



PROPOSED DISTRICT PLAN

ISSUE 17 – UTILITIES

INTRODUCTION

This decision sets out the considerations and decisions on submissions lodged to Issue 17 of the Proposed District Plan - Utilities.

Submissions and further submissions are assessed either individually or grouped where the content of the submissions is the same or similar.

In summarising submissions, the name of the submitter is shown in bold, with their submission number shown in normal font within a square bracket. Numbers following the name of the submitter, which are shown in italics and square brackets, refer to the submitter number assigned to further submitters. In summarising further submissions, the name of the further submission is shown in bold italics, with their further submission number shown in italics within a square bracket.

In making decisions the Council has:

- (i) been assisted by a report prepared by its planning staff. This report was circulated to those persons and bodies seeking to be heard at the hearing, prior to the hearing taking place;
- (ii) had regard to matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing; and
- (iii) had regard to the provisions of section 32 of the Resource Management Act 1991.

Attached as Appendix 1 is a revised version of the relevant provisions of Part 17 of the Proposed District Plan, updated to have regard to the matters contained in this Decision and other Decisions, particularly those seeking rewriting of the District Plan sections to remove unnecessary verbiage. Where there is any inconsistency between the provisions contained in Appendix 1 and matters in the Decision, then the provisions in Appendix 1 shall dominate.

THE HEARING

The Hearing to consider submissions and further submissions to Part 17- Utilities of the Queenstown-Lakes District Council Proposed District Plan was held on Monday 5 May 1997. Present at the Hearing were Councillors J Hohneck (Chairperson) P Rennie, L McAndrew. In attendance were K Hovell (Planning Consultant), J Kerr (Policy Planner) and F Bannister (Committee Secretary).

The following written and verbal evidence was presented to the Hearing Committee:

1. **Central Electric Limited** [1304] [6034] represented by Mr A J Adams, Mr R Blake, Mr G D Skelton and Mr W D Whitney.

Mr Adams, CEO of Central Electric, provided a general outline of the scope and methods of operation undertaken by Central Electric. He stated that people assume that it is their right to have electricity whenever “they toggle a switch” and considered that if today’s regulations and compliance conditions had always applied there would be many hundreds of residents in the region

still without electricity. Mr Adams indicated that providing a network to serve the District's peaks in an economic fashion was difficult. He stated that overhead power lines were by far the most economic solution to electricity reticulation. However, a significant amount of underground reticulation is being carried out. The cost of underground conversion was stated by Mr Adams as being between 3 and 7 times more expensive. In this regard, Mr Adams stated that Central Electric is concerned that the provisions presently in the Proposed District Plan will have a detrimental effect on the operation of Central Electric. He noted that there were three essential issues covered in the submissions made by Central Electric, these being:

- Forcing the provision of underground electricity reticulation outside the high population density areas and very select number of other areas would result in severe negative effects on the region's economy.
- In the electricity network situation the time and costs associated with consent processes are very significant and as such should be limited to areas where there is a real need.
- An electricity utility operator works within a national framework of statute and regulation. In addition, there is a the more subtle but nevertheless very real pressures on a corporate citizen which combine to ensure a sensitive approach is taken.

Mr Blake made the following points with respect to submissions lodge:

- Submission 1304/6 - "transformers" should be added and the submission should be accepted in part (see page 6 of the Agenda).
- Submission 1304/41 - asks that the Panel ensure practicality and economic provisions are included to an extent acceptable to the Panel (see page 19 of the Agenda).
- Submission 1304/45 - asked for the removal of the word "systematic" - it has a connotation that may cause difficulties (see page 34 of the Agenda).
- Submission 1304/48 - asked for deletion of final sentence, as per their submission (see page 36 of the Agenda).
- Should add financial matters to the list of assessment matters, but not give them primacy (see page 62 of the Agenda).

Mr Skelton, Network Engineer, considered the submissions lodged and the Planner's report on a group basis.

First, with respect to the essential service status of electricity utilities, Mr Skelton noted that the Proposed District Plan provided recognition of this matter.

Second, with resection to mitigation techniques for overhead lines, Mr Skelton considered that the provision should provide overhead lines in areas of landscape importance. He considered that the present the rules relating to the status of lines and support structures were unduly onerous and fail to consider or recognise any practical and economic mitigation techniques for the continued construction of power lines in areas of landscape importance. Mr Skelton outline various mechanisms for mitigating overhead lines.

Third, and finally, with respect to the economics of overhead lines, Mr Skelton considered that the economics of a District Plan requiring all services to be undergrounded outside urban areas is unreasonable and unsustainable for future development. He was of the view that undergrounding of high voltage electricity utility services is not always practical for technical reasons

Mr Whitney, Consultant Planner, considered the submissions of Central Electric under the following headings:

- The special status of utilities
- Submissions seeking acknowledgement of practicality and economics of supply
- Submissions on rules
- Other submissions

Mr Whitney was of the view that utilities have a special status which must be recognised in the

preparation of the new District Plan.

With respect to recognising economic factors in terms of the provision of utility services in the relevant statements including issues, objectives etc. Mr Whitney disagreed with the Planner's analysis of *NZ Rail v Marlborough District Council* [1994] NZRMA 70HC. He considered that the NZ Rail decision distinguished "financial viability" from broader aspects of economics. He considered that section 7(b) of the Resource Management Act 1991 which identifies efficient use and development of natural and physical resources means a balanced approach should be taken. Mr Whitney was also of the view that caution is required with respect to the NZ Rail decision and its applicability to the Proposed District Plan. He noted that the NZ Rail decision was made in relation to a resource consent.

On the matter of the rules, Mr Whitney considered that the status of lines and support structures were unduly onerous and were not justified having regard to the relevant provisions of the Act. Mr Whitney considered that use of defined Areas of Landscape Importance was inappropriate. He considered that utility activities within these areas should not be non-comply activities.

Mr Whitney took issue with several statements made in the Planner's Report. He considered it unreasonable to keep Areas of Landscape Importance "free of any man made structures which conflict with the visual amenity of these areas". He considered a significant question should be asked: are overhead power lines "inappropriate" in the context of the rural parts of the district. Mr Whitney was of the view that overhead lines (excluding lattice towers and structures supporting lines having a voltage exceeding 110KV) be provided for in the plan as a controlled activity.

Finally, with respect to the other submissions Mr Whitney was in general agreement with the Planner's Recommendations.

2. **The New Zealand Historic Places Trust** [2212] represented by Ms Helen Lowe, Regional Manager. Ms Lowe supported Clause 17.4(iii) which promoted the undergrounding of electricity reticulation. She was opposed to the submission by Central Electric Ltd 1304/61 which requests the addition of the phrase "economically feasible". She was of the view that this is unnecessary because the word "practicable" is sufficient to cover considerations such as financial and technical constraints. Ms Lowe commented that the prime concern of the Plan when considering the need to underground utilities, is the need to avoid, remedy or mitigate the adverse effect of the activity on the environment. She considered that Provision 17.4(iii) is consistent with Objective 9.4.1 and Policies 9.5.4, 9.5.5 and 9.5.6 of the Proposed Regional Policy Statement for Otago.
3. **Otago Regional Council** [2258] represented by Mr Colin Walker, Senior Resources Officer, Queenstown. Mr Walker requested that a new method be included declaring an intention to prepare a register of landfill sites within the District. Further, he requested inclusion of a section in the Plan specifying the requirements of the Regional Plan: Waste in relation to landfills. Mr Walker was most concerned that there was no requirements for landfills to gain a discretionary activity resource consent. He considered that Part 17 appeared to cover landfills as utilities, but the definition of utilities excludes them. He was of the view that this contradiction required addressing.
4. **Transpower New Zealand Limited** [2676] [6038] represented by Ms Lynette Hughes of Burton Consultants Limited and Mr Neil Bromley of Transpower New Zealand Limited. Ms Hughes supported the discretionary activity status of new lines, lattice towers or other support structures and the recommended amendment to assessment matter 17.3.2(i) to ensure consistency with other assessment matters. She sought exclusion of overhead lines and support structures from the requirement to be in accordance with colours set out in the Colour Palette.

