and scale of the Village and its relationship to a commercial Ski Area means that there is unlikely to be a cumulative effect on building development throughout the Rural zone.

The Plan has site coverage rules for houses. The site coverage relates to the size of the property on which the house is erected. The rule for houses differs, because the density of houses is also controlled, whereas site coverage is the only method used to control the density of other buildings.

Method

District Plan Rules

- Residential density
- Site coverage

Policy B3.4.7

Avoid high rise buildings or highly reflective utility structures.

Explanation and Reasons

Policy B3.4.7 addresses two potential adverse effects of buildings and structures on the character of rural areas, high rise buildings, and highly reflective structures. In public workshops participants identified high rise buildings as out of character in rural areas in the District. An exemption is made for the Porters Ski and Recreation Area where a node of accommodation and commercial activity is considered appropriate as complementary to the Ski Area. The layout, scale and form of built development within this zone is required to demonstrate its responsiveness to the landscape and ecological values of the locality. Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain

landscape. An exemption is also made for buildings essential for the processing, packaging and distribution of milk and dairy products, related by-products and waste materials. The scale of dairy production requires large facilities and a Dairy Processing Management Area has been created to recognise sites already established as dairy factories and to enable efficiencies in the dairy industry to be achieved

The Council manages the reflectivity of other utility structures, so they blend in rather than protrude from the background or general views, in the rural area. Policy B3.4.6 mirrors this practice. It is implemented by a rule to manage reflectivity as a condition on permitted activities. The District Plan rules also manage the height of buildings and structures as conditions on permitted activities.

Method

District Plan Rules

- Buildings
- Utilities and other structures

Policy B3.4.8

Provide for a concentration of built development in the Porters Ski and Recreation Area.

Explanation and Reasons

Policy B3.4.8 recognises that the Porters Ski and Recreation Area is recognised as a node for the maintenance and further development of Ski Area activities. In addition to new Ski Area infrastructure, the zone anticipates the development of a Village with permanent and visitor accommodation, commercial activities such as restaurants and complementary recreation activities. This built development would be at a higher density and form than is anticipated elsewhere in this high country but reflects the significance of the Porters Ski Area as a recreation area and tourist destination.

Method

District Plan Rules

- Ski and Recreation Area Outline Development Plan
- Buildings

Policy B3.4.9

Require signs and noticeboards to be located on the site to which the sign or notice board relates except for:

- Temporary signs; and
- Signs and noticeboards located close to townships on the Plains area.

Policy B3.4.10

Ensure signs and noticeboards are designed and positioned to avoid:

- Restricting people's visibility along roads;
- Impeding access to or past sites;
- Nuisance effects from sound effects, moving parts, glare or reflectivity;
- Large structures protruding above rooftops.

Explanation and Reasons

Signs and noticeboards are important tools for businesses to advertise their products and their location, and for people to find out information. Outdoor signs and noticeboards can have adverse effects. For example: Sound effects and moving parts can annoy neighbours and distract motorists; and too many signs can create a built up or metropolitan feel which may affect the character of an area. Policies B3.4.9 and B3.4.10 describe the effects which outdoor signs and noticeboards should avoid, in the Rural zone. Policy B3.4.9 discourages the erecting of general advertising hoardings in the Rural zone except in close proximity to townships on the Plains. General advertising hoardings, particularly along roadsides or railway lines, are often associated with townships. They may create a metropolitan or built up effect. The Plains area, particularly around townships is more built up than other parts of the Rural zone. The effects on rural character will be less adverse, in these areas.

Policies B3.4.9 and B3.4.910 are implemented through rules which establish conditions for erecting outdoor signs and noticeboards as permitted activities. Policy B2.1.5, Transport addresses effects of signs alongside roads on traffic safety.

Methods

District Plan Rules

- Outdoor signs
- Noticeboards

PART C

5 RURAL RULES - UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 1- Earthworks, except where the provisions of Rule 1.6 (Earthworks and Protected Trees) apply.
2. The Rules in the Rural Volume of this Plan are applicable to activities generally, including utilities. However, the rules under Rule 3 Buildings, Rule 4 Roading and Rule 9.4 Scale of Non-Residential and Non-Rural Activities do not apply to utilities, except the following;

Rule 3 Buildings

 - Rule 3.15.1 Relocated Buildings
 - Rule 3.9.1.1 Access and Parking
 - Rule 3.13.1.2 Line of sight – railway crossings

Rule 4 Roading

 - Rules 4.5.1.2 – 4.5.1.5 Roads, Accessways and Vehicular Crossings.
 - Rules 4.6 Parking
 - Rule 4.1.1 Outstanding Landscapes
3. Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
4. All utility buildings and structures in the Porters Ski and Recreation Area shall be exempt from compliance with these rules.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
6. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

5.1 UTILITIES — ACTIVITIES

Permitted Activities — Utilities – Activities

The following existing utilities shall be permitted activities:

- 5.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:
 - 5.1.1.1 The replacement of support structure cross arms;
 - 5.1.1.2 The reconductoring or replacement of lines;
 - 5.1.1.3 The resagging of conductors or lines;
 - 5.1.1.4 The addition of longer or more efficient insulators or mountings;
 - 5.1.1.5 The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;

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- 5.1.1.6 The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- 5.1.1.7 Pole replacement;
- 5.1.1.8 Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- 5.1.1.9 The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
- 5.1.1.10 An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.
- 5.1.2 Any utility which meets the following provisions shall be a permitted activity:
- 5.1.2.1 Any utility which emits electromagnetic radiation shall meet the following conditions:
- (a) Exposures shall comply with NZS 2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
- (b) Prior to commencing any radiofrequency emissions, the following shall be sent to and received by the Selwyn District Council:
- (i) Written notice of the location of the facility or proposed facility; and
- (ii) A report prepared by a radio engineer/technician or physical scientist containing a prediction or whether the New Zealand Standard will be complied with (note – this requirement shall not apply to the holder of an amateur radio licence).
- (c) If the report provided to the Council under condition 5.1.2.1(b)(ii) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within 3 months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.
- 5.1.2.2 Any power frequency electric and magnetic fields created by a utility do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public. Note: Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines.
- 5.1.2.3 Any transformer, line or wire does not exceed a voltage of 110kV or a capacity of 100 MVA per circuit.
- 5.1.2.4 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs. (This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located).
- 5.1.2.5 Open channels or waterbodies used to convey water, are limited to:
- (a) Maintenance of existing drains and stock water races.
- (b) Construction of new channels for drainage or irrigation purposes on any individual property which serve only that property.
- 5.1.2.6 Any pipe used for distribution of gas (manufactured or natural) does not exceed a gauge pressure of 2,000 kilopascals, including household connections and compressors.

Discretionary Activities — Utilities – Activities

- 5.1.3 Any activity which does not comply with Rules 5.1.2.2–5.1.2.6 shall be a discretionary activity.

Non-Complying Activities — Utilities – Activities

- 5.1.4 Any activity which does not comply with Rule 5.1.2.1 shall be a non-complying activity.

5.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities — Height and Setbacks – Utility Buildings

- 5.2.1 Erecting any utility building, or any addition or alterations to, or modification or demolition of any utility building, if all of the following conditions are met:
- 5.2.1.1 The height of the utility building shall not exceed 12 metres.
- For Rule 5.2.1, the height of any utility building shall be measured from ground level at the base of the utility building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the utility building.
- 5.2.1.2 The utility building is set back a minimum distance of 10 metres from a strategic road, 5 metres from any other road, and 1 m from any property boundary.
- 5.2.1.3 The utility building is positioned so that it complies with the recession plane angles in Part E, Appendix 16.

Discretionary Activities — Height and Setbacks – Utility Buildings

- 5.2.2 Any utility building which does not comply with Rule 5.2.1 shall be discretionary activity.

5.3 HEIGHT – UTILITY STRUCTURES

Permitted Activities — Height – Utility Structures

- 5.3.1 Any utility structure which complies with all of the following conditions shall be a permitted activity:
- 5.3.1.1 The height of the utility structure shall not exceed 25m;
 - 5.3.1.2 Any pole or mast shall not exceed 500mm in diameter beyond a height of 6m above ground level.
 - 5.3.1.3 If any pole or mast exceeds 500mm in diameter beyond a height of 6m above ground level, it shall comply with the recession planes in Part E, Appendix 16.
- (For the avoidance of doubt, 5.3.1.2 and 5.3.1.3 do not apply to cross arms or antenna, except dish antenna);
- 5.3.1.4(a) Any dish antenna of less than 1.2m in diameter, shall not exceed a height of 25m, or if attached to a building shall not extend more than 2.5m above the point of attachment;
 - 5.3.1.4(b) Any dish antenna of more than 1.2m but less than 4m in diameter on a site adjoining a Living zone, shall not exceed a height of 25m or 2.5m above the point of attachment to any building to which it is attached; and shall comply with the recession plane in Part E, Appendix 16;
 - 5.3.1.4(c) Any dish antenna of more than 1.2m but less than 4m in diameter on a site not adjoining a Living zone, shall not exceed a height of 25m or 2.5m above the point of attachment.

For the purposes of Rule 5.3.1.1 to 5.3.1.3, the maximum height of any utility structure is measured from the ground surface to the top of the highest point of the utility structure and includes any attachments. Where a utility structure is attached to a building or another structure, the height of the utility structure will still be measured from ground level.

Restricted Discretionary Activities — Height – Utility Structures

- 5.3.2 Any utility structure which does not comply with Rule 5.3.1.1 shall be a restricted discretionary activity.
- 5.3.3 Under Rule 5.3.2 the Council shall restrict the exercise of its discretion to consideration of:
 - 5.3.3.1 Any adverse visual impacts or shading of neighbouring dwellings or living areas
 - 5.3.3.2 Whether the facility (and its siting) is visually obtrusive having regard to the character of the surrounding environment.

Discretionary Activities — Height – Utility Structures

- 5.3.4 Any utility structure which does not comply with Rules 5.3.1.2 to 5.3.1.3 shall be a discretionary activity.

5.4 COLOUR — UTILITY STRUCTURES

Permitted Activities — Colour – Utility Structures

- 5.4.1 Any telecommunication or radiocommunication tower (excluding fittings) which is finished in a nonreflective colour (or a surface which weathers to a colour) in shades of green, brown, or grey shall be a permitted activity.

Discretionary Activities — Colour – Utility Structures

- 5.4.2 Any telecommunication or radiocommunication tower (excluding fittings) which does not comply with Rule 5.4.1 shall be a discretionary activity.

5.5 OUTSTANDING LANDSCAPE AREAS – UTILITY STRUCTURES

Permitted Activities — Outstanding Landscape Areas – Utility Structures

5.5.1 In any area shown on the Planning Maps as an Outstanding Landscape Area any utility structure which complies with the following conditions shall be a permitted activity:

5.5.1.1 Any utility structure erected does not exceed:

- (a) A gross floor area of 40m²;
- (b) A height of 8m with the horizontal dimension not exceeding 600mm above a height of 4m; and (c) A reflectance value of 37% (excluding fittings).

Note: For the purposes of Rule 5.5.1.1(b) the maximum height is measured from the ground surface to the tip of the highest point of the structure, and includes any mast, aerial or other attachment.

For the purposes of Rule 5.5.1.1(c), reflectance value applies to the exterior surfaces of any structure. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded in the paint chart, the Council will determine its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour.

5.5.1.2 Any cable is laid underground;

5.5.1.3 In the Outstanding Landscape Areas in the Malvern Hills and the High Country, no utility structure is positioned so that it protrudes into the skyline above any mountain range or isolated hill, as viewed from any road; and

5.5.1.4 In the Port Hills Area, no utility structure is positioned so that it protrudes above the summit of the Port Hills, as viewed from the Summit Road or any road on the Plains.

5.5.2 In any area shown on the Planning Maps as High Country:

5.5.2.1 Any cable is laid underground within 300m of SH73 or the Midland Railway.

Restricted Discretionary Activities — Outstanding Landscape Areas – Utility Structures

5.5.3 Any activity which does not comply with Rule 5.5.1 or 5.5.2 shall be a restricted discretionary activity if all of the following standards are met:

5.5.3.1 The utility structure is located in an area shown on the Planning Maps as:

- (a) An Area of Outstanding Natural Landscape in the High Country or the Malvern Hills; or
- (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and (c) The road or utility structure has to be located within that area.

5.5.4 Under Rule 5.5.3, the Council shall restrict its discretion to consideration of the following matters:

5.5.4.1 Whether the site is appropriate for the utility structure and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;

5.5.4.2 The design and siting of the utility structure and any associated infrastructure;

5.5.4.3 The need for, species and design of any landscaping around the utility structure or any planting in the road reserve, to mitigate visual effects;

5.5.4.4 Whether there are alternative sites available for the utility structure and the costs, technical feasibility and practicality of using an alternative site;

5.5.4.5 Any positive effects which may offset any adverse effects;

5.5.4.6 Any monitoring or review conditions.

5.6 OUTSTANDING LANDSCAPE AREAS – UTILITY BUILDINGS

Permitted Activities — Outstanding Landscape Areas – Utility Buildings

- 5.6.1 In the areas shown on the Planning Maps as Outstanding Landscape Areas in the Port Hills, Malvern Hills and the High Country, any utility building which complies with the following conditions shall be a permitted activity:
- 5.6.1.1 A maximum gross floor area not exceeding 40m²;
- 5.6.1.2 A maximum height not exceeding 4m; and
- 5.6.1.3 A maximum reflectance not exceeding 37%.

Restricted Discretionary Activities — Outstanding Landscape Areas – Utility Buildings

- 5.6.2 Any building which does not comply with Rule 5.6.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
- 5.6.2.1 The building is within the Lower Slopes or Visual Amenity Landscape on the Port Hills;
- 5.6.2.2 In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:
- (a) The building is associated with an activity which is located within the area of Outstanding Landscape; and
- (b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.
- 5.6.3 Under Rule 5.6.2, the Council shall restrict its discretion to consideration of:
- 5.6.3.1 The design of the building including height, size/scale, external finish, colour and reflectance value;
- 5.6.3.2 The appropriateness of the building site having regard to geotechnical conditions and site stability;
- 5.6.3.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;
- 5.6.3.4 The extent to which the building or structure may:
- (a) dominate or detract from openness, visual coherence, legibility or integrity of the landscape;
- (b) include earthworks or new planting to assist in mitigation of any adverse landscape effects;
- (c) use topography or vegetation to assist in mitigation or containment of visual effects;
- (d) break the skyline or interrupt the form of any ridges, hills or prominent slopes;
- (e) be visually prominent in an area characterised by high natural values; (f) affect the amenity values of adjoining properties.
- 5.6.3.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings or structures;
- 5.6.3.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values;
- 5.6.3.7 The design and siting of any access to the building or structure, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks;
- 5.6.3.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground;
- 5.6.3.9 Any positive effects to be created by the proposed building and its associated accessway;
- 5.6.3.10 Any monitoring or review conditions.

Discretionary and Non-Complying Activities — Outstanding Landscape Areas – Utility Buildings

- 5.6.4 Any activity which does not comply with Rule 5.6.2.1 shall be a non-complying activity.
- 5.6.5 Any building which does not comply with Rule 5.6.2.2 shall be a non-complying activity.

5.7 RURAL CHARACTER – UTILITY BUILDINGS

Permitted Activities — Rural Character – Utility Buildings

5.7.1 In any areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding Landscape), any utility building which complies with the following condition shall be a permitted activity:

5.7.1.1 The exterior finish of any utility building has a reflectance value not exceeding 37%, except for buildings which are clad in unpainted corrugated iron.

Discretionary and Non-Complying Activities — Rural Character – Utility Buildings

5.7.2 Erecting any utility building or any part of a utility building which does not comply with Rule 5.7.1 shall be a discretionary activity.

Appendix 3: Hurunui District Plan Provisions

Appendix 3: Hurunui District Plan Provisions
Selwyn District Plan Review | Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities

Chapters



[Home](#) / Plan Review

The Council has received six appeals on the Decisions Version of the Proposed Plan. The provisions directly appealed are displayed with text boxes within each relevant chapter. The chapters directly affected are 3, 4, 5, 7, 11, 12, 13, 15, 17 and 20. In accordance with Section 86F of the Resource Management Act, any rules not affected by an appeal are treated as operative (and any previous rules in the 2003 Operative Plan are inoperative). However, rules may be affected by an appeal even if not directly appealed. Therefore, while identification of the provisions under appeal can provide general guidance as to which rules will or will not be treated as operative by Council, it is not definitive.

Chapter 7 – Energy

7.1 Introduction

Under Section 7 of the RMA, the Council must have particular regard to energy efficiency, climate change and the benefits to be derived from the use and development of renewable energy. The RMA defines renewable energy as energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources. The Government's target is for 90% of New Zealand's electricity generation to be from renewable energy resources by 2025. To achieve this, the Government has put in place a National Policy Statement for Renewable Electricity Generation (NPSREG). The District Plan must give effect to this NPS. In order to meet the Government's target it will be necessary to increase the output capacity of renewable electricity generation through the development of new renewable energy generation activities along with the protection of output from existing activities.

A secure, reliable and sustainable energy supply is vital to modern society. It enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The current trend in the district is a continuing rise in energy use. The district is heavily reliant on energy produced outside the District. As demand for electricity continues to increase, electricity generated from renewable resources is becoming increasingly important as a way of meeting future demand in an environmentally sustainable manner. Currently for the District, the most probable forms of renewable energy generation are likely to be through harnessing the power of the wind, small scale solar, and hydro-electricity. Other forms of fuel energy, such as bio-fuels, will also have the potential to contribute to meeting future energy demands.

Electricity generation from wind power is one of the fastest growing energy generation technologies worldwide and can be developed at a range of scales. The quality of the wind resource in the District, decreasing electricity generation costs, and rising electricity prices mean that large scale, as well as small scale, renewable electricity generation from wind is now economically viable and is very important to the future proofing of the District's energy supply. Other options such as large scale solar or biomass electricity generation may become more viable in the future with improvements in technology and cost effectiveness. However, energy generation, distribution and use can cause adverse effects on the environment through modification of natural resources such as waterbodies and ecosystems, by impacting on landscape and amenity values, or by having reverse sensitivity effects. As such, the District Plan seeks to restrict community and large scale energy generation activities to less sensitive environments.

Given the vital role of energy in our society consideration needs to be given to all energy sources, including those that are from nonrenewable energy resources. It is possible that non-renewable energy generation activities may need to be utilised to maintain security of supply while renewable energy sources are developed.

7.2 Issues

1. The need to reduce the effects of climate change by recognising the significance of electricity generation from renewable energy resources.
2. There is a need for additional renewable energy generation to satisfy future demand that cannot be met through energy conservation and efficiency measures.
3. Energy generation, distribution and use can cause adverse effects on the environment through modification of natural resources such as surface waterbodies or ecosystems, by impacting on landscape and amenity values, or by having reverse sensitivity effects.
4. Access to and security of energy supply is vital to the social, cultural and economic wellbeing of the district.
5. The use of non-renewable energy generation may be necessary to ensure security of supply.

7.3 Objectives and Policies

Objective 7.1

The development, operation, maintenance and upgrading of new and existing renewable energy generation activities is provided for, while ensuring that conflicts between these activities and sensitive environments are managed.

Objective 7.2

Energy generation, supply and use from non-renewable energy resources are provided for, where any associated adverse environmental effects are avoided, remedied or mitigated.

Policy 7.1

To recognise the national, regional and local significance and benefits of energy production from renewable resources by:

- 1, Enabling the investigation, identification and assessment of potential sites for renewable energy generation and investigations into renewable energy generation technologies and methods; and

2. Providing for community and commercial scale renewable energy production in less sensitive environments (those areas not identified in Policies 7.6 and 7.7); and

3. Enabling small scale on-site energy production from renewable resources.

Explanation

The need to develop, operate, maintain and upgrade renewable electricity generation activities is a matter of national significance. Regionally, the District has some of the best potential wind resource and also has hydroelectric potential. There is an available sunshine resource for solar technologies, land for growing trees and crops for bioenergy, and the possibility of small scale use of geothermal heat.

Policy 7.2

To recognise the value of producing energy from non-renewable sources only where the associated adverse environmental effects are avoided, remedied or mitigated.

Explanation

Some forms of energy production, both renewable and nonrenewable, can release greenhouse gases, which are a fundamental cause of human induced climate change. However, in some cases, energy production from non-renewable resources such as burning gases produced from landfill can have negligible or positive effects.

Policy 7.3

To encourage efficient energy use through the promotion of energy efficiency in subdivision design and the location and operation of buildings

Explanation

The RMA requires particular regard be given to the efficiency of the end use of energy. Energy demand increases approximately 2% each year as our population and economy grow. Making the most of our energy efficiency opportunities means we can reduce this growth in energy demand. At the domestic scale there are various approaches including the orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. This can be achieved through subdivision design or energy efficiency of new dwellings. 'Passive' energy efficiency achieved through the design of buildings is encouraged primarily by the Building Act. It is also possible to obtain significant energy gains through solar water heating or solar panels on dwellings.

Policy 7.4

To manage subdivision, use and development of land to avoid reverse sensitivity effects on consented and on existing renewable energy generation activities.

Policy 7.5

To acknowledge the practical and logistical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable energy generation activities, including the need to locate these activities where the renewable energy resources are available.

Policy 7.6

To manage renewable energy activities to minimise adverse effects by:

1. Managing cumulative effects;
2. Requiring setbacks from sensitive activities;
3. Controlling noise emissions;
4. Managing construction activities including vehicle movements; and
5. Maintaining amenity values and character.

Explanation

Energy production, supply and use can create effects that need to be managed. The scale and nature of effects can vary widely depending on the technology used, the scale of the development and the sensitivity of the receiving environment. The Council considers there is a need to establish a hierarchy of concern related to the scale of proposed energy activity, and its location relative to sensitive environments. The environmental effects of some larger scale projects can extend well beyond the project site. When the project site is located close to a sensitive environment, there is a higher level of concern about potential effects.

Policy 7.7

To consider environmental compensation or offsetting measures, including measures or compensation which benefits the local environment and community affected, where any residual environmental effects of renewable energy generation activities cannot be avoided, remedied or mitigated.

7.4 Rules

7.4.1 Application of Other Rules

[Show Appeals](#)

The rules contained in this chapter take precedence over any other zone rules that may apply to energy activities in the District Plan, except where there is a specific reference to those rules in these energy rules. These rules do not override the rules contained in:

- Chapter 5 – Subdivision;
- Chapter 8 – Transportation;
- Chapter 13 – Biodiversity; - Chapter 14 – Heritage; and
- Chapter 15 – Natural Hazards.

[Show Appeals](#)

7.4.2 Permitted Activities

The following activities are a permitted activity, unless they are specified as a restricted discretionary, discretionary or noncomplying activity below, and provided the activity complies with the standards in Rule 7.4.3:

1. The operation, maintenance, repair, replacement and minor upgrading of any existing energy activity.
2. Small scale energy activities.
3. Community scale energy activities.
4. Investigation and assessment works for energy activities.

7.4.3 Standards for permitted activities

1. Small scale energy activities and community scale energy activities:
 - (a) The maximum rotor diameter of wind turbines must not exceed 2m.
 - (b) Free-standing solar panels must not exceed an area of 25m². *Note – This does not apply to roof-mounted solar panels.*
 - (c) The maximum height of any building or structure that is part of the energy activity shall not exceed the height limit for the zone within which it is located.
 - (d) Any buildings or structure that is part of an energy activity shall meet the setbacks for the zone within which it is located.
 - (e) Noise from the energy activity shall not exceed the noise limits applicable to the zone within which the energy activity is located, except as addressed in (f).
 - (f)

Wind Turbines – Noise from wind turbines must be assessed in accordance with NZS6808:2010 “Acoustics – Wind farm noise” This rule must apply to any wind turbine irrespective of size.
2. Investigation and assessment works for energy activities:
 - (a) The erection of meteorological masts shall not exceed 100m in height;

- (b) Any mast over 20 metres in height shall be setback a minimum of:
 - (i) 500 m from any dwelling not located on the same property; and
 - (ii) 100 m from any property boundary, unless otherwise agreed with the affected property owner and occupiers;
- (c) The investigation and assessment works are not located within an Outstanding Natural Feature or Landscape or the Coastal Environment;
- (d) At the end of the investigation and assessment period:
 - (i) any ground disturbed by such activities shall be reinstated to a condition no less than that which existed prior to the commencement of the work;
 - (ii) all equipment and structures shall be removed and the site shall be restored and rehabilitated to a condition no less than that which existed prior to the works commencing;
- (e) The investigation or assessment period shall not exceed five years.

7.4.4 Discretionary activities (restricted)

The following activities are restricted discretionary activities:

1. Community scale energy activities within:
 - (i) an Outstanding Natural Feature; or
 - (ii) an Outstanding Natural Landscape; or (iii) the Coastal Environment; or (iv) Hurunui Lakes Area.

The Council will restrict its discretion to the following matters:

- (a) The height, size, scale, form, external colour/finish, reflectivity and design of buildings and structures, including and additions to these;
- (b) The location of buildings, structures and associated earthworks, specifically in relation to their impact on any natural landform features, including ridgelines, or the Coastal Environment;
- (c) The extent of coverage by buildings and impervious surfaces within the Outstanding Natural Feature or Landscape or the Coastal Environment;
- (d) The ability to maintain a backdrop of landform or vegetation behind the building or structure;
- (e) The proximity to other buildings and structures in the Rural Zone;
- (f) The proximity to boundaries with other sites;
- (g) The extent and nature of landscaping, including how this achieves integration of structures into the surrounding landscape;
- (h) The location of site access and vehicle parking spaces;
- (i) Visibility from publicly accessible view points;

- (j) Effects on natural character or landscape values;
- (k) Effects on Ngāi Tahu values;
- (l) Effects on geopreservation sites listed in Schedule 11.1;
- (m) The location and characteristics of any associated structures including impermeable surfaces, and outbuildings;
- (n) The extent to which indigenous vegetation is required to be removed to undertake the activity; and
- (o) Noise from wind turbines, assessed in accordance with NZS6808:2010 “Acoustics – Wind farm noise”.

2. Investigation and assessment works for energy activities within an Outstanding Natural Feature or Landscape or within the Coastal Environment.

The Council will restrict its discretion to the following matters:

- (a) The remediation and reinstatement of any ground disturbed by such activities to a condition no less than that which existed prior to the commencement of the work;
- (b) The length of time of the investigation or assessment period;
- (c) The removal of all equipment and structures at the end of the investigation or assessment period;

- (d) The height, size, scale, external colour/finish, reflectivity and design of any buildings or structures;
- (e) The location of any buildings or structures and earthworks, specifically in relation to their effects on the values of any Outstanding Natural Features, Outstanding Natural Landscapes or the Coastal Environment;
- (f) The location of any site access;
- (g) The degree to which adverse effects on the environment are reversible; and
- (h) The benefits associated with renewable energy activities, including enabling the identification of renewable energy possibilities.