Ms Hughes considered that underground transmission lines would be prohibitively expensive and in some cases, not technically feasible. She noted that assessment matter 17.3.2 relating to costs should be retained to recognise the expense of the equipment, the limited options of utility providers in terms of avoiding, remedying or mitigating adverse effects, and the fact that consumers will have

to bear any additional costs.

Ms Hughes requested that utilities listed as non complying activities be re-categorised as discretionary activities and that upgrading of existing utilities be provided for as a permitted activity even in Areas of Landscape Importance. She was opposed to the revised set of rules for utilities as Transpower's lines would be non complying activities if exceeding the maximum height.

5. **BellSouth New Zealand Limited** [1136] represented by Ms Leigh McGregor of Rudd Watts & Stone and Mr Cedric Owen Burn of Connell Wagner.

Ms McGregor stated that BellSouth supported the recommended definition of "antenna" but considered that for "mast" to be too simplistic. He sought the definition of "mast" to mean "any pole, tower, or similar structure designed to carry antennas or otherwise to facilitate telecommunication". Ms McGregor opposed the following provisions:

- Policy 5 of Objective 2 because co-location of compatible facilities is not always technically or commercially viable and opposes
- The rewording of Objective 2, Policy 10 because Council is not the appropriate party to decide what is the *most* efficient technology or structure for a particular utility.
- The rules because there are a number of structures which should be identified as controlled activities, with control limited to potential adverse effects on the environment.

Further, Ms McGregor considered assessment matter 2(ix) requires reference to the New Zealand Standard on radio frequency emissions, NZS 6609.

Mr Burn's submissions on behalf of BellSouth were presented jointly with submissions from BCL and Clear, and have accordingly been summarised below.

6. **Broadcast Communications Limited** [5013] and **Clear Communications Limited** [1340] represented by Mr Cedric Owen Burn of Connell Wagner. On the matter of definitions, Mr Burn considered the definitions for mast and antenna, proposed as part of the Planner's report, were adequate. With respect to height he agreed with the Planner's recommendation that antennas, masts and lightning rods should be exempt from the definition of height as these had no greater impact than other items which were exempt from the height rule. Mr Burn considered that the term "radio communications" was unnecessary and should be deleted. He disagreed with the Planner's reasons for it to be retain and considered that the definition of a telecommunications facility clearly intends to provide for radio communications.

With respect to submissions lodged on Policy 5 of Objective 2, Mr Burn considered the policy too broad and that it failed to recognise utility operators limited options in sighting facilities. In his view the policy is little different from asking "New World" to approach "Countdown" for shelf space. He considered that the policy should be amended to take into account compatibility, and technically and commercially viability.

Mr Burn considered that the Planner's recommendation in relation to Policy 10 of Objective 2, neither gave effect to the relief sought by the submitters nor was consistent with the reasons for including the policy in the Proposed District Plan. He requested that the Policy promoted by the submitters should be adopted.

In terms of the Rules, Mr Burn made the following comments:

- Rule 17.2.2 - there are no submissions relating to the change recommended by the Planner and this is improper.
- Rule 17.2.3.1 - the relief sought was recommended to be accepted however has not been incorporated into the amendments required to the Plan. Rule 17.2.3.1 should read: "Any utility which is not defined as a Controlled, Discretionary or Non-Complying Activity in Rules 17.2.3.2 and 17.3.3 is a Permitted Activity."
- Rule 17.2.3.2 - the Planner's Report has suggested different provisions to those sought by the

submitters. It rejected the maximum height of 10 metres and dish size of 2.4 metres on the basis that this was excessive and would result in significant visual impacts. As for dish size, the suggested 1 metre diameter does not reflect industry standards and should be at least 1.2 metres. On the matter of height, 10 metres is appropriate in line with the reasoning of rules provided in the Plan. Other changes requested related to inclusion of new discretionary activity rules. These were not adopted by the Planner.

- In relation to Areas of Landscape it is inappropriate to determine all telecommunication facilities non-complying activities.
- Assessment Matter 2(vii) and 2(ix) - reference should be made to NZS 6609.

Overall Mr Burn considered that the rules contained in the Plan and the recommended modifications fail to take into account the technical and operational requirements of the technology being controlled.

7. **Miss Debbie Maccoll** [1996] appeared on her own behalf and on behalf of **Mr Roger Monk** [2182]. Miss Maccoll requested a district wide planning provision to show potential sewage and water systems so that future developers can connect to the scheme or provide the scheme that may be required. She also sought recognition of all rural water supplies and the Arrow Irrigation Scheme. Miss Maccoll disagreed with the requirement for undergrounding electricity services. She considered electricity an essential service and one that should not be part of the resource consent process.
8. **Telecom New Zealand Limited** [2623] [6330] [6222] represented by Mr John Kyle of Opus International Consultants Limited and Mr Chris Chapman.

Mr Kyle firstly presented general submissions to the Committee on the rationale behind Telecom's submissions. He stated that utilities are an integral component of our communities and that the Council has a statutory obligation to provide for their establishment, use and maintenance in a reasonable and pragmatic way. He commented that it is appropriate to recognise that utilities contribute positively to our economic, cultural and social wellbeing, and to our health and safety.

Mr Kyle outlined concerns in relation to Objective 3, Policies 6 and 7. He supported the Recommendations which identified that there are circumstances where the undergrounding of services is not technically feasible and which deleted Policy 7 because it was superfluous. Mr Kyle considered that Objective 2 Policy 6 should be retained and that the Ministry of Commerce submission had presented a narrow view on the matter.

On the matter of the rules relating to utilities, Mr Kyle considered that the rules are unnecessarily onerous and restrictive. Further, they cannot be justified in terms of the relevant statutory obligations. He considered that they were focused on the premise that assumes all utility structures will give rise to adverse effects, irrespective of design, location or mitigation measures.

The relief sought by Mr Kyle in relation to the rules is as follows:

- Provide for overhead lines for purposes including telecommunications as permitted activities.
- Delete Rules 17.2.3.2(i)(c), (i)(d) and 17.2.3.3(iii)
- Provide for above ground utilities as permitted activities up to 20 metres in height in residential, rural residential, urban, resorts, township and business zones, and in rural zones above 1070m. Provide for structures up to 30 metres in height.

In outlining this relief Mr Kyle conceded that with respect to the height Telecom may be at odds with the views of the Council.

Mr Kyle considered that the resource consent assessment matters lacked sufficient balance. He also suggested the addition of the following assessment matter as part of 17.3.2(ix-A):

"The need to ensure radio frequency emitting utilities are designed and operated so as to comply with the maximum non occupational exposure levels prescribed by New Zealand Standard 6609: 1990 (or any replacement New Zealand Standard) as measured in accordance with the applicable New Zealand Standards principles and methods of measures at points where the public can reasonably access."

Mr Chapman presented supporting information on Telecom infrastructure within the District, lines, buildings, masts, poles, towers, antenna and subdivision. The purpose being to illustrate that the provision of telecommunications utilities are important physical resource and have little or no adverse effects on the District.

9. **Upper Clutha Environmental Society (Inc.)** [2707] represented by Bill Nagle. Mr Nagle requested that all applications for towers, poles, masts or buildings to be constructed in prominent places should be discretionary in non-landscape importance areas, non-complying in landscape importance areas, and notifiable in all cases.
10. **Powernet Limited** [2311] [6213] represented by Mr Kevin Dell. Mr Dell indicated that Powernet was support of for the majority of the recommendations promoted by the Planner's Report. He supported the definition of utilities and had no objection to the amendments proposed by the Planner's Report. Further, he noted Powernet's opposition to two submissions by WES and stated that undergrounding of services will at least double the cost in a rural area, which would be passed onto the consumer and ultimately impact on development. Mr Dell supported the Planner's recommendation to reject WES's submissions.