3.

Investigation and assessment works for energy activities that do not meet the standards for permitted activities in Rule 7.4.3.2 (a), (b), (d) or (e).

The Council will restrict its discretion to the following matters:

- (a) The location, height, size, scale, external colour/finish, reflectivity and design of the works with regard to effects on amenity values;
- (b) The reasons for, and any

impacts caused by, the proposed extension of time;

(c) Any restoration and rehabilitation of the site; and

(d) The benefits of the facility to the community.

7.4.5 Discretionary activities (unrestricted)

The following activities are discretionary activities:

1. Any permitted activity that does not meet one or more of the standards for permitted activities and is not otherwise specified as a restricted discretionary or non-complying activity.
2. Any energy activity that is not otherwise specified as a permitted, restricted discretionary or non-complying activity.
3. Community scale energy activities within the Residential Zone; Business 2 Zone; Open Space Zone.
4. New Commercial scale energy activities.

7.4.6 Assessment Criteria

When considering an application and whether or not it can be granted pursuant to Part 2 of the RMA, the Council will have regard to the relevant assessment criteria.

1. Energy activities

- (a) Height, bulk and location of buildings and equipment;
- (b) Landscape treatment and screening;
- (c) Maintenance of natural character, landscape and amenity values;
- (d) Public safety;
- (e) Earthworks;
- (f) Noise;
- (g) Traffic effects;
- (h) Construction effects;
- (i) Cumulative impacts;
- (j) Ecological effects;
- (k) The degree to which a development facilitates or restricts diversity of energy production;
- (l) The significance of risks and effects when weighed against local, national, and global considerations;
- (m) The degree to which adverse effects on the environment are reversible;
- (n) Whether or not a generation facility needs to locate in proximity to the energy resource;
- (o) The extent to which offsetting measures or environmental compensation will successfully address any residual environmental effects that cannot otherwise be avoided, remedied or mitigated;
- (p)

The extent to which the development enhances or otherwise affects local, regional, or national security of energy supply; and

- (q) Noise from wind turbines, assessed in accordance with NZS6808:2010 “Acoustics – Wind farm noise”.



Chapters

Plan Review

[Home](#) / Plan Review

The Council has received six appeals on the Decisions Version of the Proposed Plan. The provisions directly appealed are displayed with text boxes within each relevant chapter. The chapters directly affected are 3, 4, 5, 7, 11, 12, 13, 15, 17 and 20. In accordance with Section 86F of the Resource Management Act, any rules not affected by an appeal are treated as operative (and any previous rules in the 2003 Operative Plan are inoperative). However, rules may be affected by an appeal even if not directly appealed. Therefore, while identification of the provisions under appeal can provide general guidance as to which rules will or will not be treated as operative by Council, it is not definitive.

Chapter 9 - Utilities

9.1 Introduction

Utilities are an essential part of the district's physical resources. Utilities include: electricity and gas reticulation networks, telecommunication and radiocommunication facilities, water systems, drainage, and sewerage reticulation. The development, maintenance, operation and upgrading of these utilities is essential to the social, economic and cultural wellbeing of the district's people, as well as to their health and safety.

Many utilities are provided for in the district by way of designations. All designations are listed in Schedule 9.1, which specifies the name of the authority responsible for the designation, the designation's purpose and location, and a legal description of the site. The rules of the underlying zone apply to activities other than those authorised by the designation.

The National Grid is managed and regulated in part by the National Policy Statement on Electricity Transmission 2008 (NPSET) and the National Environmental Standards for Electricity Transmission Activities 2009 (NESETA). The NPSET and NESETA only apply to the National Grid and do not apply to electricity distribution.

The NPSET recognises the national significance of the National Grid in its entirety, inclusive of substations and new transmission lines after 14 January 2010. The NPSET facilitates the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission assets. District plans are required to give effect to the NPSET.

The NESETA sets out a national framework of permissions and consent requirements for activities on National Grid lines existing at 14 January 2010. Activities include the operation, maintenance and upgrading of existing lines but exclude the development of new lines (after 14 January 2010) and substations. District plans must not be in conflict with not duplicate the provisions of the NESETA.

9.2 Issues

Particular issues relating to utilities in the District are:

1. Communities would not be able to function effectively or efficiently without the operation of essential facilities and services; yet such services and facilities can create significant direct or indirect adverse environmental effects, some of which may be quite specific to the utility. Due to their locational, technical and operational constraints, some utilities may generate adverse effects that cannot be practically avoided, remedied or mitigated. As such, these effects need to be balanced against the essential nature of facilities and the benefits these utilities

provide for the social, economic, health and safety of the wellbeing of people and communities in the Hurunui District and beyond.

2. It is important that utilities are resilient and robust and provide security of supply.
3. The development and use of land and the associated growth and development of the district, is hindered without adequate utilities and by the lack of access to resources, such as water. Without the services and resources provided by utilities communities and the environment can experience adverse effects.
4. There are difficulties identifying the costs and benefits associated with the provision of utilities, consequently there can be problems allocating costs and benefits between developers and the community so that neither bears a disproportionate burden.
5. Telecommunications and radio communications are vital components of the district's ability to function effectively. However, related structures can cause visual effects in sensitive areas such as within Outstanding Natural Features and Landscapes.
6. National Grid infrastructure is nationally significant and provides essential services to the district, wider region and beyond. The National Grid is subject to risks from inappropriate subdivision and land use that can adversely affect its efficient and safe operation.

9.3 Objectives and Policies

Objective 9

Utilities are provided that meet the needs of today's communities and the reasonable foreseeable needs of future generations, while appropriately managing adverse effects on the environment resulting from the utilities location, operation, upgrading and maintenance.

Policy 9.1

To provide for the development, maintenance, operation and upgrading of utilities while managing their adverse environmental effects.

Policy 9.2

To recognise the local and regional benefits of regionally and nationally significant utilities and ensure that these are designed and sited in a way which appropriately avoids, remedies or mitigates adverse environmental effects, taking into account their locational, technical and operational constraints.

Explanation

The district's utilities support economic, social and cultural activities, maintain health and living standards and are vital facets of the district's functioning. However, it is not always possible to avoid, remedy or mitigate all adverse effects associated with some utilities due to their locational, technical and operational constraints. As such, some residual effect may need to be accepted in recognition of the necessity of these utilities. It is also important to recognise the benefits that these regionally significant utilities have locally and regionally and ensuring that these benefits are protected from incompatible subdivision, use and development. Some of the benefits that are to be recognised in respect of any matter relating to regionally significant utilities are:

- People have access to electricity to meet their needs;
- Utilities such as telecommunications and radio communications are vital in terms of the district's readiness and responsiveness to emergencies, particularly civil defence emergencies;
- People and goods are able to travel around the district and region efficiently and safely;

- The provision of essential services such as supply of potable water and the collection, treatment and disposal of sewage enables the community well-being and public health and safety to be maintained.

Policy 9.3

To recognise that utilities can affect outstanding natural features and landscapes, natural character, and significant natural areas, including in the coastal environment, while recognising that at times there may not be alternate locations for the utility or that location in these areas may provide a better environmental outcome.

Note: See also the policies in the Landscapes and Coastal Chapters, especially Policies 11.2, 11.3 and 12.4.

Policy 9.4

To recognise that the location and siting of utilities has the potential to affect cultural values, including Ngāi Tahu values.

Policy 9.5

To enable the development of utilities to store and deliver irrigation and stock drinking water to users of that water, including irrigation reticulation infrastructure, provided that any adverse effects can be avoided, remedied or mitigated, including the loss of productive rural land, particularly where that land does not receive direct benefit from the utility.

Policy 9.6

To reduce demand on potable water supplies by encouraging the collection and safe re-use of rainwater and greywater for other needs.

Explanation

The use of potable water for other uses such as garden watering can have adverse effects on the supply, especially in times of drought. The Council will encourage the collection of rainwater and the re-use of greywater where appropriate.

Policy 9.7

To avoid significant adverse effects from subdivision and land development on National Grid infrastructure to ensure the safe, secure and efficient operation of the National Grid and that the National Grid operators ability to maintain, develop and upgrade the National Grid network is not compromised.

Explanation

Subdivision and development within the vicinity of National Grid infrastructure and associated infrastructure can adversely affect the efficient and safe operation of this infrastructure, as well as compromise the safety of the community. National Grid infrastructure are important in ensuring that the National Grid network can continue to operate and be maintained as necessary. As such, the Council has set minimum setback requirements for buildings and structures from all National Grid high voltage lines and substations.

Policy 9.8

To avoid, or as appropriate, remedy or mitigate reverse sensitivity effects from land development and subdivision on utilities to ensure the safe, secure and efficient operation of such utilities

Explanation

The potential for reverse sensitivity effects may arise when the pattern and density of land use activities changes through the rezoning or subdivision of land. Inappropriate new subdivision, use or development in proximity to existing utilities has the potential to compromise the efficient operation and use of the utilities and results in the benefits of the utilities being reduced. Additionally, the safety and amenity values of the community may be adversely affected by the close proximity to regionally significant utilities. Reverse sensitivity effects on utilities are required to be appropriately managed, with priority given to avoiding adverse effects on those

utilities. Any subdivision or land use applications that involve potential intensification located in proximity to utilities will require assessment in regards to the potential effects on those utilities as well as consultation with the relevant utility operator.

Policy 9.9

To provide for the ongoing operation, maintenance, upgrade and development of the electricity distribution network, including by managing the adverse effects from subdivision, use and development on the identified strategic electricity distribution lines, through the management of activities within an identified corridor.

9.4 Rules

9.4.1 Application of National Environmental Standards.

1. Telecommunications facilities

All telecommunications facilities must comply with the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2009. Except as provided for by the Regulations or the RMA, no rules in this Plan apply to such activities.

2. Electricity transmission

All electricity transmission activities affecting National Grid assets existing as at 14 January 2010 must comply with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. Except as provided for by the Regulations or the RMA, no rules in this Plan apply to such activities.

9.4.2 Application of other Rules

The rules contained in this section take precedence over any other zone rules that may apply to utilities in the District Plan, except where there is a specific reference to those rules in these Utilities rules. The rules in Chapter 15 – Natural Hazards do not apply to utilities. These Utilities rules do not override the rules contained in:

- Chapter 5 - Subdivision
- Chapter 8 - Transportation
- Chapter 11 - Landscapes
- Chapter 12 - Coastal Environment
- Chapter 13 - Biodiversity
- Chapter 14 - Heritage

Designations are not subject to these rules where the activity proposed is undertaken by the requiring authority and is in accordance with the designation purpose and conditions

9.4.3 Permitted activities

The following activities are permitted activities

1. Above ground utility lines and support structures, where the following standards are met:
 - (a) Lines and new support structures are not located in, or in road reserve adjacent to, a Residential, Business or Open Space Zone, except for the minor extension of existing lines that involves no more than three additional support structures;
 - (b) Lines and support structures for conveying electricity at a voltage up to and including 110 kV or for conveying communications do not exceed 16 m in height in Rural or Industrial Zone including in road reserve adjacent to these, except where the road reserve is also adjacent to

- a Residential, Business or Open Space Zone, in which case (a) above applies;
- (c) The maintenance, repair or replacement of all existing electricity or communications lines and support structures (including those conveying electricity at a voltage over 110 kV).
- (d) The upgrading of all existing electricity or communications lines that increases the carrying capacity, voltage, efficiency or security, utilising the existing support structures or structures of a similar scale or character, and including:
- (i) The addition of circuits and/or conductors; or
 - (ii) The re-conductoring of the line with higher capacity conductors; or
 - (iii) The re-sagging of conductors; or
 - (iv) The addition of longer or more efficient insulators; or
 - (v) The addition of earthwires (which may contain telecommunication lines, earth peaks and lightning rods); or
 - (vi) The addition of customer connections to buildings using existing support poles; or
 - (vii) The addition of electrical fittings; or
 - (viii) The addition of aerial telecommunications cables to an existing support structure in road reserve; or
 - (ix) An increase in height of replacement poles in the road reserve by a maximum of 1m, only where it is for the purpose of achieving road controlling clearance requirements.
- (e) Other than replacement, maintenance or upgrading of existing lines:
- (i) Support structures for lines are not located within an existing esplanade reserve or strip or, where there is no existing esplanade provision, within 20 m of the bed of any river or lake, excluding where these support structure are located in formed road; or
- (f) The erection of health and safety signs on utility lines and support structures.
2. Above ground utility buildings and structures in the Rural Zone, where the following standards are met:
- (a) Setback requirements (excluding: water tanks; intakes; canals; reservoirs; utilities that do not exceed 2.5 m in height and 10 m of² floor area; and masts that do not exceed 10 m in height and a maximum diameter of 1.2m, including all antennas):
 - (i) 75 m from the boundary of a strategic arterial road, district arterial road or collector road and 10 m from the boundary of any other road, or in the case of masts exceeding 10m in height, 10 m from the boundary of any road

- (ii) 20 m from the bed of any river or lake excluding where these buildings or structures are located in formed road;
- (i) Utility buildings and structures:
- (iii) Within 12 metres of the centre line of a 220kV or 350kV National Grid transmission line or within 10 metres of a 66kV National Grid transmission line:
 - (i) Utility buildings and structures:
 - a. shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001); and
 - b. shall not be for the reticulation or storage of water for irrigation purposes
- (i) (i) Utility buildings and structures:
 - a. shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001); and
 - b. shall not be for the reticulation or storage of water for irrigation purposes (ii) Earthworks shall comply with Rule 3.4.3.16(d). (b) Height limits (exclusive of lightning rods):
- (i) Masts not exceeding 35 m. There shall be an additional 5 m allowance where two or more providers co-locate;
- (ii) Lattice towers not exceeding 10 m; and
- (iii) Any other utility building or structure not exceeding 10 m;
- (c) Antennas (including their bracket or attachment) do not exceed either 3 m in diameter or 3 m in any facing surface area;²
- (d) Building mounted antennas, provided they comply with the size in 9.4.3.2(c) and that the mounted antenna does not exceed more than 5 m above the highest part of the building to which they are attached; and
- (e) The following provisions for the zone in which the utility is located shall be met:
 - (i) Light emissions;
 - (ii) Noise limits;
 - (iii) Signs;
 - (iv) Access and parking; and
 - (v) All permitted activity standards shall be met for staffed utility buildings.

Note: Utility lines, and support structures are exempt from Rules 9.4.3.2(a) – (e)

- 3. The maintenance, repair or replacement of above ground utility buildings and structures.
- 4. The upgrading of above ground utility buildings and structures, where the following standards are met:

- (a) In the Rural Zone, the upgraded building or structure meets the standards in 9.4.3.2(b)(c) and (d) or does not increase any existing non-compliance with those standards, and does not increase any existing non-compliance with the other standards in Rule 9.4.3.2; and
- (b) On sites zoned Residential, Business, Industrial or Open Space, the upgraded building or structure meets the standards in 9.4.3.5(b) and (d) or does not increase any existing non-compliance with those standards, and does not increase any existing non-compliance with the other standards in Rule 9.4.3.5.
5. Above ground utility buildings and structures on sites zoned Residential, Business, Industrial or Open Space, where the following standards are met:
- (a) Setback requirements:
- (i) For any Business or Industrial zones, where the site adjoins a Residential zoned site, a minimum of 1 m from the shared boundary;
- (ii) For all other zones a minimum of 4.5 m from the front boundary and 1.0 m from all other boundaries;
- (iii) Within 12 metres of the centre line of a 220kV or 350kV National Grid transmission line or within 10 metres of a 66kV National Grid transmission line:
- (i) Utility buildings and structures:
- a. shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001); and
- b. shall not be for the reticulation or storage of water for irrigation purposes.
- (ii) Earthworks shall comply with Rule 4.6.9(f) or Rule 4.17.9 (e).
- (iv) Utilities and structures that do not exceed 2.5 m in height and 10 m of floor area are exempted from the setback² requirements of Rule 9.4.3.5(a)(i) - (iii);
- (b) Height limits (exclusive of lightning rods):
- (i) Masts must not exceed a height of 10 m in Residential and Open Space zones, 15 m if guyed and 20 m if unguyed in Industrial or Business zones. There shall be an additional 5 m allowance where two or more providers co-locate in the Business and Industrial zones;
- (ii) Lattice towers in any zones must not exceed 10 m;
- (iii) Any other utility building or structure must not exceed 10 m; and
- (iv) Building mounted antennas provided that the antenna does not exceed more than 5 m above the highest part of the building to which the mounted antenna is attached in the Industrial and Business zones and does not exceed more than 3 m above the highest part of the building to

which the mounted antenna is attached in the Residential and Open Space zones;

- (c) Antennas (including their bracket or attachment) do not exceed either 3 m in diameter or 3m in any facing surface area;²
- (d) The following provisions for the zone in which the utility is located shall be met:
 - (i) Light emissions;
 - (ii) Noise limits;
 - (iii) Signs;
 - (iv) Access and carparking;
 - (v) Temporary activities;
 - (vi) All permitted activity standards shall be met for staffed utility buildings; and
- (e) Utilities within the Buxton Valley Outline Development Plan area must comply with the relevant height and colour standards relating to buildings and structures within that zone.

Note: Utility lines and support structures are exempt from Rules 9.4.3.5(a) – (e).

- 6. Underground utility lines and pipes, where the following standards are met:
 - (a) Where located in the Rural Zone, the earthworks meet the standards in Rule 3.4.3.16(a) and (b);
 - (b) Other than replacement, maintenance or upgrading of existing lines and pipes, utilities are not located within:
 - (i) An existing esplanade reserve or strip or, where there is no existing esplanade provision, within 20 m of the margin of any river or lake excluding where these lines or pipes are located in formed road.
- 7. Replacement or maintenance of existing consented community-scale irrigation, stockwater and rural drainage utilities, where the following standards are met:
 - (a) The earthworks provisions for the zone in which the utility is located;
 - (b) The replacement or maintenance does not involve increasing the width or capacity of any drain, race or canal by more than 20% or 1 m, whichever is the greater;
 - (c) Utilities are not located within:
 - (i) An existing esplanade reserve or strip or, where there is no existing esplanade provision, within 20 m of the margin of any river or lake excluding where these lines or pipes are located in formed road.

9.4.4 Discretionary activities (restricted)

The following activities are restricted discretionary activities:

1. Any permitted activity that does not meet any one or more of the standards for permitted activities in Rule 9.4.3 and is not specified as a discretionary activity in Rule 9.4.5.1 or 9.4.5.2 is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

1. The reasons for, and any impacts caused by, the proposed location, site or route;
2. Any impacts from the proposed height, bulk, or form of the utility, including whether the external appearance of the facility is compatible with or acceptable in relation to the visual character of the area;
3. Maintenance of natural character, landscape and amenity values; 4. The feasibility of co-siting or any other alternative arrangement; and
5. The benefits of the facility to the community.

9.4.5 Discretionary activities (unrestricted)

The following activities are discretionary activities:

1. Gas distribution lines exceeding a gauge pressure of 2000 kilopascals.
2. Sewage treatment and disposal facilities.
3. Any utility that is not listed as a permitted, controlled or discretionary (restricted) activity.

9.5 Assessment criteria

When considering an application and whether or not it can be granted pursuant to Part 2 of the RMA, the Council will have regard to the relevant assessment criteria:

1. General
 - (a) The reasons for the proposed location, site, route or method, including any locational, technical and operational constraints;
 - (b) Whether the external appearance of the facility is compatible or acceptable in relation to the visual character of the area, taking into account the extent to which effects have been avoided, remedied or mitigated by the route, site and method selection;
 - (c) Effects on the technical, operational or safety performance of other public utilities within close proximity of the proposed facility;
 - (d) The benefits of the utility to the community and beyond;
 - (e) The degree to which any adverse environmental effects have been or can be avoided, remedied or mitigated; and
 - (f) In relation to the location and siting, the effects on Ngāi Tahu values.
2. Co-siting of utilities

Where the co-siting of compatible facilities is not proposed (within 50 m of each other):

- (a) Whether there is another site available for co-siting;
- (b) Whether the existing facility is technically incompatible;
- (c) Whether an alternative site would have less adverse visual impact;
- (d) Any significant practicable difficulties with using the site;
- (e) Whether there are land ownership or legal difficulties; and
- (f) Whether the location of the existing structure will provide the desired coverage and meet technical or operational requirements.

Schedule 9.1 Designations

Requiring Authority: *Chorus New Zealand Ltd*

ID	Map	Site name	Purpose	Location	Legal description	Area (ha)
D21	A	Amberley exchange	Telecommunication and radio communication and ancillary purposes	9 Markham St, Amberley	Lot 1 DP 63614	0.1901
D22	16	Beltana microwave station	Telecommunication and radio communication and ancillary purposes	Parnassus Rd (SH1)	Pt Lot 2 DP 18586	0.4133 (subject to survey)
D23	D	Cheviot exchange	Telecommunication and radio communication and ancillary purposes	Cnr Hall St & Seddon St, Cheviot	Pt Sec 4 Blk XXII, Town of Cheviot	0.0212
D24	F	Culverden exchange	Telecommunication and radio communication and ancillary purposes	34 Mountainview Road, Culverden	Lot 1 DP 73697	0.0513
D25	5	Glenkens microwave station	Telecommunication and radio communication and ancillary purposes	Glenkens Road	Pt Sec 5 Blk VIII Cheviot SD	0.35
D26	1,1a	Hanmer Springs exchange	Telecommunication and radio communication and ancillary purposes	2 Conical Hill Rd, Hanmer Springs	Lot 1 DP 57967	0.0549
D27	J	Hawarden exchange	Telecommunication and radio communication and ancillary purposes	2 High St, Hawarden	Lot 1 DP 73698	0.1089
D28	11	Horsley Downs radio station	Telecommunication and radio communication and ancillary purposes	Christians Rd, Horsley Downs	Pt Sec 20 Horsley Downs Sett	0.2
D29	9	Montserrat microwave station	Telecommunication and radio communication and ancillary purposes	Reeces Rd	Pt Lot 4 DP 4437	0.4975
D31	9	Omihi exchange	Telecommunication and radio communication and ancillary purposes	Reeces Rd	Pt Lot 1 DP 13899	0.0278

Appendix 4: Christchurch Replacement District
Plan Provisions

Appendix 4: Christchurch Replacement District Plan Provisions
Selwyn District Plan Review | Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities

Chapter 11 Utilities and Energy

11.1 Introduction

- a. This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. This chapter relates to a range of [utilities](#) that may occur throughout the District. The objectives, policies, rules, standards and assessment criteria seek to provide for the operation, maintenance, upgrading and development of [utilities](#), while also managing the potential adverse effects of [utilities](#) on the environment.
- c. The provisions of this chapter also seek to avoid the potential adverse effects of other land uses and developments, including [reverse sensitivity](#) effects, on the operation, maintenance, upgrade and development of [utilities](#).
- d. The provisions in this chapter give effect to the Chapter 3 Strategic Directions Objectives.

11.2 Objectives and policies

11.2.1 Objective — Provision of utilities

- a. Effective and efficient provision of [utilities](#) in a manner that is integrated with land use and development in the District.
- b. The continued operation, maintenance, upgrade and development of [utilities](#) throughout the District.
- c. An increase in [renewable electricity generation activities](#).

11.2.1.1 Policy — Sustainable water supply

- a. Achieve sustainability and resilience of the District's water supply by encouraging water conservation and the re-use and recycling of water.

11.2.1.2 Policy — Benefits of utilities

- a. Require that new [utilities](#) are designed and constructed to maintain function should a significant seismic event or other natural hazard event occur.
- b. Recognise the national, regional and local benefits of the secure and efficient operation of [utilities](#) by providing for the operation, maintenance, upgrade and development of [utilities](#).

11.2.1.3 Policy — Renewable electricity generation

- a. Provide for the operation, maintenance, upgrade and development of [utilities](#) that derive or generate electricity through renewable sources by:
 - i. recognising the benefits to people and communities of [renewable electricity generation](#);
 - ii. acknowledging the implications and constraints associated with [renewable electricity generation activities](#), including locational, operational and technical matters;
 - iii. promoting small and community scale [renewable electricity generation activities](#), such as from solar and wind energy;
 - iv. reducing the use of finite resources for the generation of electricity; and
 - v. recognising the benefits of reducing greenhouse gas emissions that contribute to climate change

11.2.1.4 Policy — Communication facilities

- a. Recognise the importance of [radiocommunications](#) and [telecommunication utilities](#) by:
 - i. providing for the development and use of [radiocommunications](#) and [telecommunication utilities](#);
 - ii. acknowledging that the management of adverse effects of [radiocommunications](#) and [telecommunication utilities](#) is constrained by technical and operational requirements; and
 - iii. having regard to design, location and installation method when considering the effects of new or upgraded [radiocommunications](#) and [telecommunication utilities](#).

11.2.1.5 Policy — Electricity transmission and electricity distribution

- a. Recognise the national significance of the [National Grid](#) by:
 - i. providing for the benefits derived from a secure and efficient [electricity transmission](#) network;
 - ii. providing for the operation, maintenance, upgrade and development of the [National Grid](#);
 - iii. acknowledging that the management of adverse effects of the [National Grid](#) is constrained by technical and operational requirements; and
 - iv. having regard to the route, site and method selection when considering the effects of new infrastructure or major upgrades.
- b. Provide for ongoing operation, maintenance, upgrade and development of the [electricity distribution](#) network, while:
 - i. having particular regard to the post-earthquake repair and resilience requirements of the [electricity distribution](#) network.

11.2.1.6 Policy — Fuel facilities, storage and supply systems

- a. Recognise the importance of operating, maintaining and developing a reliable and resilient fuel storage and supply system.

11.2.2 Objective — Adverse effects

- a. The adverse effects of new or upgraded [utilities](#) on other activities and the environment are managed, whilst having regard to the technical and operational requirements of [utilities](#).
- b. The protection of [utilities](#) from the adverse effects of other activities.

11.2.2.1 Policy — Adverse effects of utilities

- a. To ensure that, where reasonably practicable, and having regard to the benefits of [utilities](#) and their locational, technical and operational requirements, new or upgraded [utilities](#):
 - i. are located and designed in a way that minimises adverse effects; and
 - ii. avoid, remedy or mitigate the potential for adverse effects of noise from wind turbines.

11.2.2.2 Policy — Adverse effects on utilities

- a. Avoid adverse effects on [utilities](#), including [reverse sensitivity](#) effects, that may compromise their operation, maintenance, upgrade and development.
- b. Avoid adverse effects, including [reverse sensitivity](#) effects, on the [National Grid](#) and the identified 66kV and 33kV [electricity distribution lines](#) and the Heathcote to Lyttelton 11kV [electricity distribution line](#), through the management of activities within an identified buffer corridor.

11.2.2.3 Policy — Radiofrequency, electric and magnetic fields

- a. Manage the potential adverse effects of radiofrequency, electric and magnetic fields associated with [utilities](#).
- b. Avoid locating [sensitive activities](#) where there could be adverse effects from [utilities](#) that generate radio frequency, electric and magnetic fields.

11.3 How to interpret and apply the rules

- a. The rules that apply to all [utilities](#) in the District are contained in the activity status tables (including activity specific standards) in:
 - i. Rule [11.4](#); ii.
Rule [11.5](#); iii.

Rule 11.6; iv.

Rule 11.7; and

v. Rule 11.8.

Note: The activity standards in Rule 11.9 also apply to all activities listed in Rules 11.4 - 11.8.

- b. The rules in the zone chapters (13 – 18) do not apply to [utilities](#), unless specified or referenced in this chapter.
- c. The activity status tables and standards in the following chapters also apply to all [utilities](#) in the District:
 - 4 Hazardous Substances and Contaminated Land;
 - 5 Natural Hazards;
 - 6 General Rules and Procedures (except for Sub-chapter 6.6 Water Body Setbacks);
 - 7 Transport (except for the Transport Zone rules);
 - 8 Subdivision, Development and Earthworks;
- d. [Chapter 5](#) (Natural Hazards) includes specific rules in relation to [utilities](#) in areas subject to hazards.
- e. [Chapter 9](#) (Natural and Cultural Heritage) rules do not apply to [utilities](#), unless otherwise specified (including the following):
 - i. The rules in Sub-chapter 9.1 do apply to [utilities](#), except that:
 - A. Rule 9.1.4.3 RD3 does not apply to [indigenous vegetation clearance](#) for the purposes of minor upgrades to [utilities](#) provided for by Rule 11.4.1 P9 - P15; and
 - B. Rule 9.1.3 h. includes some exemptions for maintenance of existing access tracks for [utilities](#), protection of, and access to, existing electricity infrastructure, and the replacement, repair, maintenance and minor upgrading of existing [utilities](#), involving [indigenous vegetation clearance](#).
 - ii. Rule 9.4.4.1 applies to the pruning, felling, maintenance or remedial work/treatment to significant trees listed in [Appendix 9.4.7.1](#) and trees in the public realm undertaken by the [Council](#) or [network utility operators](#).
 - iii. The following matters of discretion apply:
 - A. Rule 9.1.5.2;
 - B. Rules 9.2.8.1, 9.2.8.2 and 9.2.8.3;
 - C. Rule 9.3.6.1;
 - D. Rule 9.4.6;

E. Rule 9.5.5, as relevant to the site classification;

F. Rule 9.6.3.1.

- f. The rules in Chapter 11 that relate to [heritage items](#) or [heritage settings](#) shall not apply to works undertaken to electrical equipment located within [heritage items](#) listed in the Schedule of Significant Historic Heritage (in Appendix 9.3.7.2) as [heritage item](#) numbers 201, 207, 489, 544, 600 and 624, where such works are associated with the replacement, repair, maintenance and minor upgrading of the [electricity distribution](#) network.

The rules in Chapter 11 that relate to [heritage items](#) shall not apply to the Hagley Park [heritage item](#) (number 1395), other than to [heritage items](#) and [heritage settings](#) individually listed in the Schedule of Significant [Historic Heritage](#) in Appendix 9.3.7.2.

- g. All [telecommunication facilities](#) operated by a [network utility operator](#) are controlled by the Resource Management (National Environmental Standards for [Telecommunication Facilities](#)) Regulations 2008 (NESTF) in respect of the generation of radiofrequency fields. In the [road reserve](#) equipment [cabinets](#), noise from these [cabinets](#), and [masts](#) / [antennas](#) on existing structures are also controlled by the NESTF. Other [telecommunication facilities](#) or activities will be managed by the [District Plan](#).
- h. The NESTF manages instances where:
- i. An original [utility structure](#) is replaced with a replacement [utility structure](#); ii. The addition of an [antenna](#) makes a structure into a replacement [utility structure](#); iii. If an [antenna](#) on a replacement [utility structure](#) is replaced; or
- iv. A dish [antenna](#) is added to or replaced on an original [utility structure](#) or replacement [utility structure](#).
- i. Under the NESTF, other [telecommunication facilities](#) or activities are managed by the [District Plan](#):
- i. Within the [dripline](#) of a tree or other vegetation where the trees or other vegetation are managed by the [District Plan](#).
- ii. On the same side of the [road](#) as items or land identified as having [historic heritage](#) values, where the land or items are identified by the [District Plan](#).
- iii. On the same side of the [road](#) as land or [sites](#) that are identified as having visual [amenity values](#) by the [District Plan](#).
- j. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) contain a separate code of rules for the operation, maintenance, upgrading, relocation or removal of an existing [transmission line](#), which is part of the [National Grid](#), as defined in the regulations. Except as provided for by the regulation, no rules in this [District Plan](#) apply to such activities. Where an activity does not relate to an existing [transmission line](#) that is part of the [National Grid](#), or where new [transmission lines](#) and associated structures are proposed, the [District Plan](#) provisions apply.
- k. Except for a resource consent application within a [Site of Ngāi Tahu Cultural Significance](#) identified in Schedule 9.5.6.1, any application for resource consent for a controlled or restricted

discretionary activity arising from the rules in this chapter shall not be publicly or limited notified. For any other application for resource consent, the [Council](#) may publicly or limited notify the application.

- l. Any resource consent application within a [Site of Ngāi Tahu Cultural Significance](#) identified in Schedule 9.5.6.1 need not be publicly notified, but shall be limited notified to the relevant rūnanga (absent their written approval).
- m. Unless otherwise stated, a permitted activity includes operation of that activity.

11.4 Rules — Utilities and energy — General

11.4.1 Permitted activities — General

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table and the activity standards in Rule 11.9.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 11.4.2, 11.4.3, 11.4.4, 11.4.5, 11.4.6 and 11.5 to 11.8.

	Activity	Activity specific standards
P1	Construction or extension of any access tracks to utilities (except as provided for in Rule 11.4.3 RD6).	a. Access tracks shall not be located within or on: <ol style="list-style-type: none"> i. the dripline of a significant tree listed in Appendix 9.4.7.1; ii. a heritage item or heritage setting listed in Appendix 9.3.7.2; or iii. a Site of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1.
P2	Weather stations and navigation aids .	b. New weather stations and navigation aids greater than 1 metre in height or 6 m ² in area shall not be located within or on: <ol style="list-style-type: none"> i. a Character Area Overlay; ii. the dripline of a significant tree listed in Appendix 9.4.7.1; or iii. a heritage item or heritage setting listed in Appendix 9.3.7.2.
P3	Maintenance of a utility and the establishment of associated temporary structures, including vegetation trimming or removal.	Nil

P4	<p><u>Utility cabinets</u> as part of any <u>utility</u>, excluding any <u>utility cabinet</u> for <u>electricity transmission</u> or <u>electricity distribution</u> provided for under Rule 11.5.1 P2.</p>	<ul style="list-style-type: none"> a. The <u>utility cabinet</u> is located underground; or b. For above ground <u>telecommunication cabinets</u>, or those regulated by the NESTF, the maximum floor area shall be 2 m² and the maximum <u>height</u> shall be 2 metres (measured from <u>ground level</u> or the top of a concrete plinth if there is one); c. For above ground <u>utility cabinets</u> other than in standard (b) above, the maximum floor area shall be 10 m² and the maximum <u>height</u> shall be 2.5 metres (measured from <u>ground level</u> or the top of a concrete plinth if there is one); and d. For above ground <u>utility cabinets</u> in the Avon
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	Activity	Activity specific standards
		<p>River Precinct (Te Papa Ōtākaro Zone) the maximum floor area shall be 5m² and the maximum <u>height</u> shall be 3 metres (measured from <u>ground level</u> or the top of a concrete plinth if there is one).</p>
P5	<p><u>Utility buildings</u>, excluding any <u>utility buildings</u> for <u>electricity transmission</u> or <u>electricity distribution</u> provided for under Rule 11.5.1 P2.</p>	<ul style="list-style-type: none"> a. Built form standards for the relevant zone.
P6	<p>Installation of network <u>utilities</u> and <u>ancillary equipment</u> underground.</p>	<p>Nil</p>
P7	<p>New lines and associated <u>utility structures</u> to provide electricity supplies to electric tramway trolley bus or rail systems.</p>	<p>Nil</p>
P8	<p><u>Utility structures</u> for street lighting.</p>	<p>Nil</p>
P9	<p>Re-location of <u>utilities</u>.</p>	<ul style="list-style-type: none"> a. The re-location must not be more than 2 metres measured horizontally, except that it may be more than 2 metres but not exceed 5 metres horizontally where it is associated with <u>road</u> widening or it is for safety reasons.
P10	<p>Replacement of an existing <u>utility structure</u> or <u>mast</u>.</p>	<ul style="list-style-type: none"> a. The diameter or width of the replacement <u>utility structure</u> or <u>mast</u> at its widest point must not exceed twice that of the replaced <u>utility structure</u> or <u>mast</u> at its widest point. b. The <u>height</u> of the replacement <u>utility structure</u> or <u>mast</u> must not exceed whichever of the following is the greater <u>height</u>: <ul style="list-style-type: none"> i. the <u>height</u> of the replaced <u>utility structure</u> or <u>mast</u>; or ii. the applicable maximum <u>height</u> for a <u>building</u> in the relevant zone.

		<p>c. The replaced utility structure or mast must be removed once the replacement structure or mast is in place.</p>
P11	Addition to an existing utility structure or mast .	<p>a. The combined diameter or width of the existing utility structure or mast plus the addition (at its widest point) must not exceed twice that of the pre-existing utility structure or mast (at its widest point).</p> <p>b. The combined height of the existing utility structure or mast plus the addition must not exceed whichever of the following is the greater:</p> <p>i. the pre-existing height of the existing utility structure or mast; or ii. the applicable maximum height for a</p>

	Activity	Activity specific standards
		building in the relevant zone.
P12	Replacement of an existing transmission or distribution tower.	<p>a. The replacement tower must not exceed the height of the replaced tower by more than 15%.</p> <p>b. Each side of the replacement tower's footprint must not be longer than the length of any side of the replaced tower's footprint plus 25% of the width of the replaced tower's footprint.</p> <p>c. The replaced tower must be removed once the replacement tower is in place.</p>
P13	<p>An increase in the carrying or operating capacity, efficiency or security of electricity transmission or electricity distribution lines, or telecommunication lines, by the following activities:</p> <p>a. the addition of wires, cables, circuits and/or conductors;</p> <p>b. the re-conductoring of the line with higher capacity conductors;</p> <p>c. the re-sagging of conductors;</p> <p>d. the addition of longer or more efficient insulators;</p> <p>e. the addition of earth wires (which may contain telecommunication lines, earthpeaks and lightning rods);</p> <p>f. the replacement of above-ground ducts, cables and pipes up to a 50% increase in diameter; and</p> <p>g. the replacement of the utility.</p>	<p>a. If the utility is replaced, the replacement utility must be of a similar scale and character to the structure that is replaced.</p>

P14	An increase in the carrying or operating capacity, efficiency or security of fuel and gas transmission or distribution lines, including the installation of isolation valves or other ancillary equipment , and the associated replacement of the utility .	a. If the utility is replaced, the replacement utility must be of a similar scale and character to the structure that is replaced.
P15	The installation of new mid-span electricity poles to address clearances required by New Zealand Electrical Code of Practice 34:2001 .	Nil.
P16	Customer connections from and to buildings , facilities, structures and sites used for or serviced by utilities .	Nil.
P17	The attachment to existing bridges (except any bridge that is a structure identified in Appendix 9.3.7.2) of a pipe or cable for the conveyance of water, wastewater, stormwater, electricity, gas or fuel, or for telecommunication .	a. Where the bridge is on publicly owned land and standard (b) does not apply, the pipe or cable: <ul style="list-style-type: none"> i. must be attached to the underside of the bridge or incorporated within the bridge structure or within an existing attached
	Activity	Activity specific standards
		<ul style="list-style-type: none"> cable/pipe structure; or ii. must not exceed 100 mm in diameter. b. Where the bridge is on publicly owned land located within or on Significant Features 3.0, 4.0, 7.0, 8.1-8.3 and 9.1-9.2 (as identified in Appendix 9.2.9.2.3); Travis Wetland/Oruapaeroa (ONF34.0 as identified in Appendix 9.2.9.2.1); and/or across a waterway in a Character Area Overlay, the pipe or cable: <ul style="list-style-type: none"> i. must be attached to the underside of the bridge or incorporated within the bridge structure or within an existing attached cable/pipe structure; or ii. must not exceed 63 mm in diameter, be in a cluster of no more than two pipes, and be either the same colour as the bridge at the point of attachment or be of a matt finish colour with less than 20% reflectivity.
P18	Utility equipment within existing buildings .	Nil.
P19	Temporary utilities operating for less than 12 months, excluding emergency or back-up electricity generation permitted in Rule 11.6.1 P4 .	a. Built form standards for the relevant zone. b. The noise standards in Rule 6.1.5 for the relevant zone.

11.4.2 Controlled activities — General

There are no controlled activities.

11.4.3 Restricted discretionary activities — General

- a. The activities listed below are restricted discretionary activities, provided they meet the activity standards in Rule 11.9
- b. Decision to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 11.10, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	Any activity listed in Rule 11.4.1 P2 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Within <u>sites of Ngāi Tahu cultural significance</u> - Rule 9.5.5, as relevant to the site classification

	Activity	The Council's discretion shall be limited to the following matters:
RD2	Any activity listed in Rule 11.4.1 P4 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4
RD3	Any activity listed in Rule 11.4.1 P5 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4a
RD4	Any activity listed in Rule 11.4.1 P17 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2(d) and (e) c. Operational considerations - 11.10.3 d. Electricity generation – 11.10.5(d), (e) and (h) e. Water, wastewater and stormwater – 11.10.6
RD5	Any activity listed in Rule 11.4.1 P1 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Within <u>sites of Ngāi Tahu cultural significance</u> - Rule 9.5.5, as relevant to the site classification

<p>RD6</p>	<p>a. Construction of any access tracks associated with new, or major upgrades to (except minor upgrades under Rule 11.4.1 P9 - P15), utilities that are greater than 3 metres in formed width within:</p> <ul style="list-style-type: none"> i. Areas of Outstanding Natural Character identified in Appendix 9.2.9.2.7; ii. Travis Wetland/Oruapaeroa (ONF34.0); iii. Riccarton Bush/Putarikamotu (ONF35.0); iv. Otutaikino Creek (SF2.0); v. Styx River/Puharakekenui (SF3.0); vi. Styx Mill Reserve (SF4.0); vii. West Melton Dry Plains/Okakea (SF5.0); viii. Christchurch Coast/Te Tai o Mahaanui (SF6.0); ix. Waikakariki/Horseshoe Lake 	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Within sites of Ngāi Tahu cultural significance - Rule 9.5.5, as relevant to the site classification
<p>Activity</p>	<p>The Council's discretion shall be limited to the following matters:</p>	

	<p>(SF7.0);</p> <p>x. Otakaro/Avon River (SF8.1 and SF8.3); or</p> <p>xi. Heathcote River/Opawaho (SF10).</p> <p>b. Construction of any access tracks associated with new, or major upgrades to (except minor upgrades under Rule 11.4.1 P9 - P15), utilities that are greater 5 metres in formed width within:</p> <p>i. all Outstanding Natural Features and Outstanding Natural Landscapes identified in Appendices 9.2.9.2.1 and 9.2.9.2.2;</p> <p>ii. all Significant Features and Rural Amenity Landscapes identified in Appendices 9.2.9.2.3 and 9.2.9.2.4;</p> <p>iii. Areas of High and Very High Natural Character identified in Appendix 9.2.9.2.8; or</p> <p>iv. Other Areas of Natural Character in the Coastal Environment identified in Appendix 9.2.9.2.9.</p>	
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11.4.4 Discretionary activities — General

- a. The activities listed below are discretionary activities, provided they meet the activity standards in Rule 11.9.

Activity	
DI	Any activity not provided for as a permitted, controlled, restricted discretionary, discretionary, noncomplying or prohibited activity in Rules 11.4.1, 11.4.2, 11.4.3, 11.4.4, 11.4.5 or 11.4.6 or in Rules 11.5 to 11.8.

11.4.5 Non-complying activities — General

- a. The activities listed below are non-complying activities.

Activity	
Activity	
NC1	Any activity that does not meet one or more of the activity standards for utilities in Rule 11.9.

11.4.6 Prohibited activities — General

There are no prohibited activities.

11.5 Rules — Electricity transmission and electricity distribution

11.5.1 Permitted activities — Electricity transmission and electricity distribution

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table and the activity standards in Rule 11.9.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 11.5.2, 11.5.3, 11.5.4, 11.5.5, 11.5.6 and 11.4, 11.6 to 11.8.

	Activity	Activity specific standards
P1	New electricity transmission and electricity distribution lines and associated structures or equipment.	<p>a. New above ground utilities shall not be located within or on:</p> <ol style="list-style-type: none"> i. a Character Area Overlay ii. an Outstanding Natural Landscape identified in Appendix 9.2.9.2.2; iii. an Outstanding Natural Feature identified in Appendix 9.2.9.2.1; iv. a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.2.3 and 9.2.9.2.4 (except for new electricity distribution lines and associated structures or equipment in Rural Amenity Landscapes); v. an Important Ridgeline identified on the planning maps; vi. an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8; vii. the dripline of a significant tree listed in Appendix 9.4.7.1, viii. a heritage item or heritage setting listed in Appendix 9.3.7.2; or ix. Sites of Ngāi Tahu cultural significance identified in Schedule 9.5.6.1. <p>b. Within a Rural Amenity Landscape identified in Appendix 9.2.9.2.4:</p> <ol style="list-style-type: none"> i. the maximum height of an electricity distribution utility structure shall be 22 metres; and ii. the average height of 10 consecutive electricity distribution utility structures shall be 16 metres. <p>Where the total number of new electricity distribution utility structures installed is less than 10, the existing electricity distribution utility structures immediately preceding the new structures shall be included in the calculation to determine the average height.</p> <p>Advice note:</p>

	Activity	Activity specific standards
		<p>Rule 11.5.1 P2 also applies in Rural Amenity Landscapes.</p> <p>c. New utility structures or towers shall not exceed:</p> <ol style="list-style-type: none"> i. 25 metres in height in the Rural, Specific Purpose (Lyttelton Port), Commercial and Industrial Zones, and any Transport Zone adjoining these zones; or ii. 15 metres in height in all other zones (including adjacent Transport Zones)
P2	Transformers, substations, switching stations, kiosks, cabinets , and ancillary buildings .	<ol style="list-style-type: none"> a. The following built form standard for the relevant zone: <ol style="list-style-type: none"> i. daylight recession planes. b. The total floor area shall not exceed 10m². c. The maximum height shall not exceed 5.5 metres.

11.5.2 Controlled activities — Electricity transmission and electricity distribution

There are no controlled activities.

11.5.3 Restricted discretionary activities — Electricity transmission and electricity distribution

- a. The activities listed below are restricted discretionary activities, provided they meet the activity standards in Rule [11.9](#).
- b. Decision to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule [11.10](#), as set out in the following table.

	Activity	The Council 's discretion shall be limited to the following matters:
RD1	Any activity listed in Rule 11.5.1 P1 that does not meet one or more of the activity specific standards.	<ol style="list-style-type: none"> a. Amenity, location and design – Rule 11.10.2 b. Operational considerations – Rule 11.10.3 c. Health and safety – Rule 11.10.4 d. Heritage and natural environment – Rule 11.10.1 e. Within sites of Ngāi Tahu cultural significance - Rule 9.5.5, as relevant to the site classification
RD2	Any activity listed in Rule 11.5.1 P2 that does not meet one or more of the activity specific standards.	<ol style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3

11.5.4 Discretionary activities — Electricity transmission and electricity distribution

There are no discretionary activities.

11.5.5 Non-complying activities — Electricity transmission and electricity distribution

There are no non-complying activities.

11.5.6 Prohibited activities — Electricity transmission and electricity distribution

There are no prohibited activities.

11.6 Rules — Energy

11.6.1 Permitted activities — Energy

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table and the activity standards in Rule 11.9.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 11.6.2, 11.6.3, 11.6.4, 11.6.5, 11.6.6, 11.4, 11.5, 11.7 and 11.8.

	Activity	Activity specific standards
P1	Installation and operation of equipment for assessing a site for suitability for renewable electricity generation .	<ol style="list-style-type: none"> a. Equipment shall not be on a site for more than 12 months in any 36 month period. b. The noise standards in Rule 6.1.5 for the relevant zone. c. Equipment shall not be located within: <ol style="list-style-type: none"> i. a Character Area Overlay; ii. an Outstanding Natural Landscape identified in Appendix 9.2.9.1.2; iii. an Outstanding Natural Feature identified in Appendix 9.2.9.1.1; iv. a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.1.3 and 9.2.9.1.4; v. an Important Ridgeline identified on the planning maps; vi. an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8; vii. Sites of Ngāi Tahu cultural significance identified in Schedule 9.5.6.1; viii. the dripline of a significant tree listed in Appendix 9.4.7.1; or ix. 20 metres of a heritage item or heritage setting listed in Appendix 9.3.7.2.
P2	Installation and operation of a solar cell or array of cells for the generation and use of electricity.	<ol style="list-style-type: none"> a. The electricity generated must be either: <ol style="list-style-type: none"> i. solely for use on the site as ancillary to the principal use of the site; or ii. for use on the site as ancillary to the principal use of the site and also for supply to not more than 20 residential units and/or industrial/commercial tenancies – subject to which, any excess may be contributed to the National Grid. b. The cell or array must be either incorporated into or mounted on the roof of a building. c. If the building breaches the daylight recession plane specified

	Activity	Activity specific standards
		<p>by the built standards for the relevant zone, the cell or array may also breach it provided that no cell protrudes more than 20 mm from the roof.</p> <p>d. If the building does not breach the daylight recession plane, the cell or array must not breach it either.</p> <p>e. There must not be a solar concentrator.</p>
P3	Substations, transformers, or buildings ancillary to electricity generation equipment.	<p>f. The daylight recession planes for the relevant zone.</p> <p>g. The total floor area shall not exceed 10 m². and</p> <p>h. The maximum height shall not exceed 5.5 metres.</p>
P4	Emergency or back-up electricity generation that is not the primary electricity supply to the site .	<p>a. The noise standards in Rule 6.1.6.2.1 for noise from emergency activities.</p>
P5	Installation and operation of a wind turbine for the generation and use of electricity on a site or sites in Rural or Industrial Zones.	<p>a. The electricity generated must be either:</p> <ol style="list-style-type: none"> i. solely for use on the site as ancillary to the principal use of the site; or ii. for use on the site as ancillary to the principal use of the site and also for supply to not more than 20 residential units (of a Rural or Residential Zone) and/or industrial/commercial tenancies (of an Industrial Zone) – subject to which, any excess may be contributed to the National Grid. <p>b. If standard (a)(i) applies, no more than one wind turbine is to be erected on each site. If standard (a)(ii) applies, the wind turbines may be clustered on one or more of the sites.</p> <p>c. No above ground part of any wind turbine (including the full extent of blades) shall exceed a total height of 20 metres above the ground.</p> <p>d. The road boundary building setbacks and minimum building setbacks from internal boundaries of the relevant Rural or Industrial Zone apply. Compliance with this standard shall be to any above ground part of each wind turbine and the full extent of blades of each wind turbine.</p> <p>e. The noise standards in Rule 6.1.5 for the relevant Rural or Industrial Zone apply.</p>

		<p>f. No wind turbine shall be located within or on:</p> <ul style="list-style-type: none"> i. an Outstanding Natural Landscape identified in Appendix 9.2.9.2.2; ii. an Outstanding Natural Feature identified in Appendix 9.2.9.2.1; iii. a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.2.3 and 9.2.9.2.4; iv. an Important Ridgeline identified on the planning maps; v. an Area of Outstanding, or High and Very High, Natural
	Activity	Activity specific standards
		<p>Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8;</p> <ul style="list-style-type: none"> vi. the <u>dripline</u> of a significant tree listed in Appendix 9.4.7.1; or vii. a <u>heritage item</u> or <u>heritage setting</u> listed in Appendix 9.3.7.2.
P6	Installation and operation of gas and fuel (including LPG) distribution or transmission pipelines, including necessary incidental equipment.	Nil.
P7	Tanks for the storage of gas, including LPG.	a. Built form standards for the relevant zone.

11.6.2 Controlled activities — Energy

There are no controlled activities.