With respect to Objective 2 Policy 6, Mr Dell considered Council should have regard to the "importance" of a utility when determining whether the establishment of the proposed utility will promote the sustainable management of natural and physical resources. He requested that the Policy be amended to read:

"To have regard to the importance of a utility when determining whether the establishment of the proposed utility will promote the sustainable management of natural and physical resources

On the matter of Objective 3 Policy 6, Mr Dell considered it was unrealistic to require the "systematic" replacement of overhead services, although the undergrounding of services to new areas is supported. He requested that the word "systematic" be removed from the policy.

Mr Dell considered exception should be made from Colour Palette requirements for utility structures that are natural wood, concrete and metallic finishes.

The following written evidence was also submitted the Committee for their consideration;

1. **Transit New Zealand** [26750] represented by Mr M O'Cain The main points were:
 - Withdraw submission that all Council roads are designated because the Plan does make provision for Council roads.
 - Supports the addition of a clause in Environmental Results Anticipated to state "Protection of the functioning of utilities to ensure their safe and efficient operation."
2. **Federated Farmers Otago** [1531] [6277] represented by Peter Klosterman, objected to the Planner's recommendation proposing a separate consent requirement for water tanks as consent is already required because the activity is a building and thus requires consent under the Rural Zone provisions.
3. **New Zealand Police** [2902] represent by Antoinette Besier, Opus International Consultants Limited, considers it necessary to include speed cameras within the definition of Utility to acknowledge the network nature of speed cameras and the role speed cameras play in improving traffic safety. The definition of utility is not limited to that of network utility operators. It is considered that the amendment would provide certainty for the operations of the New Zealand Police.

THE DECISIONS - ISSUE 17 - UTILITIES

1 GENERAL

- 1.1 Clear Communications Limited** [1340\1] considers that radio communications can be subsumed under the heading telecommunications and that to separate the two activities is superfluous. The submitter requests that the term “radio communication” be deleted throughout the Plan.

Consideration

The Committee agreed with the submission by **Clear Communications Limited** [1340\1]. They considered that to include the term “radio communication” as well as “telecommunication” was superfluous, and agreed with the evidence of Mr Burn at the hearing that it had resulted in the Plan being unnecessarily wordy and somewhat complicated.

Decision 17/1.1

The decision requested by **Clear Communications Ltd** [1340\1] is **accepted** by deleting the words “radio communication” where it appears in the Proposed District Plan..

Reason for the Decision

- i. The definition of a telecommunication facility clearly intend to provide for radio communications.

- 1.2 P Fleming** [1553\6] states that there is a lack of practical technical input into the operation of utilities. The submitter requests a review of utilities in relation to new technologies available - the effects and need for them.

Consideration

The Committee considered that it is not a function of Council to undertake a review of modern technology as it relates to utilities. The Council is not a network utility operator.

Decision 17/1.2

The decision requested by **P Fleming** [1553\6] is **rejected**.

Reason for the Decision

- i. It is not a function of Council to review modern technology.

- 1.3 D MacColl** [1996\9] requests that the Council make reference to intending water and sewerage schemes and indicate the number of people these are to cater for. The submitter also requests that the Council acknowledge the Arrow Irrigation Scheme and include a water race structure.

I J & S M Todd [2660\11] recognises that there is no identification of areas or routes for existing or future community or Council owned reticulation water and sewage schemes, for example, the Arrow Irrigation Scheme. The submitter requests that the Plan be amended to rectify this problem.

A J & S M Strain [2575\11] request an amendment to allow for the recognition of the Arrow Irrigation Scheme.

Consideration

The Committee considered it unnecessary to make reference to water schemes in the District. The Committee formed the view that the District Plan is a functional resource management document and superfluous information should not be included.

Further, the Committee considered that the timing and sequence of these proposed schemes was

better addressed by the Council's Strategic and Annual Planning Process.

Decision 17/1.3

The decisions requested by **D MacColl [1996\9]**, **I J & S M Todd [2660\11]** and **A J & S M Strain [2575\11]** are **rejected**.

Reason for the Decision

- i. The information requested for inclusion is superfluous to the requirements of the District Plan which is a functional document.

- 1.4 Makarora Township & Water Supply Inc. [2017\8] [6283\27] and Makarora Valley Community Inc. [2018\15] [6205\21]** seek that the Plan make some provision regarding the disposal of effluent from campervans.

Makarora Valley Community Inc. [6283\27] supports the provision for campervans.

P & R Hellebrekers [6205\21] supports this submission because community owned and operated systems is neither practical nor appropriate.

Consideration

The Resource Management Act 1991 states that discharge of contaminants, including effluent disposal from campervans, is not a district plan function but a regional council function. The Committee considered therefore that no provision could be included. In reaching this decision the Council noted that it may be appropriate for the Council to provide facilities for disposal of campervan effluent. However, the implementation of this function would be carried out through the annual planning process.

Decision 17/1.4

The decisions requested by **Makarora Township & Water Supply Inc. [2017\8]** supported by ***Makarora Township & Water Supply Inc. [6283\27]*** and **Makarora Valley Community Inc [2018\15]** supported by ***P & R Hellebrekers [6205\21]*** are **rejected**.

Reason for the Decision

- i. This is a regional council function.

- 1.5 G A Martin [2047\15], Waiorau Farms Limited [2735\36], Wakatipu Rural Landowners Society Incorporated [2742\12] [6432\120] [6444\120], Cardrona Holdings Limited [1280\10] and J Spary [2544\12]** consider that these provisions are lacking because they do not identify areas or routes for existing or future community or Council owned reticulated water and sewage schemes. The submitters request an amendment to the proposed District Plan to identify areas or routes for existing or future community or Council owned reticulated water and sewage schemes, together with relevant information of their capacity and details of what land they are intended to service.

Bob Pringle [6432\120] supports this submission for the reason that the needs of rural people must be taken into account.

Upper Clutha Rural Landowners/Ratepayers [6444\120] supports this submission because a more moderate approach which is workable and realistic is required with less intervention of farming operations.

K Yasuda [2876\14] and Trilane Industries Limited [2679\14] consider that these provisions are lacking because they do not identify areas or routes for existing or future community or Council owned reticulated water and sewage schemes. The submitters request that the issues, objectives and policies, rules and implementation, assessment matters and reasons for rules be amended to reflect this submission.

M L McLellan [2117\5] considers that there should be provision in the District Plan for the development of infrastructure, particularly the Albert Town water reticulation system and effluent disposal system. The submitter requests that provision be made in the Plan for the upgrading of infrastructure, including the timing of any public works and the land intended to be serviced during the planning period.

J L & N B Turnbull [2690\11] requests amendments to provide for the scale, sequence and timing of public works, in particular for expansion of water reticulation and effluent disposal systems in Albert Town, as allowed by Clause 6 of the Second Schedule to the Act. Such amendments would be helpful for subdividers and avoid difficulties over subdivision consent conditions.

R Monk [2182\10] recognises that the District Plan makes no mention of future rural water or sewerage schemes which are considered to be vital. The submitter requests an amendment to this section to consider the possibility of rural water and sewerage schemes.

Consideration

The Committee considered it inappropriate for the District Plan to state the timing of public works as this is dealt with as part of the Annual Plan process. The District Plan has a life span of approximately 10-15 years therefore cannot anticipate what works will be carried out during this time.

Decision 17/1.5

The decisions requested by **G A Martin** [2047\15], **Waiorau Farms Limited** [2735\36], **Wakatipu Rural Landowners Society Incorporated** [2742\12] supported by **Bob Pringle** [6432\120] and **Upper Clutha Rural Landowners/Ratepayers** [6444\120], **Cardrona Holdings Limited** [1280\10], **J Spary** [2544\12] **K Yasuda** [2876\14], **Trilane Industries Limited** [2679\14], **M L McLellan** [2117\5], **J L & N B Turnbull** [2690\11] and **R Monk** [2182\10] are **rejected**.

Reason for the Decision

- i. The timing of works is more suitably dealt with through the annual planning process.

- 1.6 Te Runanga Otakou (Inc.)** [2627\50] believes that there is potential for disruption to, or loss of waahi tapu / waahi taoka, for example, through the placement of telecommunication facilities on mountain tops. The submitter requests an amendment to make provision for consultation, reference to the “Kai Tahu Ki Otago: Natural Resource Management Plan” and cross referencing to Section 4.3.

Consideration

The Committee was of the view that adequate reference to the “Kai Tahu Ki Otago: Natural Resource Management Plan” had been undertaken in Section 4.3 of the Plan. However, it agreed that cross referencing would be appropriate as it would provide for integrated resource management.

Decision 17/1.6

The decision requested by **Te Runanga Otakou (Inc.)** [2627\50] is **accepted in part** by amending resource consent assessment matter 17.3(2)(x) to read:

The degree to which the proposed utility may affect values held by the takata whenua with particular regard to be had to those issues set out in part 4.3 of this District Plan.

Reason for the Decision

- i. The amendment provides appropriate cross-referencing to achieve integrated resource management.

- 1.7 Transit New Zealand** [2675\47] considers that the adverse effects of road construction of Council and private roads should be avoided, remedied or mitigated through provisions of the Proposed District Plan. This is achieved for state highways through the designation process which allows for public input. No such public input appears to be available where District Council or roads serving other utilities are concerned. The submitter requests the clarification of the status of roads other than state highways and how their adverse effects on natural and physical resources will be achieved.

Consideration

The Committee noted that a written statement submitted to them at the hearing from Transit New Zealand requested that this submission be withdrawn.

Decision 17/1.7

The decision requested by **Transit New Zealand** [2675\47] has been withdrawn.

- 1.8 Wakatipu Environmental Society** [2740\37] believes that utilities can have more than a minor effect on rural areas and the Utilities Section does not confirm that Queenstown is nuclear-free. The submitter requests that Rural areas be included in the list of affected sites and requests that the Plan confirm the nuclear-free status of the District.

Clark Fortune McDonald & Associates [6394\22] *supports* this submission for the reason that it is in accordance with principles of sustainable management of natural and physical resources.

PowerNet Limited [6213\6] *opposes* this submission as it is far too restrictive and general.

Consideration

The Committee determined that utility rules in Part 17 already identify rural areas as requiring protection from the adverse effects of utilities.

The Committee also considered it unnecessary for Part 17 - Utilities of the District Plan to refer to the nuclear free status of the District as requested by **Wakatipu Environmental Society** [2740\37], as this is a national issue which is stated at central government level, and there are no utilities with nuclear implications within the District.

Decision 17/1.8

The decisions requested by **Wakatipu Environmental Society** [2740\37] supported by **Clark Fortune McDonald & Associates** [6394\22] and opposed by **PowerNet Limited** [6213\6] are **rejected**.

Reasons for the Decision

- i. There is sufficient provision within the existing utility rules.
- ii. The nuclear-free issue is a national wide issue dealt with through central government mechanisms, and it is unnecessary for any provision to be made within the District Plan.

- 1.9 Wakatipu Environmental Society** [2740\47] suggests that putting services underground should be a compulsory part of any development or redevelopment. The submitter requests that compulsory undergrounding of services be specified.

Central Electric Limited [6034\7] *opposes* this submission for the reason that it is unrealistic and unnecessary, it will impose huge costs on the local community and the effects of overhead powerlines can be mitigated, avoided or remedied.

PowerNet Limited [6213\7] *opposes* this submission for the reason that the compulsion is inappropriate, restrictive and even prohibitive and some flexibility is necessary.

Trans Power New Zealand Limited [6038\1] *opposes* this submission for the reason that undergrounding is not practical for high voltage power lines.

Federated Farmers Otago [6277\77] *opposes* this submission as it is inappropriate in rural areas and cost will be prohibitive relative to minor benefits.

Consideration

The Committee considered that the Proposed District Plan recognises the adverse effects that utilities may have on the visual amenity values of the District but also recognises that it is not always technically feasible to place services underground.

Decision 17/1.9

The decision requested by **Wakatipu Environmental Society** [2740\47] opposed by **Central Electric Limited** [6034\7], **PowerNet Limited** [6213\7], **Trans Power New Zealand Limited** [6038\1] and **Federated Farmers Otago** [6277\77] is **rejected**.

Reason for the Decision

- i. It is not always technically feasible to place services underground.

- 1.10 M Lynch** [5086\1] believes that the Council should consider the regulation of present or future electro-magnetic (EMF) radiation, both passive and broadcast, on grounds of both health and EMF pollution confined geographical areas. The submitter requests that a policy controlling electro-magnetic (EMF) radiation, both passive and broadcast, be included as an objective in the Plan. **Ecoaction Network Inc.** [6328\27] *supports* this submission for the reason that the dangers of EMF pollution are becoming increasingly evident. **Central Electric** [6234/5] *opposes* this submission as no evidence the EMF pose a threat to health. Submission is efficient as to certainty as no specifics have been included.

Consideration

The Committee noted that there is a lack of conclusive evidence on the health effects of EMF. This is an issue being considered at a national level and no specific provision is necessary in the District Plan beyond reference to the Standard NZS 6609. At present this Council does not have the technical knowledge to set limits either below or beyond these Standards.

Having stated this the Committee recognised the precautionary principals of *McIntyre v Christchurch City Council and BellSouth* [1996] NZRMA 289, 319; 2 ELRNZ 84, 124. It considered, in line with this decision of the former Planning Tribunal, that lack of reference to specified levels of EMF did not prevent consideration of such levels on a case by case basis.

Decision 17/1.10

The decision requested by **M Lynch** [5086\1] supported by **Ecoaction Network Inc.** [6328\27] and opposed by **Central Electric** [6234/5] is **rejected**.

Reason for the Decision

- i. There is a lack of conclusive evidence of the health effects of EMF's.

2 DEFINITIONS

2.1 Definition of Antenna and Masts

- 2.1.1 BellSouth New Zealand** [1136\1] and **Clear Communications Limited** [1340\2] recognises that the Definitions section does not include 'Antenna' or 'Mast'. The submitters request an amendment to Section 2 to include the following definitions: 'Antenna' - means a telecommunications apparatus used for transmission or reception including any bracket or attachment but not any support mast or similar structure, and includes any satellite dish. 'Mast' - means any pole, tower or similar structure designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.

Broadcast Communications Limited [5013\2] recognises that "antenna" and "mast" are used in the Plan but are not defined. The submitter requests that the following definitions be included in the

Plan (2.2) to provide certainty: “Antenna” means “a broadcasting and telecommunications apparatus used for transmission or reception including the antenna bracket or attachment but not any support mast or similar structure, and includes any satellite dish.” and “Mast” means “any pole, tower or similar structure designed to carry antennas or dish antennas or otherwise to facilitate broadcasting and telecommunications.”

Consideration

Antenna/Aerial -

The definition of antenna/aerial in the Concise Oxford Dictionary is:

-antenna - ...= AERIAL

-aerial - ...5. n. a metal rod, wire, or other structure by which signals are transmitted or received as part of a radio transmission or receiving system.

The definition of antenna includes aerials and dish antenna as ‘other structure’.

The definition of antenna sought by submitters is:

Antenna - telecommunications apparatus used for transmission or reception including any bracket or attachment but not any support mast or similar structure, and includes any satellite dish.

The Committee agreed that a definition of ‘antenna’ is required, but considered that provided by the Concise Oxford Dictionary is clearer and more certain than the requested definition. In reaching this decision the Committee noted that the submitters representatives at the hearing were supportive of this approach.

Mast -

The definition of mast in the Concise Oxford Dictionary is:

-mast - 3. post or lattice-work upright, for supporting a radio or television aerial...

The definition of mast sought by submitters is:

Mast - any pole, tower or similar structure designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.