11.6.3 Restricted discretionary activities — Energy

- a. The activities listed below are restricted discretionary activities, provided they meet the activity standards in Rule 11.9.
- b. Decision to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 11.10, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	Any activity listed in Rule 11.6.1 P1 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Amenity, location and design – Rule 11.10.2(a) b. Operational considerations – Rule 11.10.3(a) c. Within <u>sites of Ngāi Tahu cultural significance</u> - Rule 9.5.5, as relevant to the site classification

RD2	Any activity listed in Rule 11.6.1 P3 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4(a) e. Electricity generation – Rule 11.10.5
RD3	Any activity listed in Rule 11.6.1 P4 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4(a)

	Activity	The <u>Council</u>'s discretion shall be limited to the following matters:
		e. Electricity generation – Rule 11.10.5

<p>RD4</p>	<p>Installation and operation of a wind turbine for the generation and use of electricity on a site or sites other than in Rural or Industrial Zones that meet the standards specified in paragraphs a. to f. of this Rule RD4:</p> <p>a. If the electricity generated is solely for use on the site(s), not more than one wind turbine is to be erected on each site; and</p> <p>b. No above ground part of the wind turbine (including the full extent of blades) exceeds a total height of 20 metres above ground; and</p> <p>c. Each wind turbine meets the road boundary building setback and minimum building setback from internal boundaries of the relevant zone; and</p> <p>d. The noise standards for the relevant zone are met; and</p> <p>e. No wind turbine is located within a Character Area Overlay; and</p> <p>f. The electricity generated is either:</p> <p>i. solely for use on the site(s) as ancillary to the principal use of the site(s); or</p> <p>ii. for use on the site or sites as ancillary to the principal use of the site(s) and also for supply to not more than 20 residential units and/or industrial/commercial tenancies –</p> <p>subject to which any excess may be contributed to the National Grid.</p>	<p>a. Heritage and natural environment – Rule 11.10.1</p> <p>b. Amenity, location and design – Rule 11.10.2(a)</p> <p>c. Operational considerations – Rule 11.10.3(a)</p> <p>d. Health and safety – Rule 11.10.4a</p> <p>e. Electricity generation – Rule 11.10.5(b) and (k)</p> <p>f. Within sites of Ngāi Tahu cultural significance - Rule 9.5.5, as relevant to the site classification</p>
<p>RD5</p>	<p>Any activity listed in Rule 11.6.1 P2 that does not meet one or more of the activity specific standards (b)–(e).</p>	<p>a. Heritage and natural environment – Rule 11.10.1</p> <p>b. Amenity, location and design – Rule 11.10.2</p> <p>c. Operational considerations – Rule 11.10.3</p> <p>d. Health and safety – Rule 11.10.4a</p> <p>e. Electricity generation – Rule 11.10.5</p>
<p>RD6</p>	<p>Any activity listed in Rule 11.6.1 P5 that does not meet one or more of the activity specific standards (b) – (f).</p>	<p>a. Heritage and natural environment – Rule 11.10.1</p> <p>b. Amenity, location and design – Rule 11.10.2</p> <p>c. Operational considerations – Rule 11.10.3</p>
<p>Activity</p>	<p>The Council's discretion shall be limited to the following matters:</p>	

		<ul style="list-style-type: none"> d. Health and safety – Rule 11.10.4a e. Electricity generation – Rule 11.10.5 f. Within sites of Ngāi Tahu cultural significance - Rule 9.5.5, as relevant to the site classification
RD7	Installation and operation of a utility and associated pipes and structures for the generation of energy using waste products.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4a e. Electricity generation – Rule 11.10.5 f. Water, wastewater and stormwater – Rule 11.10.6
RD8	Any activity listed in Rule 11.6.1 P7 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4a

11.6.4 Discretionary activities — Energy

- a. The activities listed below are discretionary activities, provided they meet the activity standards in Rule [11.9](#).

Activity	
D1	<p>Any activity listed in Rule 11.6.1 P2 that does not meet activity specific standard (a) where:</p> <ul style="list-style-type: none"> a. The activity occurs in the Rural, Commercial (other than in the Central City) or Industrial Zones and does not occur within the area covered by the Christchurch International Airport Protection Surfaces; and b. Any solar concentrator does not reflect light into a Residential Zone for more than 15 hours per annum. c. The solar cell or concentrator is not located within: <ul style="list-style-type: none"> i. an Outstanding Natural Landscape identified in Appendix 9.2.9.2.2; ii. an Outstanding Natural Feature identified in Appendix 9.2.9.2.1; iii. a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.2.3 and 9.2.9.2.4; iv. an Important Ridgeline identified on the planning maps; v. an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8; vi. the dripline of a significant tree listed in Appendix 9.4.7.1; or vii. 20 metres of a heritage item or heritage setting listed in Appendix 9.3.7.2.
D2	<p>Any activity listed in Rule 11.6.1 P5 that does not meet activity specific standard (a) where:</p> <ul style="list-style-type: none"> a. The activity occurs in the Rural Port Hills, Rural Templeton, Rural Urban Fringe, Rural
Activity	

	<p>Waimakariri, Rural Quarry or Rural Banks Peninsula Zones; and</p> <p>b. Noise levels comply with the limits prescribed in NZS6808:2010 (Acoustics – Wind Farm Noise). Noise levels shall be measured and assessed in accordance with NZS6808:2010.</p> <p>c. The wind turbine is not located within:</p> <p>i. an Outstanding Natural Landscape identified in Appendix 9.2.9.2.2; ii. an Outstanding Natural Feature identified in Appendix 9.2.9.2.1;</p> <p>iii. a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.2.3 and 9.2.9.2.4; iv. an Important Ridgeline identified on the planning maps;</p> <p>v. an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8; vi. the dripline of a significant tree listed in Appendix 9.4.7.1; or vii. 20 metres of a heritage item or heritage setting listed in Appendix 9.3.7.2.</p>
D3	<p>Non-renewable electricity generation:</p> <p>a. In Industrial Zones; and</p> <p>b. Where the utility complies with the rules in Chapter 16 (Industrial) and noise rules in Chapter 6 (General Rules).</p>

11.6.5 Non-complying activities — Energy

- a. The activities listed below are non-complying activities.

Activity	
NC1	Any activity listed in Rule 11.6.1 P2 that does not meet activity specific standard (a) and is not provided for in Rule 11.6.4 D1 .
NC2	Any activity listed in Rule 11.6.1 P5 that does not meet activity specific standard (a) and is not provided for in Rule 11.6.4 D2 .
NC3	Non-renewable electricity generation activities not provided for in Rule 11.6.4 D3 .

11.6.6 Prohibited activities — Energy

There are no prohibited activities.

11.7 Rules — Communication facilities

11.7.1 Permitted activities — Communication facilities

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table and the activity standards in Rule [11.9](#).

- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules [11.7.2](#), [11.7.3](#), [11.7.4](#), [11.7.5](#), [11.7.6](#), [11.4](#), [11.5](#), [11.6](#) and [11.8](#).

	Activity	Activity specific standards
P1	Freestanding communication utilities .	<p>a. Freestanding communication utilities (other than where located in a Transport Zone) shall not be located within or on:</p> <ul style="list-style-type: none"> i. a Character Area Overlay ii. an Outstanding Natural Landscape identified in Appendix 9.2.9.2.2; iii. an Outstanding Natural Feature identified in Appendix 9.2.9.2.1; iv. a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.2.3 and 9.2.9.2.4; v. an Important Ridgeline identified on the planning maps; vi. an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8; or vii. a heritage item or heritage setting listed in Appendix 9.3.7.2; and <p>Freestanding communication utilities shall not be located within:</p> <ul style="list-style-type: none"> viii. the dripline of a significant tree listed in Appendix 9.4.7.1. <p>b. Any utility structure shall not exceed:</p> <ul style="list-style-type: none"> i. 25 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Transport, Specific Purpose (Port), Industrial, Commercial or Rural Urban Fringe Zones; or ii. 35 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Rural Waimakariri Zone; or iii. 30 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Transport, Industrial, Commercial, or Rural Urban Fringe Zones, where two or more network utility operators utilise the same utility structure; or iv. 40 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its

	Activity	Activity specific standards
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		<p>widest point in the Rural Waimakariri Zone where two or more network utility operators utilise the same utility structure; or</p> <p>v. 20 metres in height (excluding lightning rods) and 1 metre in diameter above a height of 6 metres, except for any head frame which shall be no greater than 6 metres in diameter at its widest point in any other zone.</p> <p>c. Any dish antenna shall be less than 1.8 metres in diameter in Industrial, Commercial or Rural Zones, and less than 0.8 metres in any other zone.</p> <p>d. Any other antenna shall not exceed a surface area of 1.5 m².</p>
P2	<p>Communication utilities attached to a building, including ancillary equipment.</p>	<p>a. Any dish antenna shall be less than 1.8 metres in diameter in the Industrial, Commercial or Rural Zones, and less than 0.8 metres in diameter in any other zone.</p> <p>a. Any other antenna shall not exceed a surface area of 1.5 m².</p> <p>b. Any antenna shall not exceed a height of 3 metres from the point of attachment or the height limit for the relevant zone, whichever is the greater.</p>
P3	<p>Amateur radio configurations.</p>	<p>a. The top of any utility structure is less than 20 metres above ground level.</p> <p>b. Any antenna other than a simple wire dipole shall meet the following criteria:</p> <p>i. Any of the elements making up the antenna shall not exceed 0.08m in diameter and 14.9m in length;</p> <p>ii. For horizontal HF yagi or loop antenna the boom length shall not exceed 13m;</p> <p>iii. No part of the antenna, utility structure or guy wires shall overhang the property boundary; and</p> <p>iv. Simple wire dipoles shall not overhang property boundaries.</p> <p>c. Any dish antenna shall:</p> <p>i. Be less than 5 metres in diameter/width; ii. Be pivoted less than 4 metres above the ground; and</p> <p>iii. If located in any Residential Zone, meet the minimum setback and daylight recession plane standards in Chapter 14.</p>
P4	<p>Communication kiosks.</p>	<p>a. The maximum height of a communication kiosk shall be 2.5 metres (excluding any small cell or antenna permitted in clause (b) below), and the maximum volume shall be 2.4 m³.</p> <p>b. Any attached small cell or antennas shall be less than 1 metre in height and shall not have a horizontal dimension greater than the horizontal dimensions of the communication kiosk.</p>
P5	<p>Installation of above ground lines and utility</p>	<p>a. New utilities shall not be located within a Character Area</p>

	Activity	Activity specific standards
	structures for communication utilities.	Overlay. b. The utility structures shall not exceed a height of: <ol style="list-style-type: none"> i. 25 metres in the Rural, Specific Purpose (Lyttelton Port), Commercial, Industrial and any Transport Zones adjoining these zones; or ii. 15 metres in all other zones (including adjacent Transport Zones).

11.7.2 Controlled activities — Communication facilities

There are no controlled activities.

11.7.3 Restricted discretionary activities — Communication facilities

The activities listed below are restricted discretionary activities, provided they meet the activity standards in Rule 11.9.

Decision to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 11.10, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	Any activity listed in Rule 11.7.1 P1 that does not meet one or more of the activity specific standards.	a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3
RD2	Any activity listed in Rule 11.7.1 P2 that does not meet one or more of the activity specific standards.	a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3
RD3	Any activity listed in Rule 11.7.1 P3 that does not meet one or more of the activity specific standards.	a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3
RD4	Any activity listed in Rule 11.7.1 P4 that does not meet the activity specific standard.	a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3
RD5	Any activity listed in Rule 11.7.1 P5 that does not meet one or more the activity specific standards.	a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3

11.7.4 Discretionary activities — Communication facilities

There are no discretionary activities.

11.7.5 Non-complying activities — Communication facilities

There are no non-complying activities.

11.7.6 Prohibited activities — Communication facilities

There are no prohibited activities.

11.8 Rules — Water, wastewater and stormwater

11.8.1 Permitted activities — Water, wastewater and stormwater

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table and the activity standards in Rule 11.9.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 11.8.2, 11.8.3, 11.8.4, 11.8.5, 11.8.6 and 11.4 to 11.7.

	Activity	Activity specific standards
P1	Water, wastewater and stormwater connections to public networks.	<p>Nil.</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. Refer to the Infrastructure Design Standard and/or Construction Specification Standard as published by the Council. 2. Connections to the Council's reticulated water supply are applied for through the "WS1 Water Connection Application form". 3. Connections to the Council's reticulated stormwater and wastewater systems are through the building consent process. Connections are to be installed by a Council Authorised Drain Layer.
P2	Construction or operation of structures for the conveyance, treatment, storage or retention / detention of water, wastewater and stormwater by the Council or a network utility operator .	<p>a. Built form standards for the relevant zone.</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. Refer to the Infrastructure Design Standard and/or Construction Specification Standard as published by the Council. 2. Refer also to relevant Stormwater Management Plans and Integrated Catchment Management Plans.
P3	Structures and equipment ancillary to the maintenance and operation of water, wastewater and stormwater facilities.	<p>Nil.</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. Refer to the Infrastructure Design Standard and/or Construction Specification Standard as published by the Council. 2. Refer also to the Canterbury Regional Council's Erosion and Sediment Control Guide. 3. Works should be undertaken in accordance with the best practicable option to minimise discharge. For guidance refer to the sediment control guidelines prepared by the Canterbury Regional Council. Works may also require consent from Canterbury Regional Council.
P4	Rainwater collection systems.	<p>a. Water tanks shall meet zone provisions for height and road boundary building setbacks and minimum building setbacks from internal boundaries. vice note:</p> <p>Advice note:</p>
	Activity	Activity specific standards

		1. The installation of rainwater tanks may require building consent.
P5	Solar hot water systems.	Nil. Advice note: 1. The installation of solar hot water systems may require building consent.

11.8.2 Controlled activities — water, wastewater and stormwater

There are no controlled activities.

11.8.3 Restricted discretionary activities — water, wastewater and stormwater

The activities listed below are restricted discretionary activities, provided they meet the activity standards in Rule 11.9.

Decision to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 11.10, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	Any activity listed in Rule 11.8.1 P2 that does not meet the activity specific standard.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – 11.10.3 d. Health and safety – 11.10.4a e. Water, wastewater and stormwater – Rule 11.10.6 f. Within sites of Ngāi Tahu cultural significance - Rule 9.5.5, as relevant to the site classification
RD2	Any activity listed in Rule 11.8.1 P4 that does not meet the activity specific Standard.	<ul style="list-style-type: none"> a. Heritage and natural environment – Rule 11.10.1 b. Amenity, location and design – Rule 11.10.2 c. Operational considerations – Rule 11.10.3 d. Health and safety – Rule 11.10.4a e. Water, wastewater and stormwater – Rule 11.10.6(a) f. Within sites of Ngāi Tahu cultural significance - Rule 9.5.5, as relevant to the site classification
RD3	Use of greywater collection systems (excluding those permitted by Rule 11.8.1 P2).	<ul style="list-style-type: none"> a. Water, wastewater and stormwater – Rule 11.10.6(a), (b) and (k) vice Advice note: <ul style="list-style-type: none"> 1. The installation of greywater systems may
	Activity	The Council's discretion shall be limited to the following matters:

		require building consent.
		2. The use of greywater may require resource consent from the Canterbury Regional Council.

11.8.4 Discretionary activities — water, wastewater and stormwater

There are no discretionary activities.

11.8.5 Non-complying activities — water, wastewater and stormwater

There are no non-complying activities.

11.8.6 Prohibited activities — water, wastewater and stormwater

There are no prohibited activities.

11.9 Rules — Activity standards — All activities

a. The following activity standards shall be met by all activities in Rules [11.4 – 11.8](#).

	Applicable to	Activity Standard
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a.	Any utilities that emit radiofrequency fields, which are not regulated by an amateur radio licence.	<p>a. The utility operator must plan and operate the utility in accordance with NZS2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.</p> <p>b. The utility operator must ensure that the Council receives, before the utility becomes operational, the following:</p> <ul style="list-style-type: none"> i. written or electronic notice of where the utility is or where it is proposed to be; and ii. a report that— <ul style="list-style-type: none"> 1. is prepared in accordance with AS/NZS 2772.2:2011: Radiofrequency Fields Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz and 2. takes account of exposures arising from other utilities in the vicinity of the utility; and 3. predicts whether the radiofrequency field levels at places in the vicinity of the utility that are reasonably accessible to the general public will comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz. <p>c. If the prediction referred to in standard (b) is that the radiofrequency field levels will reach or exceed 25% of the maximum level authorised by NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz for exposure of the general public, the utility operator must ensure that the Council receives, within 3 months of the utility becoming operational, a report that—</p> <ul style="list-style-type: none"> i. is prepared in accordance with AS/NZS 2772.2:2011: Radiofrequency Fields Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz; and ii. provides evidence that the actual radiofrequency field levels at places in the vicinity of the utility that are reasonably accessible to the general public comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz. <p>Advice note:</p>
	Applicable to	Activity Standard
		<p>1. The exposure assessment in standard (b) is not required to include an evaluation of the uncertainty in that assessment.</p>

b.	The operation of any utility that emits power frequency electric and magnetic fields.	<p>a. Exposures to power frequency electric and magnetic fields in areas normally accessible to the public shall not exceed 5 kilovolts per metre and 200 microtesla as measured and assessed in accordance with the International Commission on Non-Ionising Radiation Protection Guidelines for Limiting Exposures to Time Varying Electric and Magnetic Fields (1Hz – 100kHz).</p> <p>Advice note:</p> <p>1. The Ministry of Health 2013 guidelines “Electric and Magnetic Fields and Your Health: Information on electric and magnetic fields association with transmission lines, distribution lines and electrical equipment – 2013 edition”, in addition to compliance with the exposure limits in standard (a), recommend:</p> <ul style="list-style-type: none"> - the implementation of very low cost measures to reduce exposures when constructing new electrical infrastructure, and; - when contemplating changes to existing sources, consideration of field reduction alongside safety, reliability and economic aspects.
c.	Any utilities within 12 metres of the centre line of a 110kV or a 220 kV National Grid transmission line , or within 10 metres of the centre line of a 66 kV National Grid transmission line .	<p>a. The utility shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).</p> <p>b. The utility shall not be for the reticulation or storage of water for irrigation purposes.</p>
d.	Any utilities within 10 metres of the centre line of a 66kV electricity distribution line or within 5 metres of the centre line of a 33kV or the 11kV Heathcote to Lyttelton electricity distribution line .	<p>a. The utility shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).</p>

11.10 Rules — Matters of discretion

- a. When considering applications for restricted discretionary activities, the [Council](#)'s discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the relevant rule and as described below.

11.10.1 Heritage and natural environment

- a. Any cumulative visual effects arising from the [utility](#), particularly in relation to [telecommunication facilities](#) and energy generation facilities.
- b. If any activity is proposed within a Character Area Overlay, any relevant assessment matters in [Chapter 14](#).
- c. In relation to [utilities](#) or access tracks within a Site of Ecological Significance listed in Schedule A of [Appendix 9.1.6.1](#), the matters of discretion in [Rule 9.1.5.2](#).
- d. In relation to [utilities](#) or access tracks within:
 - i. an Outstanding Natural Landscape identified in [Appendix 9.2.9.2.2](#); ii. an Outstanding Natural Feature identified in [Appendix 9.2.9.2.1](#);
 - iii. a Significant Feature or Rural Amenity Landscape identified in [Appendices 9.2.9.2.3 and 9.2.9.2.4](#); iv. an Important Ridgeline identified on the planning maps; or
 - v. an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in [Appendices 9.2.9.2.7 and 9.2.9.2.8](#), the matters of discretion in [Rules 9.2.8.1, 9.2.8.2 and 9.2.8.3](#).
- e. In relation to [utilities](#) within, or on, a [heritage item](#) or [heritage setting](#) listed in [Appendix 9.3.7.2](#), the matters of discretion in [Rule 9.3.6](#).
- f. In relation to [utilities](#) within the [dripline](#) of a significant tree listed in [Appendix 9.4.7.1](#), the matters of discretion in [Rule 9.4.6](#).
- g. In relation to [utilities](#) within a [Site of Ngāi Tahu Cultural Significance](#) identified in [Appendix 9.5.6](#), the matters set out in [Rule 9.5.5](#) as relevant to the site classification:
 - i. [Rule 9.5.5.1](#) - Wāhi Tapu / Wāhi Taonga, Mahaanui Iwi Management Plan Silent Files and Kaitorete Spit; ii. [Rule 9.5.5.2](#) - Ngā Tūranga Tūpuna; and iii. [Rule 9.5.5.3](#) - Ngā Wai.

11.10.2 Amenity, location and design

- a. The practicality and effectiveness of screening the [utility](#);
- b. In respect of [utilities](#) attached to [buildings](#), whether the [utility](#) is placed within the visual envelope of an existing [building](#), and the extent to which the colour and design of the facility corresponds to the existing [building](#);
- c. Consideration of the number and size of any other existing [utility](#) on the [building](#);
- d. The extent to which any adverse effects of the [utility](#) have been avoided, remedied or mitigated by the route, site and method selection; and
- e. Whether the location and size of the [utility](#) impacts on the ability of people to access any facility, [building](#), shop, [recreation facility](#) or other activity on a [site](#).

11.10.3 Operational considerations

- a. The extent to which the scale and [height](#) of [buildings](#) or other structures proposed are necessary to meet the technical, operational or functional requirements of the [utility](#);
- b. Consideration of soil stability, erosion, and geotechnical matters on the selection of the route or [site](#) of a [utility](#) and the extent to which these matters can be mitigated;
- c. Whether placing lines or other [utilities](#) underground is unreasonable in terms of additional costs or environmental effects; and
- d. Any risk to, and effects on, the operation, maintenance, upgrading and development of [transmission lines](#), including the [National Grid](#).

11.10.4 Health and safety

- a. Whether the [utility](#) will be located in close proximity to any [sensitive activity](#) and the extent of any effect on human health.

11.10.5 Electricity generation

- a. Whether the [utility](#) will make a meaningful contribution to [renewable electricity generation](#) targets set by central government (90% by 2025) and the [Council](#)'s [Climate Smart Strategy 2010 - 2025](#).
- b. The distance between the [utility](#) and residences, public places, or places from which the [utility](#) would be visible, and whether the [utility](#) would impose adverse visual effects on or dominate the surrounding landscape, including but not limited to Outstanding Natural Landscapes identified in [Appendix 9.2.9.2.2](#) and Sites of Ecological Significance listed in Schedule A of [Appendix 9.1.6.1](#);
- c. Whether views to the [utility](#) are expansive or constrained;
- d. The extent to which the siting and size of the [utility](#) responds to its landscape context;
- e. The relative elevation of the [utility](#) in relation to residences, public places or place from which the [utility](#) will be visible, including whether the [utility](#) is located on a ridgeline or series of ridgelines, or would form part of a skyline;
- f. Number, design and extent of wind turbines and associated structures, and predominant orientation in relation to the landform;
- g. The effects on natural topography, landforms and geological forms;
- h. The ecological effects including any loss of indigenous flora, fauna, habitat and riparian margins, including through [birdstrike](#);
- i. The extent of and effect on [adjoining](#) land uses of noise levels, noise modulation, glint/glare, and shadow flicker;

- j. The need to locate wind turbines and associated structures where the wind resource is available and the quality of the wind resource;
- k. The extent and visibility of [roads](#), [earthworks](#) and vegetation clearance associated with the construction, operation or maintenance of the [utility](#);
- l. For solar cells, in addition to the above:
 - i. the time of day, year, and time per day when [adjoining](#) or adjacent properties would be affected by reflected solar glare and the degree of luminance; ii. the number of properties affected and their relative proximity; and iii. whether there is any glare hazard.
- m. The necessity for non-renewable electricity generation elements in the District's electricity supply network, including for [building](#) resilience.

11.10.6 Water, wastewater and stormwater

- a. The requirements of the Infrastructure Design Standard and/or Construction Standard Specifications as published by the [Council](#);
- b. Whether the proposed servicing will serve its intended purpose;
- c. Whether the [utility](#) utilises the existing or proposed topography and proposed networks to convey surface water by way of gravity systems;
- d. Whether provision is made for safe access for maintenance of surface water infrastructure;
- e. Whether the [utility](#) incorporate existing or new appropriate [indigenous vegetation](#), recognising the ability of particular species to absorb water, and to which planting reflects Ngāi Tahu history and identity associated with specific place;
- f. The suitability of the proposed water supply for fire-fighting purposes (the [Council](#) may obtain a report from the Chief Fire Officer), including the extent of compliance with the [SNZ PAS:4509:2008](#) in respect of the health and safety of the community, including neighbouring properties;
- g. The extent to which the proposed surface water management systems are consistent with the relevant [Council Stormwater Management Plan](#) or [Integrated Catchment Management Plan](#);
- h. Any adverse effects on the functioning or values of the existing network of drains, [springs](#), waterways and ponding areas;
- i. The provision for, and protection of, the flood storage and conveyance capacity of waterways.
- j. Whether the proposed ponding area will be attractive to birdlife that might pose a [birdstrike](#) risk to the operation of Christchurch International Airport Limited; and
- k. The requirements of [AS/NZS 1547:2000](#).

Appendix 5: Ashburton District Plan Provisions

Appendix 5: Ashburton District Plan Provisions
 Selwyn District Plan Review | Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities

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Section 14: Utilities, Energy and Designations

14.1 Introduction

Utilities provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic wellbeing, health and safety. They are critical to the efficient and ongoing functioning of the District.

Utilities are physical resources which generate energy, provide water and electricity, sewage reticulation, roads, railway lines, airports, telecommunications, radiocommunications, waste disposal, and other similar services. In relation to energy, this section focuses primarily on renewable energy sources and the potential for these to benefit the community at a local, regional or potentially national level.

Utilities found within Ashburton District may be of national significance, such as Highbank hydroelectric power station or State Highway No 1; of regional significance such as the Ashburton (Hakaterē) River stopbank; or of local significance. Some utilities have little or no significance for Ashburton District, but the Council has a responsibility to consider their importance for other areas, such as transmission lines transporting energy elsewhere. They all involve using, developing or protecting a resource and it is therefore of importance that the District Plan not only provides for utilities but also ensures that any adverse effects generated by their activity are avoided, remedied or mitigated.

There are many providers of utilities: the Council, the Crown, Regional Councils, State Owned Enterprises, trading enterprises and private companies. Within the District, the Council is a major provider of utilities and services supplying water, sewage reticulation, waste disposal and roads.

While many utilities are provided for the benefit of the wider community, others can be intended for individual benefit and may include aerials on private property for telecommunication purposes, such as television aerials or for radio communications.

14.1.1 Legislative Context

The Council is required to have particular regard to energy efficiency, the effects of climate change, and the benefits to be derived from the use and development of renewable energy under section 7 of the Act.

The Council is also required to give effect to any National Policy Statement. The National Policy Statement on Electricity Transmission came into force in 2008 and applies to “the need to operate, maintain, develop and upgrade the electricity transmission network”. It has the stated objective to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while: managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network.

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 mentioned above.

Where a utility is provided by way of designation the rules of the Plan will not apply to that activity however, there may be specific conditions 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.

Details relating to designations are provided at the end of this section, including the schedule of designations (Appendix 14-1) that apply within the district and the conditions that apply to some designations. Designations are also shown on the Planning Maps.

14.2 Issues

14.2.1 Effects from Utilities on Amenity and the Environment

Utilities may typically include buildings, poles, overhead wires, pylons, pipes or antennas. The visual impact of these structures will be related to their size, the frequency with which they occur within the locality and their scale in comparison with the character of a particular environment. For example, pylons sited along a ridge may have a significant visual impact, whereas pylons within a railway corridor may have a minimal effect due to the nature of the surrounding environment. Utilities may also however involve few structures and have little visual impact, such as irrigation channels. In some cases, people may accept the utility as a necessary and normal part of the environment, such as a road.

The construction, operation and/or maintenance of utilities can adversely affect the amenities of areas of the District, as a result of noise, emissions, loss of natural features and habitats, for example. Other potential adverse effects include smell from a particular process, e.g. oxidation ponds. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance works.