The Committee was of the view that the definition requested by submitters is too broad. In particular, the reference to ‘tower or similar structure’ is wider than desirable, possibly resulting in a substantial lattice type structure, which could have significant adverse effects. The Committee took this into account in Decision 17/4.5.1. The Committee also noted that the Definitions section in the Plan had been relocated from within Part 2 to the rear of the Plan. It was considered that this was a more logical location for definitions, and would increase the ‘usability’ of the document.

In reaching this decision the Committee noted the inconsistencies that occurred in the evidence present to them at the Hearing. Ms McGregor had opposed the Planner’s recommendation, while Mr Burn had supported it.

Decision 17/2.1.1

The decisions requested by **BellSouth New Zealand [1136\1]**, **Clear Communications Limited [1340\2]** and **Broadcast Communications Limited [5013\2]**, are **accepted in part** by:

- (a) Including in the Definitions section at the rear of the Plan, a definition of **Antenna** as follows:

means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.

- (b) Including the Definitions section at the rear of the Plan, a definition of **Mast** as follows:

means any pole, tower or similar structure designed to carry antennas or dish antennas or otherwise to

facilitate telecommunications

Reason for the Decision

- i. The amendments add clarification and certainty to the Plan.

2.2 Definition of Height

2.2.1 BellSouth New Zealand [1136\9] considers that the definition for ‘Height’ in Section 2 does not include finials or chimneys. Standard telecommunication antennas are little different in scale and should be added to the list of structures excluded from the determination of height. The submitter requests an amendment to Rule 17.2.3.3 (ii) d to read: “For the purpose of calculating height in relation to Rules (a) and (b) above the following are excluded: (d) Lightning rods, rod antennas no more than 4 metres in length and other antennas that are no more than 1 metre square in area on any side”

Telecom New Zealand [6222/2] supports this submission as structures are ancillary to telecommunications facilities with only minor effects on the environment in terms of visual impact.

Consideration

The Committee noted that the Proposed District Plan as notified contained the following definition of Height

Height means: in relation to building means the vertical distance between ground level at any point and the highest part of the building immediately above that point.

For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:

- radio and television aerials attached to a dwelling, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m; and
- chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5m.

The Committee agreed with the evidence of Mr Burn at the hearing, that all structures commonly used for mobile communication have no greater impact than a number of structures exempt from the height limits of the Plan. They were of the view that aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications should be exempt and provided for as of right, if the maximum permitted by the rules of the zone was not exceeded by more than 2.5 metres.

Decision 17/2.2.1

The decision requested by **BellSouth New Zealand** [1136\9] supported by **Telecom New Zealand** [6222/2] is **accepted in part** by amending the definition of ‘height’ as follows:

...For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:

- ~~radio and television aerials~~ aerials and/or antennae, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications, but not including dish antennae which are attached to a building, attached to a dwelling, provided that the maximum height ~~normally~~ permitted by the rules for the zone is not exceeded by more than 2.5m; and.

Reasons for the Decision

- i. The amendment adds clarification and certainty to the Plan.
- ii The decision is consistent with Decision 17/4.5.1

2.3 Definition of Meteorological Facilities/Activities

2.3.1 Meteorological Service of New Zealand Limited (MetService) [2144\4] believes that a definition of meteorological activities should be included. The submitter requests that the following definition be included: “Meteorological facilities - means the establishment and operation of facilities and

installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.”

Meteorological Service of New Zealand Limited (MetService) [2144\3] believes that the definition of utility does not strictly refer to meteorological activities. The submitter requests either an amendment to the definition to include “meteorological activities” or that the definition be amended in the following manner: “structures, facilities, plant, equipment and associated works for the purpose of observing, collecting and communicating weather information.”

Consideration

The Committee noted that the definition for Meteorological is not necessary as the definition of Utility includes reference to weather. However this definition could be further clarified by changing this as requested in submission **Meteorological Service of New Zealand Limited (MetService)** [2144\3] to include reference to ‘meteorological activities’.

Decision 17/2.3.1

The decisions requested by **Meteorological Service of New Zealand Limited (MetService)** [2144\3][2144\4] are **accepted in part** by amending paragraph (g) of the definition of “utility” to read:

structures, facilities, plant, equipment and associated works for monitoring and observation of ~~weather~~ meteorological activities and natural hazards.

Reason for the Decision

- i. The amendment adds clarification and certainty to the Plan.

2.4 Definition of Utility

2.4.1 PowerNet Limited [2311\1] supports this definition and requests that 2.2, the definition of “Utility”, be approved.

Telecom New Zealand Limited [6222\29] opposes this submission for the reason that the existing definition could better reflect the fact that telecommunications facilities comprise a utility.

Central Electric Limited [1304\6] considers that the definition of utility should be enlarged in accordance with the provisions of the Resource Management Act 1991 and to provide for emergency situations. The submitter requests an amendment to the definition of utility in section 2.2 by adding the following:

UTILITY means

- (a) Transformers, poles, lines and necessary incidental structures and equipped for:
 - (i) the transmission and distribution of electricity
 - (ii) the purposes of saving or protecting life or health or preventing significant damage to property or avoiding an actual or likely adverse effect on the environment.

Queenstown-Lakes District Council [2331\1] considers that the proposed definition of “utility” in the District Plan could be considered to include water tanks, which would give the Council no control over their location in rural areas, as they would be permitted activities in terms of the Utility Rules in Part 17.2.3. The submitter requests that subclause “d” in the definition of “Utility” be amended to read “...and necessary incidental structures and equipment (but excluding water tanks).”

Federated Farmers Otago [6277\10] opposes submission as water tanks necessary farming. *Opposes any redefinition which seeks to bring them into the resource management web.*

Telecom New Zealand Limited [2623\2] believes that it is not clear that all telecommunications facilities fall within the definition of utility. The submitter requests an amendment to paragraph (f) of the definition to read: “structures, facilities, plant, equipment and associated works for receiving and transmitting radio-communications and telecommunications including telecommunications facilities defined above.”(as amended by the Corrections Summary).

New Zealand Police [2902\4] consider that the definition is deficient because it does not include the provision for mounted speed camera installations. Speed cameras have an essential role in achieving the NZP's corporate goals of reducing the incidence of crimes, and detecting and apprehending offenders. The submitter requests that the following words be included as (j) - "speed camera installations and associated structures, facilities, plant and equipment for traffic purposes".

Consideration

The submission by **Central Electric Limited** [1304/6] requests that the Utility definition be enlarged and provide for emergency services. In relation to enlarging the definition the Committee determined that it was appropriate to add the word 'transformers' into the definition but not 'poles' as this is covered by the rules which refer to 'Lines and Support Structures'. It is therefore not necessary to specifically mention 'poles'. The Committee noted that the submitter's representative at the hearing, Mr Whitney, considered this favourable.

The second part of the submission by **Central Electric Limited** [1304/6] relates to utilities to be used in emergency situations. The Committee was of the view that in such instances, where there is an emergency involving risk of life, section 341 of the Resource Management Act 1991 provided an exemption.

In relation to the submission from **Queenstown-Lakes District Council** [2331/1] the Committee agreed that water tanks should be specifically excluded from Utilities in order to provide control over their location. Water tanks have the potential for significant adverse visual impact and should be subject to the site and zone standards of the underlying zone.

In relation to the submission by **Telecom New Zealand Limited** [2623/2], the Committee agreed that it was appropriate to include reference to all telecommunication facilities.

In relation to the submission by **New Zealand Police** [2902/4], which requests provision made for speed camera installations within the Utilities definition, the Committee was of the view that it was inappropriate to identify speed camera installations as a utility and therefore provide for them as of right in any location. The Committee considered that the zone provisions should identify the appropriateness of a speed camera.

The Committee noted that **PowerNet Limited** [2311/1] supports this provision of the Proposed District Plan and also that Mr Dell indicated is support at the hearing to the proposed amendments.

Decision 17/2.4.1

1. The decision requested by **PowerNet Limited** [2311\1] opposed by **Telecom New Zealand Limited** [6222\29] is **accepted** by noting the support for the provisions.
2. The decision requested by **New Zealand Police** [2902/4] is **rejected**.
3. The decision requested by **Central Electric Limited** [1304\6] is **accepted in part** by amending Clause (a) of the definition of "Utility" as follows:

transformers, lines and necessary incidental structures and equipment for the transmission and distribution of electricity;
4. The decision requested by **Queenstown-Lakes District Council** [2331\1] opposed by **Federated Farmers Otago** [6277\10] is **accepted** by amending Clause (d) of the definition of "Utility" as follows:

water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);

5. The decision requested by **Telecom New Zealand Limited [2623/2]** is **accepted** by amending Clause (f) of the definition of “Utility” as follows:

structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications (see definition of telecommunication facilities).

Reasons for the Decision

- i. The definition is approved with minor amendments thereby still satisfying the request of the submitter.
- ii. To add clarity to this provision and certainty for the submitters.
- iii. Emergency works are provided for under section 341 of the Act.
- iv. To allow assessment of the visual effects of water tanks.
- v. To provide clarity when administering this provision.
- vi. Speed camera installations are a Permitted Activity if they comply with the zone provisions.

3 UTILITIES ISSUES, OBJECTIVES, POLICIES AND METHODS

3.1 Resources, Activities and Values

- 3.1.1 D & E H Broomfield** [1211\14] believes that Section 17 does not adequately address the effects of all utilities except in visual terms, however some parts of the chapter are supported. The submitter seeks that fourth paragraph of Section 17.1.1 be retained.

Consideration

The Committee noted that **D & E H Broomfield** [1211\14] supported this provision of the Proposed District Plan. The Committee considered that the major effect of utilities was their visual impact and hence that adequate consideration had be undertaken.

With respect to the fourth paragraph of Section 17.1.1 the Committee was of the view that the provision was unnecessary and deleted it in accord with submissions requesting that the plan be made more concise.

Decision 17/3.1.1

The decision requested by **D & E H Broomfield** [1211\14] is **rejected**.

Reason for the Decision

- i. The submission supports the provision, however, the provisions are unnecessary and have been deleted in accordance with submissions requesting that the Plan be made more concise.

3.2 Utility Issues

3.2.1 General

Minister of Conservation [2167\36] considers that the discussion of issues does not address the removal of equipment (including masts and buildings) that has been superseded by advances in technology or is simply no longer used. Equipment that is no longer used should be removed as soon as it becomes obsolete or unnecessary. The submitter requests the addition of another issue which addresses the removal of obsolete or unnecessary equipment (including masts and buildings). The submitter also requests that provision be made in the rules for the removal of obsolete or unnecessary equipment (including masts and buildings) as soon as it is decommissioned.

Upper Clutha Environmental Society Inc. [6454\63] supports this submission for the reason that the Council's role is to protect areas of landscape importance, therefore, should technological advances make structures redundant, they should be removed or modified.

Telecom New Zealand Limited [6222\26] opposes this submission for the reason that such matters should be dealt with as part of the lease agreement between Telecom and the respective land owner. **PowerNet Limited** [6213/4] opposes this submission as it is unspecified and PowerNet would like to know what rules are proposed and be able to comment on them.

Consideration

The Committee agreed that the removal of unnecessary equipment is an issue that should be addressed in the District Plan. They considered that the retention of unnecessary utilities could impact upon the efficiency of new utilities with regard to their location and also on the visual amenity of the District. In reaching this decision the Council noted that Telecom representatives at the hearing made no comment on the matter, while Mr Dell for Power Net was supportive of the approach to be adopted.

Decision 17/3.2.1

The decision requested by **Minister of Conservation** [2167\36] supported by **Upper Clutha Environmental Society Inc.** [6454\63] and opposed by **Telecom New Zealand Limited** [6222\26] and **PowerNet Limited** [6213/4] is **accepted in part** by:

- (a) Adding the following issue to Clause 17.1.2:

iv Unnecessary Equipment

Utilities can often have an adverse effect upon the environment which can continue after the equipment is no longer required having been superseded by advances in technology, is no longer in used or a more suitable location has been found. The removal of unnecessary equipment (including buildings and masts) can mitigate the adverse effects of having it there in the first place and can assist in restoring and enhancing the surroundings, especially in areas of high landscape or conservation value.

- (b) Amending Objective 3, Policy 5 to read:

To encourage utility operators to adopt their own monitoring systems to ensure that the effects of utilities and their operation is regularly evaluated to avoid or mitigate the occurrence of adverse effects, including the removal of unnecessary equipment (including buildings and masts).

- (c) Amending paragraph 4 of the Explanation and Principal Reason for the Adoption of Objective 3 to read:

In addition, a proliferation of infrastructure can be avoided by network utility operators negotiating the joint use of existing facilities and sites, ~~and~~ sharing new infrastructure and the efficient removal of unnecessary equipment (including buildings and masts).

Reason for the Decision

- i. To recognise the adverse effects that unnecessary utility equipment can create and to provide for a means by which to encourage its removal.

3.2.2 Issue (i) - Visual Impact and Location

Federated Mountain Clubs of New Zealand (Inc.) [1532\28] considers that the threat imposed by communication structures on hilltops and skylines is increasing and should be recognised. It is possible to minimise the impact of structures by sensitive siting off skylines, and by co-siting with existing equipment. The submitter requests that a policy be added to Section 17.1.2 to this effect.

Wakatipu Environmental Society [6198\2] supports this submission for the reason that communication facilities should be avoided over hilltops.

Upper Clutha Environmental Society Inc. [6454\62] supports this submission for the reasons given.

Telecom New Zealand [6222/19] opposes this submission as it fails to recognise the operation and technical constraints associated with the location of communication facilities and that their effects can be avoided, remedied or mitigated.

Central Electric Limited [1304\40] opposes the statement that visual impact of these structures and overhead services ‘will’ be related to their size, frequency and scale. Visual impact may be mitigated by placement of structures to best take advantage of the environment in which each situation the community requires those structures. The submitter requests an amendment to Section 17.1.2 i so that the third line reads: “...The visual impact of these structures may~~will~~ be related to their size ...”.

PowerNet Limited [2311\6] states that the issue is subjective because it depends on scale and suggests that a description will be clearer if an example of a smaller structure were given. The submitter requests an amendment to 17.1.2 i by giving consideration to an example of a smaller structure, such as a power pole, being included in the examples.

Consideration

The Committee determined that the concerns of **Federated Mountain Clubs of New Zealand (Inc.)** [1532\28] are all provided for within the plan, and that the submissions by **Central Electric Limited** [1304\40] and **PowerNet Limited** [2311\6] were valid and reasonable requests and changes could be implemented

Decision 17/3.2.2

1. The decisions requested by **Federated Mountain Clubs of New Zealand (Inc.)** [1532\28] supported by *Wakatipu Environmental Society* [6198\2] and *Upper Clutha Environmental Society Inc.* [6454\62] and opposed by *Telecom New Zealand* [6222/19] is **rejected**.
2. The decisions requested by **Central Electric Limited** [1304\40] and **PowerNet Limited** [2311\6] are **accepted** by amending the second sentence of Issue (i) to read:

...The visual impact of these structures ~~will~~ may be related to their size (e.g. power stations, airports, pylons, power poles), ...

Reasons for the Decision

- i. The concerns are of the by **Federated Mountain Clubs of New Zealand (Inc.)** [1532\28] are already provided for in the Plan
- ii. The use of the word “will” is inappropriate, being too specific.

3.2.3 Issue (ii) - Effect on Amenities

D & E H Broomfield [1211\15] The submitter seeks that the first paragraph of provision 17.1.2 ii be approved.

Consideration

The Committee noted that **D & E H Broomfield** [1211\15] supports this provision of the Proposed District Plan and seeks its approval.

Decision 17/3.2.3

The decision requested by **D & E H Broomfield** [1211\15] is **accepted** by retaining the first paragraph of Issue (ii).

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.2.4 Issues (iii) Efficiency

PowerNet Limited [2311\7] supports the provisions and requests that the 17.1.2 (iii) be approved.