Some areas of the District will have higher levels of amenity than others. Certain utilities may not therefore be appropriate in those locations due to the nature of their effects. For example, residential areas and areas containing outstanding natural features would be vulnerable to the intrusion of large buildings or pylons. Areas with outstanding landscapes and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and development of utilities. In some instances locational factors may determine the exact position of a utility, but as a general principle, service authorities will be encouraged to locate utilities in areas with characteristics similar to the utility or in a manner which will have few adverse effects on the environment.

Utilities are however essential for the welfare of a community and their environmental effects must be balanced against the community's need for the service or facility. It is also recognised that there may be limited choice in locating utilities, given logistical or technical practicalities. Some level of adverse effects may need to be accepted to recognise the necessity for some utility services and facilities.

14.2.2 Necessity, Efficiency and Benefits

The provision of utilities is an essential function in the development of land for urban and rural purposes. Furthermore, utilities have a direct bearing upon the costs and feasibility of development. Advanced planning, both in the allocation of areas for future development and the provision of services adequate for proposed uses, is necessary to ensure reasonable costs of development, whether by public or private sectors.

In providing a mechanism for the establishment of utilities, the Plan needs to acknowledge the importance of the role of utilities in providing community services. The environmental effects must therefore be balanced against the importance of the function of the utility, the strategic needs and economic costs. These matters will need to be taken into account during any decision-making process for establishment of utilities.

The efficient and effective establishment, use and maintenance of the District's utility infrastructure can be adversely affected by the inappropriate location and nature of land use activities and by failure to recognise their importance in meeting community needs.

Section 7 of the Act requires that in relation to the use and development of a physical resource (which includes structures) that regard is given to efficiency. Many utilities involve significant capital expenditure to establish and may have a life expectancy spanning several decades to more than 100 years. It is important that a utility is therefore used efficiently so that the community can obtain value from its investment. The capital costs and life expectancy also make it necessary to protect utilities from adjoining activities which may reduce the efficiency of their operation or function.

Efficiency is related to how utilities are provided for in the District Plan. Essential services such as electricity supply or telecommunications must be able to be readily erected, operated and maintained throughout the District. Where a utility is an accepted element of the environment with minimal adverse effects and is essential for undertaking everyday activities, a consent process would incur costs and time delays unacceptable to the provider and user. In such cases, the intention is that the rules enable their establishment and ongoing use (subject to standards to protect amenity). Other utilities may not however be as acceptable (although still essential) due to the effects of their function and/or size. The establishment of these utilities would need to be considered, and that may require a consent process.

In some instances, the provider of the utility may choose to designate the site of the activity as the most effective way of ensuring its interests are protected.

The District Council can co-ordinate its services and facilities as a means of maximising efficiency and rate of use. The Second Schedule of the Act provides for Councils to include matters of scale, sequence, timing and relative priority of public works, goods and services in the District Plan for which it has financial responsibility. The LTP process provides the mechanism by which funding and resources are provided for these works. Within Ashburton (Kapuka) and Methven there is some potential to make greater use of the capacity of existing services by providing for more intensive land development in those areas with capacity. The expansion of Ashburton (Kapuka) township will however continue to be constrained because of servicing difficulties.

14.2.3 Renewable Energy

Under Section 7 of the Act, Council must have particular regard to energy efficiency, climate change, and the benefits of the use and development of renewable energy. In achieving its wider economic growth objectives, the Government has confirmed its commitment to increasing the proportion of electricity generated from renewable sources in order to improve security of supply, reduce New Zealand's greenhouse gas emissions and to achieve environmentally responsible energy use.

As well as meeting government policy directives there is a range of potential benefits and positive effects of renewable energy development and use including:

- increased electricity generation capacity creating greater self-sufficiency in electricity generation and reduced dependence on electricity imported into the District;
- reduction in greenhouse gas emissions;
- improved health, safety and well-being of the community from warmer, drier and efficiently powered homes and workplaces;
- improved security of energy supply and a greater resilience of the local network through adding to and diversifying the District's generating base (the type, scale and/or location of electricity generation);
- reduction in dependence on national grid and reduction in transmission losses for delivery of electricity creating a more efficient local network.

The Act defines renewable energy as energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources. The use and development of renewable energy can be in a number of different forms and scales. At the domestic scale, there are various ways to use natural sources of heat, including the orientation of buildings towards the sun to assist passive heating, cooling and natural lighting; it is also possible to obtain significant energy gains through solar water heating or solar panels in residential units.

For properties that are remote from energy sources, domestic (or small scale) wind turbines may be appropriate. The scale of such facilities are less likely to create significant environmental effects, particularly in rural areas where distances from neighbouring properties and screening vegetation can avoid or mitigate any visual and noise effects.

A substantial proportion of future energy supply will need to be generated from new and preferably renewable sources to meet the anticipated nationwide demand for energy to supply growth in the economy. This is because whilst domestic scale energy efficiency and alternative energy sources will contribute to the reduction of energy consumption, they will be insufficient to meet all energy demands.

There are many different forms of economically viable renewable energy options currently being developed in New Zealand and overseas. Currently for the District the most probable forms of renewable energy generation are likely to be through harnessing the power of the wind, solar generation, biomass or wave energy as various options become more technically and economically viable. There is also continuing potential for hydro-electricity generation utilising the district's rivers or irrigation systems, such as occurs at Highbank and Montalto. Wind energy facilities at a large scale potentially have environmental effects, particularly on landscapes and amenity values, as by necessity such facilities are located in open, usually prominent, locations. Preliminary investigation equipment to gauge site potential and facilities for the transmission of generated energy to the grid may also be necessary however the effects of such are significantly less. The characteristics of areas that lend themselves to wind energy generation often provide an important landscape backdrop for urban and rural areas. This may cause tensions between the existing values of these areas and their potential for wind energy generation.

Additionally at a more domestic scale, there is the potential for small scale wind turbines generating sufficient electricity for a business, house, or similar. Such facilities may become more common in the future, reducing greenhouse gas emissions and contributing to local electricity supply. Depending on their size and location this scale of facility may not create significant effects. Similarly, smaller scale hydro-electricity schemes, such as those utilising natural falls in the Rangitata Diversion Race or artificial watercourses may prove viable and may create relatively few adverse effects.

Hydro-electricity generation potential exists within the District, including potential for the enhancement / augmentation of existing hydro-electricity generation facilities via the use of instream generators or through the creation of additional storage options. Land use effects of such proposals must be considered by the Plan to facilitate a measured and appropriate response should a scheme be proposed.

There is potential for the development of solar power in the district (for water heating and smallscale electricity generation). Usually, solar generation is limited to an individual placing a few solar panels on their roof. With advances in technology, solar devices will become more efficient and large scale solar facilities could create effects in terms of visual amenity and glare. Effects of such proposals would be dealt with at the time of application. It is considered that for the next decade, solar energy will increasingly be utilised on an individual or organisational basis.

The Council considers issues associated with renewable energy to be significant nationally and locally and in particular:

- The country's increasing commitment to renewable energy resources compared to nonrenewables, and the need for additional energy generation to satisfy future demand, beyond conservation and efficiency measures.
- The potential for renewable energy development of various scales within the District, including the possibility of both wind and hydro-electricity generation.
- The expected advances in renewable energy technologies and their application locally at various scales, and of the role of associated research, investigation and monitoring activities.
- The importance of the continued safe and efficient functioning of existing and future generation and transmission infrastructure.

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- The need to effectively manage the potential for effects arising from energy related infrastructure, in particular where the local environment is sensitive to the scale and nature of such facilities (e.g. adverse ecological, landscape and visual effects).

14.2.4 Rural Water

Water is a limited resource, with ever increasing competition for access and use. The Council considers it an important resource in the context of the District and the wider region. The sustainable management of water resources is fundamental to the responsible and effective management of land use activity within the District. Given the nature of activity and the economy of the District, water availability in relation to the rural area and associated activities has particular significance. The agricultural productivity of the Ashburton District contributes directly and indirectly to the economy of the region and New Zealand as it provides produce for export as well as providing employment in associated industries and services.

Continued efficient operation and upgrading of the District's rural irrigation and stockwater supply systems are essential for the economic and social well-being of the people and communities of the District and this could be threatened by inefficient use of water and land in the rural areas of the District.

Ashburton District is fortunate that irrigation water and stockwater is now widely available over much of the District, enabling landowners to make productive use of the District's range of highly productive and/or versatile soils. With adequate irrigation and stock water and fertiliser application, the land resource is considered to be capable of sustained, consistent pastoral, arable and horticultural production. The economic and social well-being of the people and communities of the District is to a large extent dependent on the continued productive use of the large areas of productive and versatile soils. Without the supply of water in adequate quantities, this could no longer be sustained and a lack of reliable irrigation and stock water for the rural areas would have adverse economic and social effects throughout the District. Water is literally therefore the "lifeblood" of the District.

A range of utilities play a role in the supply and transportation of rural water. Irrigation and stockwater are available through various community and/or co-operative schemes, as well as private water abstraction arrangements, using surface and ground water resources. Several major irrigation schemes, stockwater systems and two hydro-electricity stations rely on water from the Rangitata Diversion Race, which carries significant quantities of water from the Rangitata River across the District. This scheme, along with other proposals and augmentations, also has the potential to provide irrigation water to further large areas of the District.

The ongoing operation, maintenance, and up-grading of these water supply systems are essential for the continued economic and social well-being of the people and communities of the District.

Inefficient use of the systems can occur through water wastage, or unpredictable and irregular water demand. In addition, fragmentation of properties connected to the systems can result in a reduction in the number of properties requiring supply, such that it becomes uneconomic to supply the remaining properties.

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14.3 Objectives and Policies

Objective 14.1: Effects from Utilities on Amenity and the Environment

To provide for the construction, installation, operation, upgrading and maintenance of utilities where adverse effects on amenity and the surrounding environment can be appropriately avoided, remedied or mitigated.

Policy 14.1A

To avoid, remedy or mitigate adverse environmental effects arising from the construction, installation, operation, upgrading and maintenance of utilities.

Policy 14.1B

Provide additional protection for areas identified as possessing special characteristics or sensitivity, such as areas of outstanding natural landscapes, significant indigenous vegetation and habitats of indigenous fauna, sites of heritage significance, and sites of significance to Takata Whenua, from the adverse environmental effects of utilities. Utilities should avoid these areas unless an alternative placement of the utility is subject to a significant functional constraint or where there is no practicable alternative and/or where significant localised adverse effects are outweighed by the overall benefits of the proposal.

Policy 14.1C

Ensure the health and safety of the community is protected when utilities are constructed and utilised.

Policy 14.1D

Consider the locational, economic, operational and technical requirements of utilities in assessing their location, design and appearance, and their importance to the economic functioning of the District, Region and/or Nation.

Policy 14.1E

To encourage utility operators to adopt their own monitoring systems to ensure that the effects of utilities and their operation are regularly evaluated to avoid, remedy or mitigate the occurrence of adverse effects.

Policy 14.1F

Encourage the co-location or multiple use of utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment and / or to enable the efficient use of physical resources.

Explanation and Reasons

Utilities can have a variety of positive and adverse effects reflecting their diverse nature and scale. The adverse effects of utilities can arise during construction or installation, maintenance or on-going operation, and can be significant in areas used for residential, conservation or recreation purposes, or in areas of high landscape, ecological, heritage, cultural or visual amenity value.

Utilities comprise significant physical resources; they are by their nature often dispersed throughout the district, and make a significant contribution to the social and economic wellbeing of the local and wider community. Accordingly, the Plan seeks to acknowledge the value and necessity of utilities and associated services, while managing their potential adverse effects in a manner that avoids, remedies or mitigates effects on the most important environmental characteristics of the District, and the health and safety of the community, at the same time recognising the varying locational, economic, operational and technical requirements utilities have. Both in setting appropriate controls and in determining resource consents, this approach reflects the need to make provision for those services and developing technologies which consumers and businesses expect.

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. Technical, locational and operational requirements may also limit potential locations, or the scale and form of a utility facility. Similarly, while alternative provision (for example underground and overhead reticulation of power) is technically possible, the costs of doing so to the provider and consumer could be prohibitive.

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 re-establish/expand in or near more sensitive rural or residential environments. Equally, it is important that utility operation is not compromised due to the adverse effects of new development or activities occurring nearby.

For many structures or facilities where placement underground is not a realistic option, control over location, design and appearance is emphasised in the more sensitive environments. Protection of areas identified as possessing outstanding and significant landscapes, indigenous vegetation, and significant habitats of indigenous fauna and sites of heritage significance or significance to the Takata Whenua is also sought.

The Plan seeks to protect sensitive areas and the visual coherence and harmony provided by the natural resources and open rural character of the High Country by:

- encouraging utilities to be located in areas with higher potential to absorb change, by avoiding where possible development on skylines, ridgelines, prominent places and features and within important views;
- encouraging alignments and or location to be based on the dominant lines in the landscape;
- encouraging location along the edges of landforms and vegetation patterns;
- where practicable, encouraging structures to be unobtrusive by using forms and colours which are complementary to the surrounding landscape.

Encouragement is also given to utility operators to co-locate, or share facilities or sites, where this is practicable, supports efficiencies and would assist in mitigating or avoiding adverse effects.

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Operators are equally encouraged to adopt systems to monitor their own operations, minimising the potential for adverse effects to arise or enabling early warning in mitigating such events, particularly in the interests of maintaining public health and safety.

Objective 14.2: Necessity and Benefits

Maintain and protect the economic and social well-being of communities through the establishment, use and maintenance of utilities.

Policy 14.2A

Recognise the presence and function of established utilities, and their locational and operational requirements, when assessing the suitability of new adjacent activities, to ensure the long-term efficient functioning of that utility.

Policy 14.2B

Recognise the need for new utilities and account for the strategic needs of a utility and its benefits/costs to the community, when considering alternative locations or sites and the appearance of a utility.

Policy 14.2C

Recognise the need for maintenance or upgrading of existing utilities to ensure their ongoing use and efficiency.

Policy 14.2D

Encourage and provide for utilities to adopt more efficient technology and structures which are compatible with the surrounding environment.

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 presence, establishment and ongoing functioning, maintenance and upgrading of utilities.

In addition, some utilities have specific technical or locational requirements that need to be accommodated for their operation, and this may limit or prevent locational choice, or the scale or form of utility operations and related infrastructure. Such factors need to be weighed in the setting of controls through the Plan or determining the appropriateness of utility activity in the local context through resource consents, in maintaining and protecting the well-being of communities.

It is also appropriate to protect the operation of utilities from incompatible activities on adjacent sites. The continued ability to function and be effective operationally will be important considerations in assessing the suitability of new adjacent activities establishing in close proximity or otherwise in a manner that could unduly compromise the efficient long-term functioning of a utility activity.

The Council acknowledges that technological advances in many utility sectors are continuous and can in turn lead to greater efficiencies, levels of service and environmental performance. Accordingly, the Council will encourage new technologies in the provision and operation of utilities to ensure that both the resident and business communities can enjoy the advantages, provided any potential adverse effects, are avoided or properly mitigated.

Objective 14.3: Efficiency

Meet the needs of the community through the efficient co-ordination of the provision of utilities with development.

Policy 14.3A

Ensure that development occurs in areas that are serviced or capable of being serviced, and that utilities are provided to new developments prior to buildings being occupied and activities commencing.

Policy 14.3B

Ensure the costs of servicing development are generally met by the developer directly or through contributions made to Council at the time of development or the issuing of titles.

Policy 14.3C

Assess priorities for upgrading wastewater and sewerage systems, and for provision to settlements which do not have reticulated systems.

Policy 14.3D

Require most services to be underground in new areas of development within the settlements, but also recognise that new overhead connections from existing overhead reticulation may be necessary in some situations and to also encourage the systematic replacement of existing overhead services, with the exception of overhead High Voltage Transmission Lines, with underground reticulation or alternatively the upgrading of existing overhead services within these areas.

Policy 14.3E

Protect utilities, and minimise the potential for damage, from natural hazards.

Explanation and Reasons

There is a need to ensure that as a community grows, services and facilities can be extended or new ones established so as to meet the expanding needs of that community. Efficiency is greatest if there is a coordinated approach to the ongoing development of the District and the provision (new or upgraded) of utility infrastructure and services supplying and meeting the needs of that development. To minimise the costs of providing services, development and redevelopment of areas which are already serviced and have capacity for additional development is therefore encouraged. These are typically within or alongside established built environments, principally the residential and business areas of existing settlements. However, while utilisation of existing capacity is preferred, this must be balanced against other considerations, such as the type, character and density of

residential areas sought by the community, and the style and density of development in the town centres and other business areas. The Plan therefore seeks to minimise costs by realising existing services capacity in a manner consistent with realising those community expectations.

Co-ordination between the development occurring in the District and the provision of utilities and services is also necessary to ensure the timing of services being provided facilitates development of an area and that such services are operational at the time activities commence. There is an expectation by the purchasers of land that such services are available, and for many developments the framework for provision of services is determined at the stage of subdivision consent.

Where new areas of the District are to be developed, the economic costs of servicing an area are to be fully assessed, including evaluating the demand on resources (e.g. the water resource) and their availability. 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 key factor in support of encouraging a strategy of consolidation of urban form for the districts settlements.

In most circumstances the costs of servicing development should be met by the developer to the Council's specifications. Initial costs are thus not met by the wider public through rates, but instead are passed from the developer to the purchasers. In instances where the Council is interested in seeing a particular area developed, it may be appropriate that the Council acts as a "banker" facilitating change by meeting the initial costs of servicing development, but recovering the costs as development proceeds.

Intervention to ensure service provision at the stage of subdivision or land use development will also ensure the most efficient provision of utilities and avoid potential future problems with inadequate services and provisions in the Plan for the services expected by the occupiers of land.

The policies therefore aim to ensure that possible areas for new development:

- are readily able to be serviced; and/or
- are located in selected areas where the Council will meet the costs of major works (to be recovered from developers as development proceeds); and/or
- are located in other areas, provided the full costs of upgrading reticulation systems attributable to that development are met and paid for by the developer, and that an efficient pattern of development is promoted.

Historically, a range of towns and small settlements have provided for urban activities and residential use throughout the rural areas of the District. These activities have not generally been reticulated with services such as sewerage. Reticulation of services is desirable and often necessary to ensure environmentally acceptable disposal of sewage and stormwater. Some isolated residential pockets within the District may not however be appropriate for servicing as this assumes a permanence which may be contrary to cost effective provision of physical infrastructure. Reticulation may signal development in areas which is unsustainable in terms of energy use, soil protection, groundwater

qualities, visual and landscape amenity, natural hazards or for other reasons. However, servicing of areas may also be unavoidable and necessary to protect groundwater qualities, supply and public health.

Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. Policy 14.3D 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 reticulation is required to be by way of underground reticulation. It is recognised that there will be times when a new or additional overhead line needs to be installed in an area where the existing reticulation is overhead and in some circumstances a support structure for the line may also be required. When this occurs, such as for in-fill housing, a connection may be provided to the nearest residential unit underground, but there may be a need to run a line overhead across the road to the nearest terminal. 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 transmission lines, as it is not practical to underground these in terms of cost. This also recognises the need for access for maintenance purposes.

The Council also acknowledges the significant investment and often essential importance of utility services in ensuring the safe and effective functioning of the District; a district that is susceptible to varying degrees to natural hazards such as flooding. The Plan therefore seeks to avoid utilities infrastructure being placed at undue risk of damage or disruption as a consequence of the impacts of natural hazards.

Objective 14.4: Renewable Energy

To recognise the need for and encourage the development and use of energy utilising renewable resources, including provision for the investigation and establishment of renewable energy facilities and technologies.

Policy 14.4A

Provide for the identification and assessment of potential sites and energy sources for renewable electricity generation by energy generators and developers, recognising the local, regional and national benefits to be derived from renewable energy.

Policy 14.4B

Encourage, facilitate and provide for research and exploratory-scale investigations into emerging renewable electricity generation technologies and methods.

Policy 14.4C

To provide for and encourage the development of new renewable energy schemes.

Policy 14.4D

Consider, and as far as practicable avoid, remedy or mitigate, adverse effects on the environment attributable to renewable energy generation and distribution, specifically on those parts of the environment most sensitive to change.

Policy 14.4E

Recognise the contribution of renewable energy use and development to the wellbeing of the District, Region and Nation, and the technical, locational, and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.

Policy 14.4F

Ensure that new subdivisions and land use activities do not adversely affect the operation and maintenance of existing energy generation or distribution facilities.

Policy 14.4G

Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.

Policy 14.4H

To recognise and provide for the continued operation, maintenance, upgrade and development of the District's renewable electricity generation infrastructure.

Explanation and Reasons

Energy generation from renewable sources can result in a range of benefits and positive effects, and is in line with government commitments to improving security of supply of energy supply, reducing New Zealand's greenhouse gas emissions and achieving increasingly responsible energy supply and use. While the District may not offer the same opportunities as some other areas of the country for the development of renewable energy generation at a significant scale, the potential for future wind and hydro generation based development does exist. As growth and development occurs there will be increasing pressure on the current sources of energy and further pressure to create new sources of energy or better utilise existing sources. There is also significant potential for improved energy efficiency in land use and development practices within the District.

The Council acknowledges that there are considerable benefits available at a local, regional or national level from new and existing sources of energy, particularly renewable energy, and that developing new sources is to be facilitated by enabling on-going investigations to occur within the District. Those investigations include not only evaluation of prospective sites or sources, but also of emerging technologies and methods.

The range and scale of different sources of renewable energy leads to the potential for differing effects on the environment. Potential effects include adverse impacts on visual amenity due to the scale or

location of such structures, e.g. wind turbines on high ridges, glare from solar panels or noise from operation. Potential effects can also impact on indigenous vegetation or on fauna, culturally significant areas, or sites of historical sensitivity. Often the degree of effects is related to the scale of facilities associated with renewable energy and their prominence, particularly in a visual sense. While standards in the plan permit some such activities, those that are of a significant scale, will require effects on the environment to be fully assessed through the resource consent process, weighing the benefits along with the adverse effects, including ways to avoid or mitigate such effects.

As with other utilities, the plan acknowledges there may be particular operational, locational or technical requirements for energy related utilities that need to be taken into account in setting standards on development and in determining resource consents. While that does not mean all or any adverse effects will necessarily be seen to be acceptable, it does recognise the nature of the associated activity, their necessity and the purposes such utilities serve. The Plan also seeks to provide some protection to energy related facilities once established against possible effects arising from other activity nearby, particularly new subdivision and development, where that may unduly compromise the utilities operation.

It is also important to encourage the use of energy efficient materials and renewable energy in development including construction materials and individual application of renewable energy sources, e.g. solar panels. In exercising its responsibilities, the Council is able to advocate for achieving efficiencies in energy use, in the design of development and subdivisions, and in implementing building standards. This will be achieved mainly through the Building Act requirements, sharing information, and providing guidance and encouragement.

Objective 14.5: Rural Water

The ongoing operation, maintenance and upgrade of rural irrigation and stock water systems.

Policy 14.5A

To recognise and provide for the continuing efficient use and development of irrigation (including associated water storage facilities) and stock water systems, and various water reticulation systems in the District, including recognition of their importance to the wellbeing of the District's people and wider communities.

Policy 14.5B

To encourage the efficient use of water abstracted from these systems, and from other water sources, for irrigation and stock water.

Policy 14.5C

To encourage rural water reticulation operators to adopt their own monitoring systems to ensure that the effects of these systems on the environment are regularly evaluated to achieve efficiencies and to avoid, remedy or mitigate any adverse effects.

Explanation and Reasons

The irrigation and stock water systems in the District are extremely important to the ongoing economic wellbeing of the community of the District and are likely to continue to be important for future generations. Irrigation and stock water is widely available throughout much of the District, enabling productive use of substantial areas of the rural area, and capable of sustained, consistent pastoral, arable and horticultural production.

This objective and policies deal with the existing irrigation schemes whereas objectives 14.1 and 14.2 provide for new schemes.

The economic and social wellbeing of the people and communities of the District is to a large extent dependent on the continued productive use of the large areas of productive and versatile soils. These irrigation and stock water systems have therefore been recognised in the District Plan as important utilities necessary for the continued well-being of the community and appropriate rules have been included which will allow the efficient operation, maintenance and upgrade of the systems.

The Council is concerned that inefficient use of these water supplies could prejudice the continued supply of water to rural properties generally. Inefficient use of the systems can occur through water wastage, or unpredictable and irregular water demand. In addition, fragmentation of properties connected to the systems can result in a reduction in the number of properties requiring supply, such that it becomes uneconomic to supply the remaining properties. For these reasons, amongst other reasons, the District Plan restricts the subdivision of land into small allotments throughout the majority of the rural areas of the District.

The Council's own stock water system is part of the overall rural water supply system for the District. Improvements generally in the efficiency of distribution and use of stock water could result in wider benefits such as reduced demand for abstraction from the Ashburton (Hakatere) River and assist in ensuring that the scarce water resources remain available to meet the needs of the District's community.

Monitoring and evaluating the performance of these systems is seen to be particularly important in ensuring that they operate in the most efficient manner and that their effects on the environment are regularly reviewable. Accordingly, the Council encourages rural water reticulation system operators to be proactive in this regard.

14.4 Anticipated Environmental Results

- Maintenance of the amenity values of the District, particularly in residential, business, open space and recreational areas, and areas of high landscape value.
- Provision of utilities consistent with the nature of the local environment, operational needs, and the cost and scale of facilities.
- Protection of the functioning of utilities.

- New development in areas where utilities can supply resources on a sustainable basis, and development of areas more able to be serviced with consequent economies in use and provision.
- Continued opportunity for improved technologies and greater self-sufficiency in energy use and efficiency.
- Further sewer and water reticulation in areas where this is necessary to prevent degradation of groundwater resources.
- Adequate disposal of, sewage and stormwater in a manner which protects water resources and amenities.
- Maintained and enhanced public health and safety.
- Efficient use and development of the District's renewable energy resources, contributing towards an increased proportion of New Zealand's energy consumption being derived from renewable resources.
- Improved efficiency of the District's stock and public water supplies.
- Enhancement of the District's water resources.

14.5 Methods of Implementation

District Plan

Through the provision of rules in the District Plan to:

- permit the erection of appropriate utility structures, their operation and maintenance;
- set performance standards on the design, location and operation of utilities to mitigate any adverse effects on the surrounding environment;
- control the scale and type of development of utilities;
- require utilities, which have variable effects or which may have adverse effects if located in some localities, to obtain resource consents in order that the Council can consider the potential effects of the proposal and impose specific conditions if appropriate.