D & E H Broomfield [1211\16] The submitter seeks that the first paragraph of provision 17.1.2 iii be approved.

Central Electric Limited [1304\41] supports the concepts that essential services such as electrical supply services must be able to be readily constructed, operated and maintained throughout the District. The submitter believes that recognition that electrical supply is an element which is essential for everyday activities be included in the provision and that zone rules provide independently for types of consents requested in various circumstances. Requests that the concept of ready operation and maintenance of essential services, as set out in Section 17.1.2 iii, be retained. Requests that the first paragraph of Section 17.1.2 iii be amended by adding a new penultimate sentence as follows:

“Electrical supply is recognised as an element of the environment where its effect must be balanced against each situation’s practical requirements and the economics of supply to the community and district”.

Consideration

The Committee noted that **PowerNet Limited** [2311\7] and **D & E H Broomfield** [1211\16] supported this provision of the Proposed District Plan and seek its approval.

With respect to the changes sought by **Central Electric Limited** [1304\41] the Committee consider that the amendment requested was inappropriate. It did not approve of the evidence presented to it by Mr Whitney at the hearing. They considered that the “balancing” to be undertaken should not be done at the expense of failing to avoid, remedy or mitigate the adverse effects of an activity on the environment.

The Committee took into consideration a number of former Planning Tribunal’s decision on the issue of economic wellbeing, including: *NZ Rail v Marlborough District Council* [1994] NZRMA 170 (HC) and *Imrie Family Trust v Whangarei District Council* 1B ELRNZ 274, [1994] NZRMA 453. As noted by Mr Whitney the *NZ Rail* case distinguishes “financial viability” from broader aspects of economics. The Committee disagreed with Mr Whitney’s argument.

The Committee determined that although economic considerations are involved, they should arise out of the purpose of promotion of sustainable management in section 5(2) of the Resource Management Act 1991. They considered that Mr Whitney’s case relied on section 7(b) which required having particular regard to the efficient use and development of natural and physical resources. It was the Committee’s understanding that the structure of Part II is such that the provisions of section 6, 7 and 8 should not be read as objectives of their own, but as accessory to the principal purpose of sustainable management.

The Committee view that additional statement sought by **Central Electric Limited** [1304\41] as not promoting sustainable management. The Committee considered electricity reticulation, if located appropriately and sized appropriately, could fit well within the environment. But, it was the Committee’s view that if adverse effects on the environment should result to a level where they could not be avoided, remedied or mitigated, then the environment should not be sacrificed to financial expediency.

Decision 17/3.2.4

1. The decisions requested by **PowerNet Limited** [2311\7] and **Central Electric Limited** [1304\41] are **accepted in part** by retaining that portion off Issue (iii) necessary to explain the issue.

2. The decision requested by **D & E H Broomfield** [1211\16] is **accepted** by retaining the first paragraph of Issue (iii).

Reasons for the Decision

- i. Only a portion of Issue (iii) is necessary to explain the issue fully and to give effect to submissions requesting the Plan be more concise the provisions have been trimmed.
- ii. Economic considerations arise directly from the purpose of Resource Management Act 1991 to promote sustainable management. However, broad aspects of economics are of relevance and the provisions of section 7(b) should not be read as an objective on its own.

3.3 All Objectives and Policies

- 3.3.1 Southern Crown Health Enterprise Limited** [2534\41] supports the objectives and policies as they relate to essential services, including landfills, and seeks that these be retained.

Southern Crown Health Enterprise Limited [6327/43] supports this submission. *the objectives and policies should be retained, including landfills.*

Consideration

The Committee noted that the submission by **Southern Crown Health Enterprise Limited** [2534\41] supports the objectives and policies as they relate to essential services, including landfills, and seeks that these be retained.

Decision 17/3.3.1

The decision requested by **Southern Crown Health Enterprise Limited** [2534\41] supported by ***Southern Crown Health Enterprise Limited*** [6327/43] is **accepted in part** by noting the support of the submission but also noting that as a result other submissions some amendments have been made.

Reasons for the Decision

- i. Generally all objectives and policies are accepted with some minor amendments.
- ii. To acknowledge the importance of alternative water schemes in the District.

- 3.3.2 P Elwell-Sutton** [1496\25] requests that another Objective (4) should be added with implementation methods to avoid, remedy or mitigate the adverse effects of utilities on human, animal, and plant health with regard to electricity operations, radio communications, and telecommunications and to recognise the inherent health hazard posed by microwave telecommunication equipment.

Central Electric Limited [6034\9] and ***Clear Communications Limited (CLEAR)*** [6288\1] oppose this submission for the reason that there is no evidence to support the submission and an additional policy is unnecessary and inappropriate.

BellSouth New Zealand [6290\1] and ***Broadcast Communications Limited*** [6289\1] oppose this submission for the reason that the submitter opposes any additional methods being incorporated in the Plan to deal with any potential health effects that may exist.

Telecom New Zealand [6330\1] oppose this submission as objective 3 of 17.1.3 provides for avoidance, remediation and mitigation of the adverse effects of utilities - radio frequency emitting utilities should be regulated by New Zealand standards rather than the Plan.

Consideration

The Committee considered that the request for a new objective with reference to people, animals and plant life is covered by Objective 3. The definition of 'environment' in the Resource Management Act includes Ecosystems and their constituent parts, including people and communities, and all natural and physical resources.

Regarding the issue of inherent health hazards posed by microwave telecommunication equipment the Committee considered it inappropriate to make any reference to this, as to date, there is no conclusive evidence of such.

Decision 17/3.3.2

The decision requested by **P Elwell-Sutton** [1496\25] opposed by *Central Electric Limited* [6034\9], *Clear Communications Limited* [6288\1], *BellSouth New Zealand* [6290\1], *Broadcast Communications Limited* [6289\1] and *Telecom New Zealand* [6330\1] is **rejected**.

Reasons for the Decision

- i. The 'environment' covers humans and ecosystems.
- ii. Evidence relating to the health hazards resulting from microwave telecommunication equipment is inconclusive to date.

3.4 Objective 1 & Policies - Co-ordination of Utilities

- 3.4.1 Federated Mountain Clubs of New Zealand (Inc.)** [1532\29] supports this objective and related policies but believes that an extra policy should be added to assess the visual impact of such structures. The submitter requests that Section 17.1.3 be approved but amended accordingly. *Telecom New Zealand Limited* [6222\20] opposes this submission as the matter is already addressed in section 17.1.3. and the associated policies.

Otago Conservation Board [2907\30] supports 17.1.3 Objective 1 but notes that the proliferation of communications structures on hilltops and skylines has not been adequately addressed. The submitter requests that 17.1.3 Objective 1 be approved and a further policy added which aims to manage and reduce the visual impact of such utilities.

Telecom New Zealand Limited [6222\28] opposes this submission as the matter is already addressed in section 17.1.3. and the associated policies.

Consideration

The Committee determined that no addition was required. Objective 1 addresses the co-ordination of utilities, while Objective 3 addresses the environmental impacts and associated policies address the visual impact of utilities.

Decision 17/3.4.1

The decisions requested by **Federated Mountain Clubs of New Zealand (Inc.)** [1532\29] opposed by *Telecom New Zealand Limited* [6222\20] and **Otago Conservation Board** [2907\30] opposed by *Telecom New Zealand Limited* [6222\28] are **rejected**.

Reason for the Decision

- i. These concerns are met under Objective 3

- 3.4.2 Otago Regional Council** [2258\124] requests:

- (1) An amendment to the Plan to recognise the policies and rules contained in the Regional Plan: Waste, these being:
 - (a) monitoring of discharges from old, existing and new landfills; and
 - (b) provision be made for a register of all old and new landfills which is to be made available to the public.
- (2) That the Plan be amended to note that old, existing and new landfills will require a resource consent from the ORC pursuant to the provisions of the Regional Plan: Waste.