Through the inclusion of schedules within the District Plan, to recognise particular utilities and to provide them with their own operational control, subject to defined performance standards.

Long Term Plan (LTP)

Direct funds and resources towards providing services in specified areas.

Other

Advocating for energy efficiency in design and construction including use of natural sources of heat, consideration of the orientation of buildings towards the sun to assist passive heating, cooling and natural lighting, and opportunities to obtain significant energy gains through solar water heating or solar panels in residential units.

14.6 Reasons for Rules

14.6.1 Lines for Conveying Electricity and Telecommunications, and Transformers

By controlling the type of lines, transformers and associated support structures by way of voltage, capacity and definition, it is anticipated that the likely size of the utility and its visual impact on the environment will have been identified and considered to be 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. Where this is the case the resource consent process will enable consideration of appropriate location and mitigation, where possible.

Overhead lines have been identified as having an adverse effect on the visual amenities and character of the environment in some areas. This effect can be mitigated by requiring undergrounding in locations and circumstances 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.

Transformers which do not exceed 150kVA are permitted on poles as they are unlikely to adversely affect the visual amenity and character of the environment as they are not large enough to be visually obtrusive. Pole-mounted transformers which exceed this capacity require resource consent to assess potential effects on the environment.

14.6.2 Height and Dimensions

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.

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 values of surrounding environments are not adversely affected.

14.6.3 Setbacks

A minimum setback from intersections has been included for all support structures for lines conveying electricity and telecommunications in Rural Zones. This is intended to ensure that support structures do not obstruct the vision of motorists at intersections and to reduce the potential for collisions with poles where accidents occur at intersections. In the past concerns have been expressed that support

structures limit visibility at intersections in rural locations increasing the potential for motor vehicle accidents.

Buildings are required to be setback a minimum distance 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.

In Business Zones and in the Commercial Area of the Aquatic Park Zone, buildings are sometimes permitted or required to be built up to the street boundary and are at a higher building density. It is therefore appropriate that utility buildings have the option to be sited in accordance with the general performance standards applying to development within the zone concerned, without any adverse effect on amenity values.

Buildings are required to be setback a minimum distance 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, Open Space, and Aquatic Park 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.

A setback from zone boundaries has also been imposed on meteorological, radio and telecommunication facilities in Rural and Business Zones. These facilities are not subject to the rules for buildings and within the Rural and Business Zones are permitted activities up to 25m in height. The setback required is a minimum distance from a Residential, or Open Space Zone boundary. The erection of a meteorological radio or telecommunication facility close to residential development or an open space area has the potential to adversely affect the outlook, amenity values and character of

those environments. Residential and open space areas are considered to be particularly sensitive to the development of utilities and structures and it is therefore appropriate to require greater consideration of the effects of facilities on the character and amenity values within a specified setback. Resource consent within this distance will also enable consideration to be given to appropriate mitigation measures such as planting and screening.

14.6.4 Depot Location

Depots are required to be assessed by way of resource consent applications on sites within Rural, Residential, Open Space, Aquatic Park Zones or sites facing Residential, Aquatic Park or Open Space Zones, in order to maintain the character and amenity values of the environment. Depots are often industrial in character with areas of outdoor storage, noise and heavy traffic creating adverse effects which are difficult to adequately mitigate through standards. They are not therefore compatible with areas of open space or residential activity and are excluded from areas within or facing such environments.

14.6.5 Utility Building Floor Area

A maximum gross floor area has been included for buildings in Residential, Open Space, and Aquatic Park Zones or when facing a Residential, Aquatic Park, or Open Space Zone, in order to maintain the character and amenity values of the environment. Utility buildings or buildings ancillary to utilities are often different in appearance and character from those in the surrounding environment and may have a very stark or utilitarian appearance such as 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/s.

14.6.6 Outdoor Storage

For utilities which may be established throughout the District, it is appropriate to protect the visual amenity of sites surrounding land used for outdoor storage by requiring screening either through landscaping or fencing. This screening is to protect the view obtained by a pedestrian walking alongside the property though the rule makes an exception for screening lines and support structures for lines, as it is accepted that it is unreasonable and impractical to require screening for these facilities.

14.6.7 Lighting

Because illumination from lighting can interfere with the enjoyment of a property and with the sleep of occupiers, the standard seeks to limit the amount and intensity of light spillage onto adjacent properties. A general requirement to direct exterior lighting away from adjacent properties is considered to give adequate protection to properties. Inappropriately directed lighting can also cause safety hazards on roads by distracting, confusing or blinding drivers.

14.6.8 Landscaping

The dominant form of landscaping is the planting of trees and shrubs. Landscaping has the benefits of enhancing the appearance and/or the screening of a site and buildings as viewed from or across streets, or from adjoining properties.

14.6.9 Flood Risk

Some parts of the Ashburton District have a high flood risk. It would not be appropriate to locate new utility structures in these high risk areas without consideration of the hazard and appropriate mitigation measures being in place.

14.6.10 Identified Areas

Utilities are required to be assessed by way of resource consent applications within identified areas, in order to maintain the character, qualities, amenity values, special feature or habitat of the identified area and keep it free from any inappropriate form of man-made or incompatible development. Part II, Sections 6(a), (b), (c) and (f) of the Act lists as matters of national importance the protection of; the coast, wetlands, lakes, rivers and their margins, areas of outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and historic heritage.

14.6.11 Designations

In addition to the above rules, many utilities are provided for in the District by way of designations. All designations are listed below in the schedule (Appendix 14-1) 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.

14.7 Rules – Utilities

14.7.1 Permitted Activities

The following activities shall be Permitted Activities throughout the District, except as provided for as Controlled, Restricted Discretionary or Discretionary Activities below, and subject to compliance with the Site Standards below and all relevant District Wide rules:

- a) Transformers and lines for conveying electricity at a voltage up to and including 110kV, and associated support structures including towers, masts and poles;
- b) Telecommunication facilities and radiocommunication facilities;
- c) Utility buildings and buildings ancillary to utilities in all zones. (For the purpose of this rule, a building shall not include overhead lines and support structures);

-
- d) Depots on sites within the Business Zones, except on sites adjoining or facing across a road from a Residential or Open Space Zone;
 - e) Above or below ground networks for the conveyance and drainage of water, stormwater e.g. swales or sewage, and any ancillary underground equipment;
 - f) Reservoirs, wells and supply intakes for the reticulation or provision of public water supply;
 - g) Operation, maintenance, refurbishment, upgrade, and enhancement of irrigation and stock water systems, open drains and channels, water reservoirs, storage ponds and related facilities/structures;

Except where 'significant upgrading' is proposed. For the purpose of this rule, a 'significant upgrade' means any modification or addition that exceeds the bulk and location and earthwork provisions in the zone in which it is located and on the proviso that such an upgrade is not associated with a land use change which requires a separate resource consent under section 9 of the Resource Management Act 1991.

- h) Telephone call boxes;
- i) Automatic weather stations, weather recording devices and facilities for the distribution of meteorological information;
- j) Air and marine navigational aids and beacons;
- k) Pole-mounted street lighting;
- l) The maintenance and replacement of the following utilities:
 - existing transformers and lines above ground for conveying electricity at all voltages and capacities;
 - existing telecommunication lines;
 - existing telecommunication and radiocommunication facilities;
 - existing buildings and depots;
 - existing weather radar;
 - existing coastal and river protection works.

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, telecommunication 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; and the addition of extra lines to existing poles or other support structures; and the replacement of existing conductors. (The activities permitted by this clause are not required to comply with the Site Standards, or the Restricted Discretionary Activity requirements in identified areas.)

m) Minor upgrading of electricity and associated telecommunications lines, where the term “minor upgrading” shall mean an increase in the carrying capacity, efficiency or security of electricity and associated telecommunications lines, utilising the existing support structures or structures of a similar scale and character, and includes:

- the addition of circuits and conductors;
- the reconductoring of the line with higher capacity conductors;
- 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 or within the existing alignment of the transmission line corridor;
- the replacement of existing cross arms with cross arms of an alternative design;
- an increase in tower height only to achieve compliance with the clearance distances specified in the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.

Minor upgrading shall not include any increase in the voltage of the line to or above 66kV unless the line was originally constructed to operate at a higher voltage but has been operating at a reduced voltage.

(The activities permitted by this clause are not required to comply with the Site Standards, or the Restricted Discretionary Activity requirements in identified areas.)

- n) The trimming, felling or removal of any tree (other than as provided for in Section 12 Heritage Values and Protected Trees) by a network utility operator when this is required as an emergency work to maintain or restore power and communication links to safeguard life, health or property, on the site on which the tree/s are located or any adjacent site, and where this is authorised under other legislation.
- o) Wind monitoring masts up to 80 metres in height, provided the maximum diameter of the mast is 250mm and equipment on the mast is limited to instrumentation necessary to record and log wind direction and speed.
- p) The operation, maintenance, refurbishment, enhancement and upgrading of an energy generation facility, except where significant external modification is involved. For the purposes of this rule, a significant external modification means any modification or addition:
- where a new building or structure is greater than the least restrictive building height in that zone, or exceeds 50m² in area;

- where an addition to an established building or structure, increases the maximum height of the building or structure to be greater than the least restrictive building height for that zone.

Note: Activities at the Highbank and Montalto Power Stations which are provided for under Rule 8.6.4.1 or trigger resource consent requirements under Rule 8.6.4.2 do not also need to be assessed against Rule 14.7.1 p).

14.7.2 Controlled Activities

- a) Any activity listed as a Permitted Activity above, which:
- complies with all of the relevant Site Standards; and;
 - is within a Rural Zone and is located within 15m of a Residential, or Open Space boundary; or
 - is within a Business Zone and is located within 10m of a Residential, or Open Space Zone boundary shall be a Controlled Activity in respect of colour and landscape planting.

14.7.3 Restricted Discretionary Activities

The following activities shall be Restricted Discretionary Activities throughout the District, other than as specified as Controlled or Permitted Activities:

- a) Any activity listed as a Permitted Activity that does not comply with the Site Standards applying to that Activity, shall be a Restricted Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the assessment matters in 14.9.

14.7.4 Discretionary Activities

The following activities shall be Discretionary Activities throughout the District, other than as specified in Permitted Activities:

- a) Weather radar;
- b) Lines and support structures for conveying electricity at a voltage exceeding 110kV, and associated support structures including towers, masts and poles;
- c) Coastal and river protection works;
- d) Any other utility not specifically listed as a Permitted or Restricted Discretionary Activity.
- e) Any activity listed as a Permitted Activity above, which:
- complies with all of the relevant Site Standards; and is located:
 - The Rural C zone, including land above the Altitudinal Land Use Line other than within the Mt Hutt Policy Area;

- within the areas identified on the Planning Maps as being of significant nature conservation value, geoconservation value or subject to a natural hazard risk;
- on any land within -
 - the bed of any water body;
 - any naturally occurring wetland;
 - 100m of any lake, 20m of any wetland, or 20m of any river or stream; - 20m of the coast.
- within 50m of any listed heritage building/item or listed protected tree;
- within any area identified as a Statutory Acknowledgement area in Section 2 Takata Whenua;
- within the Open Space A zone.

Except that:

- This standard shall not apply to lines which do not involve the erection of support structures located in the beds or margins of water bodies.
- The maintenance and replacement of existing utilities listed under rule 14.7.4 e) above shall be exempt from the above Rule.
- This standard does not apply to existing, permitted or consented Rangitata Diversion Race infrastructure within riverbeds.

14.7.5 Notification / Consultation / Notes

The National Environmental Standards for Electricity Transmission Activities Regulations 2009, contain a separate code of rules for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation. Except as provided for by the regulation, no rules in this Plan apply to such activities.

Resource consents in relation to the following matters shall not be publicly notified: Any

Controlled Activity listed above

Notes:

□ The rules contained in this section take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary. □ These rules do not override the rules contained in:

- Section 6 – Open Space Zones
- Section 10 – Transport
- Section 11 – Noise
- Section 12 – Heritage Values and Protected Trees

- Section 13 – Signs
- Section 16 – Hazardous Substances
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, please refer to the Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2008.
- Designations are not subject to these rules where the activity proposed is in accordance with the designation purpose and conditions.
- Please note that the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may be applicable to your site/property.

14.8 Site Standards

For the purpose of these standards, any rules applying to buildings shall not apply to towers, masts and poles.

14.8.1 All Lines, including Telecommunication Lines, and Transformers

- a) All new lines shall be located underground within Residential, Open Space B or Business Zones and within the Residential and Commercial Areas of the Aquatic Park Zone.

Except that new lines may be located above ground within Residential, Open Space B or Business Zones, and within the Residential and Commercial Areas of the Aquatic Park Zone, provided that no additional poles or other support structures are erected.

- b) All poles and/or towers that no longer support wires/lines, and which are no longer required for any other purpose, shall be removed within 1 month of lines being replaced, removed or placed underground.
- c) In those zones where lines are to be located underground in accordance with Site Standard 14.8.1 above, all transformers shall be located at ground level.

Except that:

Transformers not exceeding 150kVA may be pole-mounted, where they are located on poles supporting existing above ground lines.

14.8.2 Height and Dimensions

- a) Within Rural Zones, support structures for lines shall not exceed a maximum height of 25m.
- b) No part of any facility or support structure for telecommunication, and/or radiocommunication and/or meteorological facilities shall exceed a maximum height above ground level of:

- 15m in Residential, Open Space, and Aquatic Park Zones;
- and • 25m in Business Zones; and • 30m in Rural Zones.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for antennae, aerials, lightning rods and their mountings where they do not exceed:

- 1 square metre in area on any one side or
- 2m above the building or structure to which it is attached or □ 600mm in diameter.

(The definition of height shall not apply to the facilities or structures subject to this Site Standard.)

- c) The maximum diameter of any telecommunication or radiocommunication facility or support structure above 5m elevation shall be:
- 1.5m in all zones.

Utilities, Energy and Designations

Appendices d) No dish antennae shall exceed:

- 1.2m diameter in the Residential, Open Space B, Aquatic Park Zones; □
2.4m diameter in the Business and Rural zones
- a) All telecommunications facilities must comply with New Zealand standard NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels.

Advisory Note: Site Standard 14.8.2 b) shall not apply to wind monitoring masts provided for under Rule 14.7.1)

14.8.3 Setbacks

- a) Any support structure for lines within Rural Zones shall be setback a minimum distance of 15m from any intersection; measured parallel from the centreline of the carriageways, at the point where the roads intersect.
- b) All telecommunication, radiocommunication and/or meteorological facilities within a Rural or Business Zone over 10m in height shall be setback a minimum distance of 5.5m from a Residential, or Open Space Zone boundary.
- c) Utility buildings more than 10m² in ground floor area and/or over 2m in height shall be setback from the road boundary by a distance of not less than half the height of the structure, or 2m, whichever is the greater,

Except that:

In Business Zones and the Commercial Area of the Aquatic Park Zone utility buildings may be setback from the road boundary in accordance with the relevant Site Standard applying to the Zone or Commercial Area concerned.

- d) In Residential, Open Space B, Aquatic Park, and Rural Zones, utility buildings more than 10m² in ground floor area and/or 2m in height shall be setback from internal boundaries by a distance of not less than half the height of the structure, or 2m, whichever is the greater.
- e) Dams, water reservoirs, and storage ponds shall be setback 1 metre from the road boundary except that at intersections, they shall be setback 3 metres.

14.8.4 Depots

- a) No depot shall be established on a site within a Rural, Residential, Aquatic Park or Open Space Zone or on sites adjoining, or facing across a road, a Residential, Open Space, or Aquatic Park Zone.

14.8.5 Utility Building Scale

- a) Utility buildings and buildings ancillary to utilities in all zones shall not exceed a gross floor area of 50m², or a height of 3.5m.

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Appendices

14.8.6 Outdoor Storage

- a) All outdoor storage shall be screened from public view (except for lines and support structures for lines) by landscaping or solid fencing at least 1.8m in height.

14.8.7 Lighting

- a) No activity shall create a spill (horizontal and vertical) of light onto any adjoining property within a Residential Zone and within the Residential Area of the Aquatic Park Zone.

14.8.8 Landscaping

- a) Sites containing buildings more than 10m² in ground floor area and/or over 3m in height shall provide a landscaped area within the setback with a minimum width of 2m along road boundaries and along internal boundaries within or adjoining Residential, Open Space Zones and within or adjoining the Residential and Recreational Areas of the Aquatic Park Zone.
- b) Depots containing no buildings shall provide a landscaped area in accordance with the rules of Business D zone, with a minimum depth of 3m along road boundaries.

14.8.9 Flood Risk

- a) No new utility structures shall be erected in a high flood hazard area.

Except that this rule shall not apply to the installation, operation, maintenance, and upgrading of environmental monitoring structures in these areas.

Note:

A report identifying flood risk and the height of the 1 in 200 year flood event can be obtained from the Canterbury Regional Council or a suitably qualified expert.

Indicative areas of flood risk can be found on the Floodable Areas Maps located at the back of the set of Planning Maps.

14.9 Assessment Matters

- a) The extent to which the utility will cause:

-
- any loss of, or adverse effects on, views of the District's outstanding landscapes from locations to which the public has access;
 - any loss of, or adverse effects on, public access to the above views or viewpoints;
 - any obscuring of landforms or natural features;
 - any adverse effects on the natural landscape pattern; including the loss of underlying landform pattern;
 - any adverse effects on present vegetation patterns;
 - any adverse effects on the openness and spaciousness of the landscape, and the apparent naturalness of the landscape;
 - any adverse effects on items of historic heritage;

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- any adverse effects on the use or enjoyment of areas of public open space.
- b) the extent of the visual effect of the utility from an adjoining Residential, Aquatic Park or Open Space zoned site and its effect on the amenity values and character of the surrounding environment taking into account its design and appearance, bulk, height and length;
- 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 effect 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, including a summary of alternative sites and routes that have been considered and the reasons as to why these have been discounted;
- g) 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.

-
- h) The degree to which the proposed utility and its location and/or design may affect the health or safety of the community including positive effects from the operation of the utility. For telecommunication and radiocommunication facilities or where otherwise relevant, the degree to which the operation of the facility meets the minimum levels for radio frequency emissions set out in New Zealand standard NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels.
 - i) the degree to which the proposed utility and its location may affect values held by Takata Whenua;
 - j) the potential for co-siting utility facilities and the extent to which the provider of the utility has investigated this potential;
 - k) 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;

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- l) 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 nature conservation, Takata Whenua values, public access and recreation values at these locations;
 - the potential loss of assets if the protection works are not afforded;
 - the ability of other measures such as vegetation planting being an appropriate alternative.
- m) The extent to which the utility provides a local, regional or national benefit in relation to the generation of renewable energy;
- n) Operational or technological requirements that may dictate a location or scale or form of development that is relevant to the consideration of the proposed utility.
- o) The level of risk to the utility from flooding and the mitigation measures in place to avoid undue risk to the utility service.
- p) The extent to which adverse effects of the proposed energy generation facility will be avoided, remedied or mitigated.

14.10 Conditions Applying to Designations

The following conditions apply to certain designations listed within the schedule of designations below (Appendix 14-1):

14.10.1 New Zealand Transport Agency

The designation provides for the New Zealand Transport Agency, either itself or through its agents, to control, manage and improve the state highway network (State Highways 1 and 77) including planning, design, research, construction and maintenance relating to all land within the designation. Such activities may also involve, but not necessarily be limited to, realigning the road, altering its physical configuration, culverts, bridges and associated protection works. Where appropriate, resource consents (Sections 11-15 of the Act) will be applied for. No other activity shall be permitted on land designated "State Highway" without the express approval of the requiring authority responsible for the designation and the appropriate statutory approvals.

Limited Access Roads

Those sections of State Highway 1 which are declared limited access occur between Ashburton (Kapuka) and Hinds (Hekeao) and specifically include land adjacent to the South Island Main Trunk Railway, between Racecourse Road and Havelock Street, between the Ashburton (Hakatere) River and Maronan Road and from Hassal Street, Ashburton to William Street, Hinds.

The objective of this control is to protect and maintain the safety and high level of traffic service on these important routes which may otherwise be adversely affected by traffic generation of property

Appendix 6: Waimakariri District Plan Provisions

Appendix 6: Waimakariri District Plan Provisions
Selwyn District Plan Review | Effectiveness Review of Operative District Plan in managing visual amenity effects of network utilities and energy generating activities

11. Utilities and Traffic Management

Environmental Results Expected

The following environmental results are expected from the implementation of the objectives, policies and methods of Chapter 11 Utilities and Traffic Management.

Parking, loading and manoeuvring:

- a. Parking, loading and manoeuvring facilities that provide sufficient parking.
- b. Parking facilities that contribute positively to town centre amenity.
- c. Town centre development that is supported by centralised parking, loading space availability, cycle parking and public transport connections.
- d. Car parking areas that function efficiently and safely for a range of vehicles.
- e. Parking areas incorporating clear and accessible pedestrian linkages.
- f. Cycle parking is functional and attractive and encourages more people to travel by cycle.
- g. Public transport that is supported by parking facilities where mode shifts are required.

Issue 11.1

Utilities are necessary to enable people and communities to provide for their wellbeing, health and safety.

Objective 11.1.1

Utilities that maintain or enhance the community's social, economic and cultural wellbeing, and its health and safety.

Policy 11.1.1.1

A utility should:

- a. contribute to a safe environment;

2 Utilities and Traffic Management

- b. maintain or enhance public health;
- c. promote efficient use of resources and efficient development of the utility, so that resources are conserved and used in a sustainable manner;
- d. have regard to cross boundary issues where the utility or the service provided by the utility crosses the territorial boundary;
- e. where it is necessary to service new development, be paid for by the developer, or as a condition of consent for the development; and
- f. maintain and enhance social wellbeing.

Explanation

Utilities are activities that include the construction and operation of roads; the distribution or transmission of energy and telecommunications; and the distribution, disposal or transmission of water, and sanitary waste.

Utilities are important to the wellbeing, health and safety of people. Roads need to enable safe and efficient travel and provide access to property, amenity and open space for the community. For a water supply utility this means it must provide an adequate, reliable, safe and efficient supply of potable water. Supply for fire fighting purposes is also a consideration. For sewers, the utility must be adequate for the maintenance of public health, minimise the ingress of stormwater or groundwater, and avoid surcharging or overflowing. Stormwater systems must collect and dispose runoff, protect people and property from injury or damage caused by surface water, and efficiently convey water to an appropriate outfall. Street lighting should be provided in a manner that ensures the safety of vehicles, cyclists and pedestrians.

Robustness of a utility's performance is an important factor. Their design should provide a highly reliable level of service to the community over their design life. Any likelihood of failure, such as a break in a sewer main, is an immediate hazard to peoples' health and safety. Robust design ensures that the associated infrastructure will maintain a community's social, economic and cultural wellbeing.

Where there is no conflict with their function, roads are generally suitable as a corridor for siting utility reticulation with minimal disruption to the natural and physical environment. Co-siting such as this reduces adverse effects, particularly in the urban environment.

Some utilities such as the Ashley Rural Water Supply cross the District boundary. Regard to both this District Plan and neighbouring district planning requirements is necessary for the management of such utilities.

This policy must be read with the Financial Contributions (Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules) provisions of the District Plan.

Methods

Service Provision 11.1.1.1.1

Provision of works and services.

Liaison With Road Owners and Managers 11.1.1.1.2

Ensuring liaison and consultation with New Zealand Transport Agency, asset managers, utility providers, the Canterbury Regional Council and adjoining territorial authorities where appropriate.

Annual Plan 11.1.1.1.3

Consideration can be given to co-operative projects with utility providers for utility enhancement or improvements.

Financial and Development Contributions 11.1.1.1.4

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Processes to Deal With Cross Boundary Issues 11.1.1.1.5

NOTE: See Chapter 19: Cross Boundary Issues

Policy 11.1.1.2

Every new site within a design catchment of an existing or proposed utility should connect to the utility wherever possible.

Explanation

Development occurring within the catchment of a utility should be connected to each utility. This increases the efficiency of existing utilities, which in turn contributes to the sustainable use of resources in the District. Connection also provides an accepted level of service in terms of reliability and environmental standards to provide for present and future people's health and safety. Promotion of this policy can be by liaison with the utility operator and by rules, particularly for sewage disposal and water supply. Services are to be provided to the boundary of any allotment which is capable of accommodating a dwellinghouse. The rules related to connection to a utility are in Chapter 23: Land and Water Margins – Rules, Chapter 30: Utilities and Traffic Management – Rules and Chapter 32: Subdivision – Rules.

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The town of Pegasus is to be provided with a fully independent high quality water supply reticulated from a well field located to the north of Kaiapoi town, or connect to a Council system. The town is also to have a fully reticulated sewage system to an activated sludge sewage treatment plant, with provision for nutrient removal and sterilisation to contact recreational water quality, followed by subsurface land disposal; or alternatively, a connection to the Eastern District sewerage system at the Woodend sewage treatment plant. These services will be provided and paid for by the developer of the town. During very wet years subsurface drains will collect any water perching on top of the silt layer underlying the land disposal site. The collected water, which has been polished through its passage through the ground, will be drained to the eastern boundary of the land disposal area into a subsurface soakage drain from where

it will discharge into lower more permeable gravels. The Canterbury Regional Council is the consent authority in respect of the taking, use and discharge of water, including water containing any contaminants. Appropriate consents from that authority will be required.

Methods

District Plan Rules 11.1.1.2.1

Control of subdivisions and development in relation to utilities for each zone.

Assessment criteria for subdivision and land use consents.

Road hierarchy and transportation servicing standards for levels within the hierarchy.

Liaison With Road Owners and Managers 11.1.1.2.2

Ensuring liaison and consultation with New Zealand Transport Agency, asset managers, utility providers, the Canterbury Regional Council and adjoining territorial authorities when appropriate.

Financial and Development Contributions 11.1.1.2.3

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34:

Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Engineering Code of Practice 11.1.1.2.4

A set of engineering standards developed by the Waimakariri District Council for District Council services.

District Development Strategy 11.1.1.2.5

Non-statutory documents setting out the Waimakariri District Council's preferences as service, facility, and utility provider for the location, design and nature of future development including proposals for the integrated and staged provision of the services, facilities and utilities required by that development. The strategy is drawn around urban design principles and a 20 year planning period and for environmental enhancement.

Policy 11.1.1.3

Subdivision and development should not proceed within areas that do not have access to appropriate utilities, or where the utilities are operating at full capacity or where these subdivisions or developments are likely to adversely affect the planned expansion of those utilities. Subdivision and development can proceed if the existing utilities are upgraded to provide the appropriate capacity for the health and safety of the present and future population, or appropriate alternatives are provided. Appropriate alternative systems should, as a minimum:

- a. meet the current environmental and engineering design standards prescribed for the present utilities; and
- b. be capable of integration with existing utilities.

Explanation

Development and subdivision in unserved areas can have adverse effects on the environment and on health and safety. Utility installation and land development should be programmed together. The policy seeks to promote co-ordination and integration of utility services, and failing that, to ensure an environmentally sound staging of land development occurs. Some present systems were designed to certain capacity levels and are reaching their design limits. Co-ordination of increases in network capacity with development is crucial if present utilities are to perform to appropriate environmental standards and continue to retain levels of service to beneficiaries.

Methods

District Plan Rules 11.1.1.3.1

Subdivision standards for connection to water, sewer, road, stormwater, energy and communications.

Standards for land based effluent disposal systems, including septic tanks (Chapter 23: Land and Water Margins – Rules, Chapter 30: Utilities and Traffic Management – Rules and Chapter 32: Subdivision – Rules).

Assessment criteria for subdivision and land use consents.

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Road hierarchy and transportation servicing standards for levels within the hierarchy.

NOTE: See Rule 30.6

Liaison With Road Owners and Managers 11.1.1.3.2

Ensuring liaison and consultation with New Zealand Transport Agency, asset managers, utility providers, the Canterbury Regional Council and adjoining territorial authorities when appropriate.

Financial and Development Contributions 11.1.1.3.3

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Engineering Code of Practice 11.1.1.3.4

A set of engineering standards developed by the Waimakariri District Council for District Council services.

District Development Strategy 11.1.1.3.5

Non-statutory documents setting out the Waimakariri District Council's preferences as service, facility, and utility provider for the location, design and nature of future development including proposals for the integrated and staged provision of the services, facilities and utilities required by that development. The strategy is drawn around urban design principles and a 20 year planning period and for environmental enhancement.

Liaison With Developers 11.1.1.3.6

Meetings with developers to co-ordinate proposals and to explore alternative means of providing for servicing.

Policy 11.1.1.4

A road hierarchy shall be maintained and protected to enable the District to function with minimal conflict between activities, traffic, and people.

Explanation

A hierarchical road network provides for the safe and efficient movement of traffic. It assigns some roads the primary role of carrying through traffic and a minimal role in providing access to properties. Other roads have a primary role in providing access to properties and a minimal role in carrying through traffic. Cyclists and pedestrians are users of the road network and provision for footpaths and cycleways should be integrated into the network so as to minimise conflict but, provide easy access.

The hierarchy has six levels committed to through traffic in descending order: strategic, arterial, collector, urban collector, local and neighbourhood roads.

CROSS REFERENCE: District Plan Maps, including the Outline Development Plans

Each type of road in the hierarchy provides a distinct level of service based on amenity, public safety, efficiency and traffic volumes. For example, most roads within residential areas should avoid functioning as a through traffic route for externally generated traffic. Roads in the hierarchy should also provide for the safe and convenient movement of pedestrians and cyclists with provision for cycle tracks along arterial, strategic and collector roads.

Adverse environmental effects from roads can be mitigated by diverting traffic away from local roads to roads higher in the hierarchy. The greater traffic volumes that can be carried by arterial roads promote energy efficiency as well as more efficient use of time. Local roads, by being relieved of through traffic, are able to provide valuable areas of open space as well as access. The hierarchy should minimise delays and accidents and make effective use of the substantial investment in the road network.

The location of activities on the network also affects road efficiency and safety and can be regulated.

Methods

District Plan Rules 11.1.1.4.1

Setbacks for activities in relation to roads shown on the road hierarchy maps.

Vehicle access to legal and physical roads, and requiring on-site parking, turning and loading areas.

Control of signs visible from roads.

Liaison With Road Owners and Managers 11.1.1.4.2

Ensuring liaison and consultation with New Zealand Transport Agency, asset managers, utility providers, the Canterbury Regional Council and adjoining territorial authorities when appropriate.

Liaison with the Hurunui District Council in relation to the strategic road links between Rangiora and Amberley.

Financial and Development Contributions 11.1.1.4.3

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Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions or Chapter 34: Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Engineering Code of Practice 11.1.1.4.4

A set of engineering standards developed by the Waimakariri District Council for District Council services.

Processes to Deal With Cross Boundary Issues 11.1.1.4.5

NOTE: See Chapter 19: Cross Boundary Issues

Information 11.1.1.4.6

Information on the arterial road to be constructed in the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 shall be supplied for all LIM's applied for on all properties adjoining Butchers Road and Giles Road.

Policy 11.1.1.5

New developments and activities in relation to their traffic generation characteristics should:

- a. locate on or establish primary access to an appropriate level of road within the road hierarchy;
- b. not have vehicular access to an inappropriate level of road in the hierarchy; and
- c. provide cycleways along arterial, strategic and collector roads where:
 - necessary to provide an identified transport or recreation function; and
 - alternative opportunities do not exist within the road hierarchy.

Explanation

The efficiency of the District's transportation network can be improved by ensuring that new developments are located where they will use capacity in the transportation network, and where they will not result in a loss of convenience or efficiency for existing users of the network.

Various sections of State Highway have been declared "Limited Access Roads" under the Transit New Zealand Act 1989. The "Limited Access Roads" have not been annotated on the District Plan Maps. Controls on these roads are in addition to the District Plan. New Zealand Transport Agency controls access onto these roads, with the exception of the Rangiora Woodend Road which is administered by the District Council.

The objective of this control is to protect and maintain the safety and high level of traffic service on these important routes which may otherwise be adversely affected by subdivision and traffic generating activities. The effect is to prevent the proliferation of new access points and to reduce the number of accesses and volumes of traffic using them.

There is a preference for many developments to locate on high profile sites with frontage to strategic and arterial roads. Primary access to these developments can be improved if it is provided from a lesser road in the hierarchy. This improves safety through reduced traffic conflict, efficient access by properly designed intersection developments, and maintenance of speed environments appropriate to the particular road.

The provision of cycleways will need to take into account the circumstances of the area. Matters to consider will include the width and location of cycleways.

Methods

District Plan Rules 11.1.1.5.1

Setbacks for location of activities in relation to the road hierarchy maps.

Provision of Outline Development Plans outlining road hierarchies, access and cycleways for developments and activities.

Control of vehicle access to legal and physical roads, and requiring on-site parking, turning and loading areas.

Control of signs visible from roads.

Liaison With Road Owners and Managers 11.1.1.5.2

Ensuring liaison and consultation with New Zealand Transport Agency, asset managers, utility providers, the Canterbury Regional Council and adjoining territorial authorities when appropriate.

Financial and Development Contributions 11.1.1.5.3

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Policy 11.1.1.6

Every site should have access that provides safe entry and exit for vehicles to and from the site to a road without compromising the safety or efficiency of the road or road network. Where a site has two or more road frontages access should be from the lowest road classification within the road hierarchy.

Explanation

Vehicle access to sites has transport implications because of the potential for conflict between road traffic and vehicles entering and leaving sites. Access also affects safety and efficiency by reducing parking on roads in urban areas and reducing travel speeds on rural roads. Access points need to be designed and located in such a way that impacts on the road system are kept within acceptable limits. Any subdivision or new development may potentially lead to an increase in traffic attracted to the area, whether or not that is the intention of the present owner or occupier, because the activities on the land are likely to change.

Methods

District Plan Rules 11.1.1.6.1

Control of access to types of road in the network.

Control of subdivisions and developments to:

- require every site to be provided with vehicular access; and
- regulate the design and location of property access and new intersections, having regard to effects on the safety and efficiency of the road network.
- restrictions on direct vehicle and pedestrian/cycle access to certain roads.

Liaison With Developers 11.1.1.6.2

Meetings with developers to co-ordinate proposals and to explore alternative means of providing for servicing.

Financial and Development Contributions 11.1.1.6.3

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Council Bylaw 11.1.1.6.4

Vehicle Crossings Bylaw 1997.

Policy 11.1.1.7

In the case of the vehicles, cyclists and pedestrians associated with the development and occupation of Pegasus and Ravenswood:

- a. to discourage the use of Gladstone Road as a major access road linking Pegasus and Woodend;
- b. to ensure that the design and development of the roading for Pegasus and Ravenswood facilitates the provision of an efficient and convenient public passenger transport system into, out of, and around the two localities;
- c. to design the residential neighbourhoods of Pegasus and Ravenswood in such a way that most of the residential allotments in the area are within convenient and safe walking distance of a potential public passenger transport route;
- d. to ensure that at least two road accesses are provided linking Pegasus with State Highway 1, so that access in emergencies is assured;
- e. to ensure that the urban areas of Ravenswood are developed to promote the opportunity for convenient and safe access between State Highway No. 1 and the Woodend-Rangiora Road; and
- f. to ensure that the urban area of Ravenswood is designed to provide safe and convenient pedestrian and vehicle access between Ravenswood and Woodend township, away from the State Highway.

Explanation

Road access between Pegasus and State Highway 1 is to be by way of a newly created access road linking directly to the State Highway from the south-west sector of the town. There is the potential for increasing traffic volumes on State Highway 1 through Woodend to have adverse effects on the safety and efficiency of roads in the town and on the amenity values of the town. This is recognised as an existing problem, which will become more pronounced as population growth continues in the District. The development of Pegasus will accelerate the need to find a roading solution to these problems for

Woodend. The viability of a State Highway bypass around Woodend has been investigated by the Council and New Zealand Transport Agency. The results of these investigations were reported in the Waimakariri District Transport Study – Final Report (September 2001). It is considered that, with increasing traffic volumes as a result of both natural increases in the traffic volumes on the State Highway and of the development of Pegasus construction of such a bypass is likely to be justified within the next 10 years. The development of Pegasus and its access roads has been designed to facilitate a direct connection to such a bypass when it is constructed.

Other access roads to Pegasus are Gladstone and Preeces Roads. Neither of these roads are of sufficient standard to act as major access points to the town. Gladstone Road has formation and alignment limitations and passes through the residential areas of Woodend. Preeces Road is currently very narrow and its intersection with State Highway 1 has an unsatisfactory alignment for a major connection to a State Highway. These roads are not to be used as major access points to Pegasus, although connections with the town are designed such that these will be available for use as minor access roads and for use in emergencies.

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Within the new town, roading is to be designed to provide safe and convenient access throughout the town, in particular linking the residential areas with the major facilities in the town, and to facilitate the provision and use of an efficient and convenient public passenger transport service. Walking and cycling linkages associated with the road network are also to be established throughout the town.

Within Ravenswood roading is designed to facilitate access between State Highway No. 1 and the Woodend Rangiora Road. This will act as a “splitter” road reducing vehicle movements through Woodend and improving access between Pegasus, Ravenswood and Rangiora. In addition the Ravenswood development has been designed to promote convenient and efficient access for all transport modes between Ravenswood and Woodend.

Methods

District Plan Rules 11.1.1.7.1

Controls over access to and from Pegasus and Ravenswood from existing roads.

Controls over roading layout and standards within Pegasus and Ravenswood .

Requirements relating to cycling and pedestrian provision.

Requirements for the layout of Pegasus and Ravenswood to facilitate walking, cycling and passenger transport and to reduce vehicle trips generation and trip lengths.

Financial and Development Contributions 11.1.1.7.2

Requirements for financial or development contributions towards upgrading of existing Council roads in the vicinity of Pegasus.

Liaison With Road Owners and Managers 11.1.1.7.3

Ensuring liaison and consultation with New Zealand Transport Agency, asset managers, utility providers, the Canterbury Regional Council and adjoining territorial authorities when appropriate.

Liaison With Developers 11.1.1.7.4

Liaison with the developers of Pegasus and Ravenswood to co-ordinate development with roading programmes and to explore alternative solutions to short and long-term roading issues.

Policy 11.1.1.8

Avoid patterns of land use development which may affect the operation, and efficient use and development of Christchurch International Airport.

Explanation

Christchurch International Airport is a significant regional resource. Noise sensitive activities within the

50dBA Ldn airport noise contour in the Waimakariri District have the potential to constrain the operation of Christchurch International Airport through limits on operating hours in response to the concerns from residents subject to the noise nuisance from aircraft approaching and leaving the Airport.

CROSS REFERENCE: Policies 12.1.1.12 and 14.3.1.1

Methods

District Plan Rules 11.1.1.8.1

Rules providing that subdivision and dwellinghouse development involving areas of less than four hectares in the Rural Zone is a non-complying activity.

District Plan Maps 11.1.1.8.2

Map the location of the 50dBA Ldn noise contour.

CROSS REFERENCE: Method 12.1.1.12.3 and District Plan Map 138

Objective 11.1.2 Parking

Parking facilities that:

- a. provide for parking demand in an efficient, functional and sustainable manner;
- b. enhance the amenity and function of town centre and residential environments;
- c. are safe places for people to use and move through;
- d. are accessible and convenient for pedestrians;
- e. provide safe, secure and convenient cycle parking;
- f. support greater use of public transport;

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- g. provide for loading and manoeuvring requirements without reducing amenity or compromising safety; and
- h. support town centre consolidation and the development of continuous street frontages within identified sites in the Business 1 Zone where parking is principally located within public parking areas and not provided on individual sites.

Policy 11.1.2.1

Vehicle parking, loading and manoeuvring provided on-site, or within shared parking facilities, shall ensure that:

- a. safe and efficient access is provided;
- b. use of off-site parking facilities will not adversely affect pedestrian, cycle or public transportation, public safety, and the safe, efficient operation of the road network; and
- c. for shared parking, a legally binding arrangement is established that protects ongoing access and use.

Methods

District Plan Rules 11.1.2.1.1

Requirements for parking loading and manoeuvring.

Liaison with developers 11.1.2.1.2

Co-ordination of proposals.

Financial Contributions 11.1.2.1.3

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules and in Waimakariri District Council's Development Contributions Policy.

Parking Strategy 11.1.2.1.4

Development and adoption of guidance for the location and design of public parking facilities, on-street parking, and public cycle and motorcycle parking.

Walking and Cycling Strategy and Implementation Plan 11.1.2.1.5

Identification and prioritising demand for new or improved walking and cycling opportunities.

Waimakariri District Council Engineering Code of Practice 11.1.2.1.6

Standards for parking, the transport network and utilities.

Policy 11.1.2.2

Encourage the use of public transport by enabling parking facilities that support public transport services and infrastructure.

Policy 11.1.2.3

Encourage cycle transport by providing cycle parking that:

- a. is located in a convenient and safe position and considers pedestrian safety;
- b. physically supports the cycle frame; and
- c. provides for cycle security.

Policy 11.1.2.4

Ensure safe pedestrian access within and adjacent to parking facilities by providing:

- a. pedestrian routes that safely interact with vehicle movements associated with access, parking, manoeuvring, circulation, loading and public transportation;
- b. visibility between vehicles and pedestrians; and
- c. pedestrian routes that are designed and constructed to be accessible.

Policy 11.1.2.5

Avoid on-site parking in the Business 1 Zone where sites have frontage to a principal shopping street to enable building intensification and redevelopment while:

- a. maximising the use and development of on-street and public parking;
- b. providing for parking demand, including accessibility parking, by requiring financial contributions for off-site parking within public parking facilities.

Policy 11.1.2.6

Parking facilities shall:

- a. provide efficient and effective layout of parking, manoeuvring and circulating areas including restriction of vehicle speed and avoidance of long 'blind aisles';

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- b. control any adverse effects on water quality and stormwater runoff, preferably through the use of low impact water management methods;
- c. be surfaced and maintained to control the generation of dust, excessive noise, or other nuisance;
- d. reduce opportunities for crime by implementing Crime Prevention through Environmental Design (CPTED) principles;
- e. ensure visibility through natural lighting or illumination;

- f. ensure that parking spaces required for people with disabilities is conveniently located and accessible, and the route from the parking space to the destination served is also easily accessible for people using mobility devices;
- g. include landscaping that:
 - i. incorporates establishment and maintenance practices to ensure plant survival;
 - ii. visually softens the dominant effect of hard surfaces;
 - iii. uses plant species that avoid hazard or nuisance effects;
 - iv. integrates with stormwater management and footpaths; and
 - v. does not affect traffic and pedestrian safety by limiting visibility.
- h. within the Business 1 Zone:
 - i. be designed to positively contribute to town centre amenity; and
 - ii. locate to the rear of buildings or the rear portion of any vacant site within Business 1 Zones, and not on sites identified as having a principal shopping street frontage.

Methods

District Plan Rules 11.1.2.6.1

Rules for landscaping and design of parking areas and facilities, and matters for assessment of resource consents.

Waimakariri District Council Engineering Code of Practice 11.1.2.6.2

A set of engineering standards developed by the Waimakariri District Council for District Council services.

Financial Contributions 11.1.2.6.3

Rules requiring monetary contribution or land for purposes set out in Chapter 20: Financial contributions and Chapter 34: Financial Contributions – Rules on in Waimakariri District Council's Development Contributions Policy.

Policy 11.1.2.7

Loading and manoeuvring facilities to support activities requiring delivery or collection by service vehicles shall:

- a. provide safe and efficient vehicle movements for the largest vehicle type expected to use the facility;
- b. avoid reverse manoeuvring onto or from any strategic, arterial or collector road, and onto or from any local road where this would adversely affect safety;
- c. provide sufficient separation between service vehicles, car parking, pedestrians and cyclists to enable safe use of the facility;
- d. avoid obstruction of any accessway;
- e. be accessed from the rear of the site or a service lane where a site is located in a town centre and sufficient rear or service access is available for service vehicles expected to use the site; and
- f. avoid direct access to or from Williams Street in Kaiapoi or High Street in Rangiora when located on a site within the Business 1 Zone.

Reason

Potential traffic hazards can be reduced through provision of suitable parking, loading and manoeuvring space. Alternatives such as shared or off-site parking can encourage efficient use of land and reduce the physical infrastructure required for parking.

On-site car parking is to be avoided adjacent to principal shopping streets to enable business redevelopment, intensification and 'foot traffic' opportunities. Car parking in these areas is directed towards conveniently located public parking. Financial contributions will assist in providing parking that supports town centre growth and activities.

Parking and loading areas can provide safe, efficient, accessible and pleasant, public open spaces.

Loading facilities need to be available to support business activities but should not compromise safety or traffic flow.

Cycling for transport is encouraged due to the benefits for individuals and the community and is enabled by the provision of suitable parking. Major parking areas that service key destinations may also include public transportation facilities such as bus stops.

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Sealed or hard surface parking areas will require stormwater management including, the use of low impact design to control water runoff and minimise visual impact where possible. Landscaping with trees and shrubs softens the visual impact of car parking, however suitable growing conditions are required to ensure survival of plants and maximise plant health. Landscaping should be sufficiently open to allow visibility and observation of activities within the parking area to support traffic and personal safety.

Principal Reasons for Adopting Objectives, Policies and Methods 11.1.3

The principal reasons are to maintain and enhance the quality of the environment, enhance the District amenity and to assist the efficient use of resources in a sustainable manner.

Utilities are one of the key means of furthering the sustainable management of natural and physical resources in a way that enables communities to provide for their economic and social wellbeing, and their health and safety. Objective 11.1.1 acknowledges this and provides a focus for standards set out in policies.

Subdivision and development of land are usually followed by intensification and changes in land use that increase the demands on existing utilities. It is appropriate for servicing requirements to be addressed at the time of subdivision or development. This ensures that efficient and effective systems are provided or enhanced. It also ensures that the additional costs of servicing do not fall on the community generally.

Roads, water supply, stormwater drainage, sewage disposal, street lighting, electricity and communications services are important for the wellbeing of people and communities and for their health and safety. Reticulated systems are preferred as they generally are more sustainable and provide a better quality of service with less adverse effects on the environment than individual facilities. Where reticulated services are not available, then special consideration of the possible adverse environmental effects on the future activities on the land is needed. Underground reticulation of electricity and communication systems will be required in some areas to avoid adverse visual effects. The siting of utilities in sensitive areas such as wetlands, indigenous vegetation remnants, coastal areas and outstanding landscape areas will be discouraged unless there are compelling operational reasons. Co-siting of infrastructure will be encouraged. Utility and services requirements on subdivision and development are also addressed in Chapter 30: Utilities and Traffic Management – Rules.

Policy 11.1.1.7 and part of the Explanation to Policy 11.1.1.2 specifically recognise the resource management issues associated with servicing and traffic management for Pegasus. The development of a new town for 5000 people requires that detailed consideration be given to the upgrading of existing utilities and the development of new utilities, to ensure that the quality and amenity values of the District's environment is not degraded and that resources are able to be used efficiently.

Parking and loading is a significant issue for the District and in particular its main towns. Parking and loading supports a range of activities but can also create adverse effects on urban environments and safety if there is insufficient parking or the design is not appropriate for the location. Policies 11.1.2.1 to 11.1.2.7 seek to

ensure effective provision of parking and loading while encouraging greater use of active and public transport and the opportunity for a shift from private car dominated transport and associated parking demand.

Issue 11.2

The provision, use, maintenance and upgrading of utilities can have adverse effects on the environment including public health.

Objective 11.2.1

Adverse effects on the environment caused by the provision, use, maintenance and upgrading of utilities are avoided, remedied or mitigated.

Policy 11.2.1.1

Avoid, remedy or mitigate adverse environmental effects created by the provision, use, maintenance and upgrading of utilities by:

- a. meeting environmental standards set by the Plan;
- b. having regard to the particular amenity or character of the area in which it is placed;
- c. integration with, and co-siting of, existing utilities where they are accessible and are, or can be, expanded to manage any additional loading and where such loading is technically and operationally feasible;
- d. meeting accepted design standards;
- e. in the case of the utilities associated with the development and occupation of Pegasus, requiring adequate redundant plant to be provided as part of the sewage treatment and disposal system, in order to avoid adverse effects on the surrounding environment in the event of any plant breakdown or loss of power supply;
- f. encouraging new utility services in residential areas to be placed underground, in consultation with utility operators;
- g. encouraging the under grounding of utilities as they are installed and upgraded in areas where the visual and amenity impact of overhead reticulation is significant, provided that under grounding is technically and operationally feasible;
- h. protection of areas of outstanding landscape, or areas of significant indigenous vegetation or significant habitat of indigenous fauna;
- i. requiring all new roads to be sealed and existing metal roads to be sealed where appropriate;

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- j. protecting aquatic ecosystems and the habitat of trout and salmon from the adverse effects of roading, stormwater runoff and effluent discharges;

CROSS REFERENCE: Policies 6.3.1.1 and 6.3.1.2

- k. avoiding in the receiving environment the noise effect created by aircraft approaching Christchurch International Airport; and

CROSS REFERENCE: Policy 12.1.1.12

- l. avoiding land uses under airfield approach paths that could adversely affect the safety of airfield operations.

Explanation

Utilities need to be designed and maintained to meet environmental standards in the District Plan. Environmental, amenity and character standards and levels are reflected in the Plan's rule and/or method framework.

The provision of infrastructure can have adverse effects on the cultural, heritage, spiritual, and natural values of the District. Their impact is generally greater in residential, landscape, ecological areas and areas of cultural significance. Examples are earthworks associated with building a reticulation system, or the siting of parts of the utility such as pylons on land of special significance.

Utilities should be located, designed, constructed and screened to avoid, remedy or mitigate their visual impact on outstanding landscapes, the coastal environment, residential zones, areas of significant indigenous vegetation and significant habitat of indigenous fauna, and the character of an area. In addition, utilities such as some telecommunications or power lines may not be appropriately sited near dwellinghouses, educational and some workplace institutions. One of the means of achieving this is apt design, siting and routing of the utility. Often this is most appropriately achieved by underground reticulation, particularly in residential areas. Where the visual impact of overhead reticulation is significant as in residential areas, the policy encourages the undergrounding of utilities in new developments and their undergrounding when the utility is being upgraded. For rural areas, gains in visual and amenity characteristics may not be sufficient to offset the increased cost of undergrounding. Where undergrounding reticulation is not an option, control over location and appearance such as siting, colour, and screening may be a consideration. However large structures as part of the utility are generally inappropriate in residential areas, the coastal environment, outstanding landscapes, and ecological areas.

CROSS REFERENCE: See Policy 11.2.1.2 regarding high voltage transmission lines

For all these effects, matters that could be considered include the scale of the utility, its dominance in the landscape and the impact of its development and operation on the amenity of the area. In some circumstances however, there is little point in regulating for temporary activities such as those associated

with construction. Nor is there justification for regulating utilities in areas where their impact is not significant. Economic and operational necessities may mean some effects are tolerated so that the overall sustainable management of the District's resources is promoted.

The ability to control the effects of the operation of Christchurch International Airport is limited. However the effects can be:

- avoided to some degree by requiring that noise sensitive activities be discouraged from locating within areas identified as likely to be affected by such noise and in particular within the 50dBA Ldn noise contour, and
- partially mitigated by a requirement for noise insulation of buildings or activities shown in Table 31.2 within the 55dBA Ldn noise contours.

In the case of Rangiora Airport, protection of take-off and approach paths avoids potential for conflict and safety issues that may arise as a result of inappropriate development.

Utilities may be on sites designated for that purpose. The effect of a designation is that the requiring authority responsible for the designation may do anything that is in accordance with the designation, irrespective of the policies or rules in the District Plan that might otherwise control the activity. Persons other than the requiring authority may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would prevent or hinder the project or work to which the designation relates. The rules of the District Plan regulate the effects of activities not covered by the designation.

Utilities should be built and operated in a manner that avoids, remedies or mitigates their impact on the environment. As subdivision can result in the provision of utilities, there are subdivision standards that recognise these requirements. Liaison, to promote planning for future utility provision, with organisations that provide utilities, also assists integrated resource management.

CROSS REFERENCE: Policy 14.3.1.1

Methods

District Plan Rules 11.2.1.1.1

Status and scale of utilities.

Visual impact of new utilities.

Performance standards for landscaping, setbacks and screening.

Environmental standards for utilities.

Subdivision standards for utilities.

Standards to protect take-off and landing surface of Rangiora Airfield.

Controls requiring noise insulation of dwellinghouses within the 55dBA Ldn noise contour of Christchurch International Airport.

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Non-complying activity status for subdivision and dwellinghouse development involving areas of less than four hectares in the Rural Zone.

Liaison 11.2.1.1.2

Liaison with providers and operators of utilities to promote and manage efficient development.

Liaison with the Department of Conservation over fish passage requirements.

Service Provision 11.2.1.1.3

Efficient management of the Council's works and services.

District Development Strategy 11.2.1.1.4

Non-statutory documents setting out the Waimakariri District Council's preferences as service, facility, and utility provider for the location, design and nature of future development including proposals for the integrated and staged provision of the services, facilities and utilities required by that development. The strategy is drawn around urban design principles and a 20 year planning period and for environmental enhancement.

Financial and Development Contributions 11.2.1.1.5

Rules requiring money or land for purposes set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules or in Waimakariri District Council's Development Contributions Policy.

Engineering Code of Practice 11.2.1.1.6

A set of engineering standards developed by the Waimakariri District Council for District Council services.

Annual Plan 11.2.1.1.7

Identify Council activities and priorities related to provision of services.

Strategic Plan 11.2.1.1.8

Identify Council direction and priorities for action.

Road Sealing Upgrading Priority List 11.2.1.1.9

Sets out the priority order in which District roads will be sealed.

Policy 11.2.1.2

To minimise any actual or potential risks to health and safety from, and to the operation, maintenance and upgrading of, high voltage transmission lines by:

- a. encouraging the location of lines away from incompatible land uses; and
- b. avoiding development and/or land use activities which might increase those risks;
- c. avoiding earthworks which may compromise the stability of support structures or reduce conductor clearances.

Explanation

Actual or potential risks to public health and safety can be minimised by avoiding development such as dwellinghouses directly below the lines. Maintaining a separation distance between transmission lines and incompatible land uses also assists in avoiding issues of reverse sensitivity in terms of noise, interference and visual impact. An assessment of risks associated with the lines includes evaluating an emergency event resulting in line failure. For the purpose of this policy, assessment should occur for the human occupancy of buildings within 32 metres of the centreline of high voltage transmission lines.

CROSS REFERENCE: Policy 11.2.1.1

Methods

Advocacy 11.2.1.2.1

Work with utility operators to encourage appropriate siting of high voltage transmission lines.

Liaison 11.2.1.2.2

Liase with adjacent territorial authorities where the network utility crosses a territorial boundary.

District Plan Maps 11.2.1.2.3

Map high voltage power lines on District Plan Maps.

District Plan Rules 11.2.1.2.4

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Controls on subdivision where compliance with the NZECP 34:2001 “New Zealand Electrical Code of Practice for Electrical Safe Distances” cannot be achieved and/or where structures are proposed within 32 metres of the centreline of high voltage transmission lines.

Controls on subdivision where earthworks are to be undertaken in positions which may impact on high voltage transmission lines or support structures.

Controls on structure placement to ensure safe separation distance from conductors.

Principal Reasons For Adopting Objectives, Policies and Methods 11.2.2

Reasons for this objective and policy are derived from sections 5, 7 and 31 of the Resource Management Act 1991. Additionally, “...every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, ...” (section 17(1) Resource Management Act 1991).

The District Plan will seek to minimise the adverse environmental effects of utilities while recognising their benefit to the community. This can be achieved by appropriate siting of the utility and avoiding placing utilities in sensitive areas such as wetlands, significant areas of indigenous vegetation or the coastal environment. Utilities can have an effect on the character and visual environment of an area. Their visual character is often linear giving a strong impact, especially in residential areas. Undergrounding utilities is an effective way to avoid many of the environmental impacts, particularly visual impacts, that may otherwise occur. Some utilities are perceived by some members of the public to be of public health significance and there is a need to ensure utilities are appropriately sited.

Co-siting is encouraged for the efficiencies it promotes in the use of land for utilities. However it is also recognised that it may be necessary to locate away from areas of co-siting and that consideration should be given to operational requirements as well as those for visual impact.

The establishment of utilities can also have adverse effects through their construction phase. This phase is usually short-lived and impacts are temporary unless the activity is in a sensitive area such as a wetland or significant site of indigenous vegetation. Rules for earthworks elsewhere in the Plan apply.

Anticipated Environmental Results and Monitoring 11.3

Anticipated Environmental Result	Monitoring Indicator	Information	Monitoring Frequency
Efficiency of use of natural and physical resources	Number of subdivisions and developments not connected to a utility	Subdivision and development complaints Inspection, records, subdivision and land use consents	Annually

Environmental degradation is minimised	Utility meets minimum environmental standards	Plan standards Subdivision and land use consents Complaints	
Community's health and safety is maintained	Accidents, incidents, notifiable diseases	Public health records, Health Officer reports	Annually
Minimal impact on amenity, cultural, heritage and spiritual values	Utility meets minimum plan standards	Plan standards, community attitudes, complaints	Annually
Cost effective provision of services Travel distances and times, convenience	Capital and maintenance costs Change in usual distance travelled Change in travel time	Annual plan Residents travel survey Travel time surveys	Annually 3 yearly Annually

30. Utilities and Traffic Management – Rules

Rules in this section are divided as follows:

- Utilities (30.1–30.5)
- Traffic Management (30.6-30.9)
- Financial Contributions (30.11)

CROSS REFERENCE: Chapter 1: Definitions, Chapter 23: Land and Water Margins – Rules, Chapter 27: Natural Hazards – Rules, Chapter 31: Health, Safety and Wellbeing – Rules, and Chapter 32: Subdivision - Rules

Utilities

30.1 Permitted Activities

Any land use is a permitted activity if it:

- i. is not otherwise listed as a controlled, discretionary (restricted), discretionary or non-complying activity under Rules 30.2, 30.3, 30.4 or 30.5;
- ii. complies with the conditions under Rule 30.1.1; and
- iii. complies with all the conditions and provisions for permitted activities in this and all other chapters.

30.1.1 Conditions

30.1.1.1 Any utility building or structure, excluding roads, shall not exceed 35 m² total floor area.

30.1.1.2 Any antenna for amateur radio shall not exceed 10m in height or 42m in length.

30.1.1.3 Any dish antennas erected on a roof of a building in any Residential Zone, shall not exceed 2m in diameter.

30.1.1.4 Any antenna, other than as specified in Rules 30.1.1.2 or 30.1.1.3, shall not exceed 4m in length or diameter.

30.1.1.5 Any pipe for the distribution of natural or manufactured gas shall not exceed a gauge

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pressure of 2000 kilopascals, including household connections and compressor stations.

30.1.1.6 Any transformer, line or wire shall not exceed a voltage of 110kV or exceed a capacity of 100MVA per circuit.

30.1.1.7 New cables, lines, and wires, which serve or cross more than one site, shall be laid underground in Residential Zones.

30.1.1.8 New cables, lines, wires, pipes, and their support structures, which serve or cross more than one site, shall be laid underground in Business 1, 2 and 4 Zones.

30.1.1.9 Roads constructed after 20 June 1998 shall comply with Table 30.1 (except for roads constructed in the Residential 6, 6A and Business 1 Zones at Pegasus, or in the Pegasus Rural Zone, which shall comply with Rule 32.1.1.31d, or in the Residential 7 Zone or in the Residential 4A Zone at Bradleys Road, Ohoka).

CROSS REFERENCE: Rules 30.1.1.10, 32.1.1.27, 32.1.1.28 to 32.1.1.48 (and related exemption provisions – Rule 32.1.2)

Table 30.1: Road Design Attributes by Zone

	Strategic		Arterial		Collector/Urban Collector		Local		Cul-de-sac	
	Rural	Res & Rural Bus	Res & Rural Bus	Res & Rural Bus	Res & Rural Bus	Res & Rural Bus	Res & Rural Bus	Res & Rural Bus	Res & Bus	
Min. width of road (m)		30	20	20	20	20	20	16	20	16
Min. lane width (m)	3.5	3.5	3.7	3.3	3.5	3.3	3	3	3	3
No. of lanes	2	2	2	2	2	2	2	2	2	2
Parking lanes width (m)		2.5		2.5		2.5		2		2
Min. no. of parking lanes		2		2		2		1		1
Min. sealed shoulders width (m)	1.5		0.75							

Min. footpath width (m)		1.5		1.5		1.5		1.5		1.5
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	Strategic		Arterial		Collector/Urban Collector		Local		Cul-de-sac	
	Rural	Res & Bus	Rural	Res & Bus	Rural	Res & Bus	Rural	Res & Bus	Rural	Res & Bus
Min. no. of footpaths		2		2		2		Res & Bus 2 = 1 (See Note)		1
								Bus 1 & adjoining roads = 2		
								Bus 3 = 0		
Street lighting		AS/NZ S 1158 V3 lighting	No	AS/NZS 1158 V4 lighting	No	AS/NZS 1158 V4 lighting	No	NZS 6701 lighting	No	NZS 6701 lighting
Min. street trees per 20m		1		1		1		1		1
Cycleways	2	2	2	2	2	2				

Note: Except for the South West Rangiora Residential 2 Zone Outline Development Plan area shown on District Plan Map 173 where two footpaths shall be provided.

30.1.1.10 Roads constructed within the Residential 7 Zone shall comply with Table 30.2.

Table 30.2: Road Design Attributes for Residential 7 Zone West Kaiapoi

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	Cul-de-sac					
	Arterial	Collector/ Urban Collector	Local	Local	Neighbour hood	Neigh- bourhood
Min. width of road (m)	20	20	16	16	10.5 (turning head specific design)	10.5
Min. lane width (m)	3.5	3	3	3	2.5	2.5
No. of lanes	2	2	2	2	2	2
Parking lanes width (m)		2	2	2	2	2
No. of parking lanes		2	1	1	1	1
Min. footpath width (m)		1.8	1.5	1.5	1.5	1.5
No. of footpaths		2	2	2	1	1
Street lighting		AS/NZS 1158 lighting	AS/NZS 1158 lighting	AS/NZS 1158 lighting	AS/NZS 1158 lighting	AS/NZS 1158 lighting
Min. street trees density provision per 20m		1	1	1	1	1
Provision for cyclists on or off road		Yes				

Cul-de-sac

	Arterial	Collector/ Urban Collector	Local	Local	Neighbour hood	Neigh- bourhood
Ecological and Recreational Reserve linkages min. width (m)					10	

Treatment of Road Corridors

30.1.1.11 Within the Residential 4A Zone, Bradleys Road, Ohoka shown on District Plan Map 169 the treatment of road corridors shall be in general accordance with the Outline Development Plan and Appendix 32.2 and shall incorporate the following elements:

- a a minimum road corridor of 20m;
- b a sealed carriageway no wider or no less than 6 metres; c a soft/grassed edge to all seal with no kerb and channel; d grassed drainage swales with no piped drainage system; e no defined visitor parking on road verges; f road marking to be kept to a minimum to comply with traffic safety standards; g a sealed footpath formed on one side of the road only; and h Planting which is informal and rural in character, with structural vegetation clusters (copses) avoiding regular alignment of street trees, and being particularly appropriate in locations where green corridors intersect roads.

30.1.1.12 Within the Residential 6, 6A and Business 1 Zones at Pegasus and Pegasus Rural Zone:

- a. All stormwater from buildings shall be discharged straight into the ground.
- b. Stormwater from hard surfaces shall either:
 - be discharged on to the surface of the ground in a manner which ensures discharge into the ground within the site; or
 - be discharged to a road.
- c. No stormwater from any hard surface used for the movement or parking of vehicles shall be discharged into or onto ground within 20m of the margin of any waterway or the “Lake” or any “Conservation Area” as shown on District Plan Map 142.

30.1.1.13 Within the Residential 6, 6A and Business 1 Zones at Pegasus and the Pegasus Rural Zone, all utilities shall be designed and constructed to ensure they will remain in service after a 150 year return period earthquake. This shall include taking into account the effects of earthquake induced liquefaction of the ground.

30.1.1.14 Any utility structure in the Rural Zone shall not exceed a height of 25 metres, exclusive of any mast cap, lightening rod, antenna, antenna mount of similar fixture.

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- 30.1.1.15 Any utility structure and its attachments in the Rural Zone greater in height than 14 metres, shall be set back from the nearest point of any dwelling on an adjoining site no less than its maximum height, exclusive of any mast cap, lightening rod, antenna, antenna mount or similar fixture, and setback a minimum of five metres from any site boundary under a different ownership. The five metre site boundary setback shall not apply to guy wires and their fixing attachments.

30.1.2 Exemptions

- 30.1.2.1 The road within the Mapleham Rural 4B Zone adjacent to the south-east corner of part RS 864 is exempt from complying with the design attributes of a local road in a Rural Zone required by Rule 30.1.1.9, provided that the road design is consistent with the Mapleham Concept Plan (District Plan Map 147).
- 30.1.2.2 The installation and/or maintenance of telecommunication lines and their support structures are exempt from complying with Rules 30.1.1.7 and 30.1.1.8 in the following circumstances:
- where new lines are being added to existing support structures;
 - where existing overhead lines and their support structures are being extended, provided that such extension is limited to three new support structures; or
 - where existing overhead lines and their support structures are being replaced.
- 30.1.2.3 Maintenance and minor upgrading of electricity utilities and associated telecommunication facilities activities is exempt from complying with Rule 30.1.1.
- 30.1.2.4 The construction of State Highways is exempt from complying with Rule 30.1.1.9.
- 30.1.2.5 Within the Pegasus township the construction of roads is exempt from complying with Rule 30.1.1.9.
- CROSS REFERENCE: Rule 32.1.1.31
- 30.1.2.6 The construction and maintenance of any antennae or utility wholly contained within any heliport, helipad and/or airport (as defined by the Airport Authorities Act 1966) is exempt from complying with Rules 30.1.1.1 and 30.1.1.4.
- 30.1.2.7 The erection of any temporary meteorological mast for less than two years is exempt from complying with Rule 30.1.1.13, where the outside mast diameter does not exceed 250mm;

and the mast, together with any support structures is set back from the nearest dwellinghouse a horizontal distance no less than five times the height of the mast.

- 30.1.2.8 Radio communication facilities are exempt from complying with Rules 30.1.1.14 and 30.1.1.15, where the height of the support structure does not exceed 36 metres, exclusive of any mast

cap, lightening rod, antenna, antenna mount or similar fixture, and the support structure does not exceed the following outside diameters:

For freestanding masts: 500mm

For guyed masts: 250mm

30.1.2.9 Within the Residential 4A Zone on Mill Road, Ohoka shown on District Plan Map 160, all roads are exempt from complying with the parking lane requirements in Table 30.1.

30.1.2.10 The proposed road design shown within the Rangiora Central Outline Development Plan area is exempt from complying with the road width, lane width and number of lanes under Rule 30.1.1.9, Table 30.1, provided the road generally complies with District Plan Map 178.

30.2 Controlled Activities

30.2.1 Within the Business 3 Zone, any land based sewage disposal and/or wastewater disposal, and/or treatment areas for sewage or wastewater, including oxidation ponds, is a controlled activity.

Standards and Terms

The activity shall comply with the following standards and terms:

Any part of the activity shall comply with the following minimum setback requirements:

- i. 20m from any water bodies; and
- ii. 20m from the boundary with any other zone.

In considering any application for a resource consent under Rule 30.2.1 the Council shall, in granting consent, and in deciding whether to impose conditions, exercise its control over the following matters:

- i. any effect on any areas prone to flood risk;
- ii. any effect on the amenity and natural character of waterways;
- iii. any effect on the amenity of public roads or adjoining dwellings in the Rural Zone; and
- iv. any effect on wahi taonga and mahinga kai.

30.3 Discretionary Activities (Restricted)

30.3.1 Except as provided for in Rule 30.4, or where exempted by Rule 30.1.2, the construction or alteration of, or addition to, a utility building or structure which exceeds 35 m² floor area is a discretionary activity (restricted).

In considering any application for a resource consent under Rule 30.3.1 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. conditions for permitted activities;

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- ii. the location and design of the utility in relation to the health and safety of the community (including beneficial effects);
- iii. the need for co-siting of a utility;
- iv. the effect a utility may have on heritage resources, archaeological sites, wahi taonga and mahinga kai;
- v. the effects on a Residential or Business Zone, surrounding zone, or streetscape, having regard to its design, appearance, height, length and landscaping;
- vi. the effects on the coastal environment, outstanding landscape, or the ability to view the landscape;
- vii. whether the route of a utility will adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna by acting as a barrier within the area or to an ecological corridor;
- viii. provision of esplanades;
- ix. effect of the utility on the water quality of any water body;
- x. effect on access to any water body;
- xi. soil and water quality and run-off management;
- xii. alternative locations and timing for the activity; and
- xiii. effect of stormwater from roading on the habitat of trout and salmon.

30.3.2 Within the Business 3 Zone, any land based sewage disposal and/or wastewater disposal, and/or treatment areas for sewage or wastewater, including oxidation ponds which does not comply with one or more of the standards and terms under Rule 30.2.1 is a discretionary activity (restricted).

In considering any application for a resource consent under Rule 30.3.2 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. any effect on any areas prone to flood risk;
- ii. any effect on the amenity and natural character of waterways;
- iii. any effect on the amenity of public roads or adjoining dwelling in the Rural Zone; and
- iv. any effect on wahi taonga and mahinga kai.

30.3.3 The construction of roads that do not comply with Rules 30.1.1.9, 30.1.1.10 and 30.1.1.11 is a discretionary activity (restricted) except where exempted by Rule 30.1.2.

In considering any application for a resource consent under Rule 30.3.3, the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. conditions for permitted activities;
- ii. effect on efficient and effective functioning of any road, and the safety of road users;
- iii. effect on streetscape;
- iv. effect on zone characteristics set out in Objective 14.1.1 and Policies 15.1.1.1, 16.1.1.1, 16.1.1.3, 16.1.1.4, 16.1.1.6, 16.1.1.8, 17.1.1.2 and 17.1.1.3;
- v. the role of the road in the road hierarchy;
- vi. financial contributions as set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules and development contributions as set out in Waimakariri District Council's Development Contributions Policy;
- vii. alternative locations and timing of the activity;
- viii. effect on heritage resources;
- ix. effect on wahi taonga and mahinga kai;
- x. effect on areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- xi. visual effects; and
- xii. effect on access to water bodies.

30.4 Discretionary Activities

30.4.1 Any utility that does not comply with one or more of the conditions under Rule 30.1.1, and is not listed as a discretionary activity (restricted) under Rule 30.3, is a discretionary activity, except where exempted by Rule 30.1.2.

30.4.2 The use of any site for a utility, the purpose of which is:

- a. land based sewage disposal;
- b. waste water disposal; and/or
- c. treatment areas for sewage or waste water, including oxidation ponds,

is a discretionary activity,

except in the Residential 6 Zone and Pegasus Rural Zone, or the Mapleham Rural 4B Zone, provided that:

- d. the sewage treatment plant is located generally in the position shown on District Plan Map 142 or the Mapleham Rural 4B Concept Plan (District Plan Map 147) respectively; and
 - e. sewage and waste water from the sewage treatment plant is further treated and disposed of by way of subsurface irrigation on to the land contained in the area shown as “Special Purpose Area” on the District Plan Map 142 or further treated and disposed of by low pressure spray or trickle irrigation on to land contained in the areas shown as sewage treatment and disposal area in the Mapleham Rural 4B Concept Plan (District Plan Map 147) respectively;
- and except in the Business 3 Zone.

CROSS REFERENCE: Rules 23.1.1.16 and 23.1.1.17

30.5 Non-complying Activities

Rangiora Aerodrome

- 30.5.1 Any land use where any structure or vegetation penetrates the height control surfaces shown on District Plan Map 145 and described as:
- a. take-off climb and approach obstacle limitation surfaces, commencing at ground level with a width of 80m at the end of each runway, rising at a gradient of 1 in 30 for a horizontal distance of 1600m from the end of each runway; or
 - b. side surfaces, commencing at the edge of each runway and rising at a gradient of 1 in 5 for horizontal distance of 115m from the edge of each runway,
- shall be a non-complying activity.

Traffic Management

30.6 Permitted Activities

Any land use is a permitted activity if it:

- i. is not otherwise listed as a controlled discretionary (restricted), discretionary or non-complying activity under Rules 30.7, 30.8, 30.9 and 30.10; and
- ii. complies with the conditions under Rule 30.6.1; and

Appendix 7: Comparison Table

This table sets out a summary¹⁶ of the key approaches taken to District Plan provisions:

	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN
NES Telecommunication Facilities	No reference	Direct cross reference to NES, no District Plan rules apply.	Direct cross reference to NES, but includes rules for radiofrequency fields and electric and magnetic fields. District Plan rules apply in specific locations (protected trees, heritage items, visual amenity areas).	No reference	No reference
NES Electricity Transmission Activities	No reference	Direct cross reference to NES, no District Plan rules apply.	Direct cross reference to NES, no District Plan rules apply.	Direct cross reference to NES, no District Plan rules apply.	No reference
Upgrading, maintenance, operation and replacement of existing utilities	Permitted, subject to compliance with any other performance standards, conditions or rules in the Plan and provided that the	Permitted, subject to standards.	Permitted, subject to standards.	Permitted, subject to standards.	Permitted, subject to conditions.

¹⁶ This summary has been simplified to provide comparisons as the various provisions in all plans are detailed and complex.

	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN
	effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. Restricted discretionary otherwise.				
Underground pipes, lines and cables	Permitted	Permitted	Permitted	Permitted	Permitted
Above ground cables and lines	Permitted, subject to restrictions. Restricted discretionary otherwise	Permitted, subject to restrictions.	Permitted, subject to standards.	Permitted, subject to restrictions. Discretionary otherwise.	Permitted, subject to conditions.
Above ground utility buildings and structures	Permitted, subject to restrictions.	Permitted, subject to restrictions in rural zones.	Permitted, subject to standards.	Permitted, subject to restrictions.	Permitted, subject to conditions.

Energy generation facilities	Permitted if for use on the same site. Discretionary otherwise in rural zones. Non-complying otherwise in living and business zones.	Investigative works, small scale and community scale activities (as defined) = permitted subject to standards	Permitted for installation and operation of equipment for site testing, subject to standards. Permitted for solar cells and array of cells, subject to standards. Permitted for wind turbines in rural and	Operation, maintenance, refurbishment, enhancement and upgrading of existing facilities is permitted subject to restrictions.	Permitted, subject to conditions.
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	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN
		Within specific landscape areas = discretionary Community scale in residential, business 2 or open space zones = discretionary Commercial scale = discretionary	industrial zones, subject to standards.		

Sewage treatment and disposal	Non-complying	Discretionary	Subject to relevant zone rules.	Nil	Controlled activity for land based sewage disposal and/or wastewater disposal, and/or treatment areas for sewage or wastewater, including oxidation ponds in the business 3 zone. Discretionary activity otherwise.
BULK AND LOCATION STANDARDS					
Utility Buildings					
Height	Living zones and Business 1A zone = 8m	All zones = 10m	2m for telecommunication cabinets	3.5m	Nil

	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN
	Business 1 zone = 10m Rural zones = 12m Business 2, 2A, 2B zones = 15m Business 3 zone = 25m		2.5m for utility cabinets and communication kiosks 5.5m for transformers, substations, switching stations, kiosks, cabinets, and ancillary buildings.		

Setback – road boundary	Business 2 zone = 2m Living zones = 4m Business 1A and 2B zones = 6m Business 2A and 3 zones = 10m Rural zones = 10m to strategic road or 5m otherwise	Rural zone = 75m from strategic arterial, district arterial or collector road, or 10m otherwise. Residential and open space zones = 4.5m	Underlying zone setbacks apply in some cases.	1m for dams, reservoirs or ponds or 3m from an intersection.	Nil
Setback – internal boundary	Living zones = 2m Business zones where adjoining a living zone. Rural zones = 1m	Business and industrial zones = 1m from residential zone boundary. Residential and open space zones = 1m	Underlying zone setbacks apply in some cases.	Setback no less than half the height of the structure or 2m, whichever is the greater.	Nil
Scale	Nil	Nil	2m ² for telecommunication cabinets	Maximum 50m ²	Maximum 35m ² floor area

	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN
			10m ² for utility cabinets 10m ² for transformers, substations, switching stations, kiosks, cabinets, and ancillary buildings.		

Recession planes	Apply	No	Apply	No	No
Utility Structures					
Height	Living zones = 15m Business 1A zone = 20m Business 1, 2, 2A, 2B and rural zones = 25m Business 3 zone = 30m Rural zone = 25m	Rural zone = 35m for masts Residential and open space zones = 10m for masts Business and industrial zones = 15m for masts if guyed, 20m if unguyed All zones = 10m for lattice towers	Wind turbines = 20m Amateur radio configuration = 20m Telecommunication facilities 20-40m depending on zone Transmission facilities 15-25m depending on zone	Wind monitoring masts = 80m with restrictions Rural zone = 25m for line support structures. Residential, open space and aquatic park zones = 15m Business zones = 25m Rural zones = 30m	Rural zone = 25m Amateur radio antenna = 10m in height
Setbacks	Nil	As above	Underlying zone setbacks apply in some cases	15m from an intersection in a rural zone. 5.5m from residential or open space zone boundaries	From dwellings on adjoining sites.

	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN
Scale	Nil	Nil	Nil	Nil	Maximum 35m ² floor area
Diameter of structure	500mm above 6m	n/a	Nil	1.5m	Nil

Recession planes	Apply	No	Apply	No	No
Antenna	1.2m diameter dish antenna	3m diameter dish antenna	1.8m diameter for dish antenna in industrial commercial or rural zones. 0.8m diameter for dish antenna in other zones. 1.5m ² surface area for other antenna. 5m diameter for amateur radio dish antenna	1.2m in residential, open space B and aquatic park zones for dish antenna 2.4m in business and rural zones for dish antenna	2m diameter for dish antenna on roof in residential zone. 4m diameter or length for any other antenna. Amateur radio antenna maximum 42m in length
Non-compliance with bulk and location rules	Restricted discretionary or discretionary.	Restricted discretionary	Restricted discretionary, discretionary or noncomplying.	Controlled activity in some situations, otherwise restricted discretionary.	Restricted discretionary or discretionary.
Other / General					
Landscaping	Required in road boundary setback			Required in road boundary setback	
Area specific rules	Arthurs Pass and Castle Hill = scale, materials and colour Rural zones = colour		Avon River Precinct Character area overlay Outstanding natural features and	Discretionary activity within Rural C zone, within ASCVs, within riparian areas, close to heritage items or	
	OPERATIVE SELWYN DISTRICT PLAN	HURUNUI DISTRICT PLAN	CHRISTCHURCH REPLACEMENT DISTRICT PLAN	ASHBURTON DISTRICT PLAN	WAIMAKARIRI DISTRICT PLAN

	<p>Outstanding natural landscapes = scale, reflectance</p>		<p>landscapes, significant features, and rural amenity landscapes, important ridgelines.</p> <p>Areas of outstanding, high, or very high natural character in the coastal environment.</p> <p>Within the dripline of a significant tree</p> <p>Heritage items and settings</p> <p>Sites of Ngāi Tahu cultural significance</p>	<p>protected trees, within a statutory acknowledgement area, within open space A zone.</p>	
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