Consideration

The Committee considered that there was value in preparing a register of landfill sites in the District. They recognised that although no direction had been provided by the Regional Plan: Waste on this matter, it was appropriate to identify in the District Plan an intention to hold a register of old and new landfills. The Committee considered such information would be useful in the assessment of PIMs and LIMs. The Committee decided to include the matter as a method under Part 4.7 - Waste Management

With respect to reference to the Regional Plan: Waste within the District Plan, it is considered that the general requirement at the beginning of the Plan for people to check to see if any resource consent is required from the Otago Regional Council is sufficient reference.

Decision 17/3.4.2

The decision requested by **Otago Regional Council** [2258\124] is **accepted in part** by adding the following “other method” to the Waste Management Implementation Methods identified in Part 4.7.3 of the Plan:

Identify, in consultation with the Otago Regional Council, closed and existing landfills within the District.

Reason for the Decision

- i. It is appropriate to identify closed and existing landfills.

3.4.3 Objective 1 - Policy 1

PowerNet Limited [2311\8] supports 17.1.3 Objective 1 Policy 1 and requests that it be approved.

Otago Regional Council [2258\125] considers that the use of “and/or” in Policy 1 of Objective 1 makes the policy ambiguous. The submitter requests that 17.1.3 Objective 1 Policy 1 be amended by deleting the words “and/or”.

Consideration

The Committee noted that **PowerNet Limited** [2311\8] supports this provision of the Proposed District Plan.

In relation to the submission by **Otago Regional Council** [2258\125] the Committee agreed that Policy 1 is ambiguous and that the removal of the wording ‘and/or’ would clarify and provide certainty for this policy.

Decision 17/3.4.3

The decision requested by **PowerNet Limited** [2311\8] is **accepted in part** and the decision requested by **Otago Regional Council** [2258\125] is **accepted** by amending Objective 1, Policy 1 as follows:

To ensure that possible areas for new development:

- i. *are readily able to be serviced, ~~and/or~~*
- ii. *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~~*
- iii. *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.*

Reason for the Decision

- i. The amendment clarifies and provides certainty for this provision.

3.4.4 Objective 1 - Policy 2

Otago Regional Council [2258\126] supports 17.1.3 Policy 2 and seeks that it be approved.

Consideration

The Committee noted that **Otago Regional Council** [2258\126] supports this provision of the Proposed District Plan and seeks its approval.

Decision 17/3.4.4

The decision requested by **Otago Regional Council** [2258\126] is **accepted** by approving Objective 1 Policy 2.

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.4.5 Objective 1 - Policy 4

D & E H Broomfield [1211\17] believes that this policy does not make sense and seeks that Policy 4 be deleted.

Consideration

The Committee agreed with the submission by **D & E H Broomfield** [1211\17] that this policy does not make sense. However, the need to have a policy relating to solid waste management is deemed important, and therefore the policy has been re-worded as set out in the decision.

Decision 17/3.4.5

The decision requested by **D & E H Broomfield** [1211\17] is **accepted in part** by replacing Objective 1 Policy 4 with the following:

To ensure the proper management of solid waste by:

- i. providing landfill sites for the present and future disposal of solid waste.
- ii. assessing trends in solid waste, and
- iii. identifying solid waste sites for future need.

Reason for the Decision

- i. The amendment clarifies and provides certainty for this provision.

3.4.6 Objective 1 - Policy 5 -

Central Electric Limited [1304\42] and **PowerNet Limited** [2311\9] supports Policy 5 and request that Objective 1 Policy 5 in Section 17.1.3 be retained in its present form.

Consideration

The Committee noted that **Central Electric Limited** [1304\42] and **PowerNet Limited** [2311\9] support this provision of the Proposed District Plan and seek its approval.

Decision 17/3.4.6

The decisions requested by **Central Electric Limited** [1304\42] and **PowerNet Limited** [2311\9] are **accepted** by approving Objective 1 Policy 5.

Reason for the Decision

- i. The submissions support this provision and seek no change.

3.4.7 Objective 1 - Policy 6

Otago Regional Council [2258\127] considers that the second half of Policy 6 does not make it clear whether reticulation will be completely installed before the occupation of the subdivision begins. The submitter requests an amendment to 17.1.3 Objective 1 Policy 6 to make it clear whether or not reticulation will be installed before occupation occurs.

Consideration

The Committee agreed that Policy 6 is not clear in its intentions and needs to be better clarified. It considered that the most appropriate method of achieving this is to divide the policy into two separate policies dealing with those areas already developed and those to be developed. It was the Committee's view that the intention of the policy is to give priority to areas already developed and also to require reticulation prior to subdivision for new development.

Decision 17/3.4.7

The decision requested by **Otago Regional Council** [2258\127] is **accepted** by:

- (a) Amending Objective 1 Policy 6 as follows:

To assess the priorities for servicing established urban areas of the district which ~~were~~ are developed but ~~were~~ are not reticulated ~~and progressively reticulate those areas identified for urban expansion or redevelopment~~

- (b) Adding the following new policy to Objective 1 as Policy 7:

To ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.

Reason for the Decision

- i. The amendment clarifies and provides certainty for this provision.

3.5 Objective 2 & Policies - Efficient Use and Establishment of Utilities

- 3.5.1 **PowerNet Limited** [2311\10] supports 17.1.3 Objective 2 and seeks that it be approved.

Telecom New Zealand Limited [2623\17] supports the objective as it recognises the critical importance of network utilities to the District. The submitter requests that it be approved.

Consideration

The Committee noted that **PowerNet Limited** [2311\10] and **Telecom New Zealand Limited** [2623\17] support this provision of the Proposed District Plan and seek its approval.

Decision 17/3.5.1

The decisions requested by **PowerNet Limited** [2311\10] and **Telecom New Zealand Limited** [2623\17] are **accepted** by approving Objective 2.

Reason for the Decision

- i. The submissions support this provision and seek no change.

3.5.2 Objective 2 - All Policies

Telecom New Zealand Limited [2623\18] supports all the policies because they recognise the critical importance of network utilities to the District. The submitter requests that they be approved.

Consideration

The Committee noted that **Telecom New Zealand Limited** [2623\18] supports the above provisions of the Proposed District Plan and seeks their approval. This submission needs to be read in conjunction with submissions on specific policies of Objective 2 set out below as a number of policies are amended, with one deletion.

Decision 17/3.5.2

The decision requested by **Telecom New Zealand Limited** [2623\18] is **accepted in part** by noting the support of the submission for the provisions.

Reason for the Decision

- i. The submission supports the provisions but there are minor amendments.

3.5.3 Objective 2 - Policy 1

PowerNet Limited [2311\11] supports 17.1.3 Objective 2 Policy 1 and seeks that it be approved.

Consideration

The Committee noted that **PowerNet Limited** [2311\11] supports this provision of the Proposed District Plan and seeks its approval.

Decision 17/3.5.3

The decision requested by **PowerNet Limited** [2311\11] is **accepted** by approving Objective 2 Policy 1.

Reason for the Decision

- i. The submissions supports this provision and seeks no change.

3.5.4 Objective 2 - Policy 2

Central Electric Limited [1304\43] supports Policy 2 and seeks that Objective 2 Policy 2 be retained in Section 17.1.3 in its present form.

PowerNet Limited [2311\12] believes that the policy needs to be clarified to show that economic feasibility is a matter for the service utility provider. The submitter requests that 17.1.3 Objective 2 Policy 2 be amended to read: "To take economic costs of a provider into account when considering the alternative locations, sites or methods for the establishment or alteration of utility".

Central Electric Limited [6034\2] *supports this submission as it is appropriate to take into account the economic costs of a service utility provider when considering alternative locations, sites or methods for the establishment or alteration of a utility.*

Consideration

The Committee noted that **Central Electric Limited** [1304\43] supports this provision of the Proposed District Plan and seeks its approval.

With regard to the submission by **PowerNet Limited** [2311\12], which requests changes to acknowledge the importance of practical requirements and economics of supply, the Committee had regard to its consideration under Decision 17/3.2.4.

It was the Committee's decision that the most appropriate means of dealing with this submission is by the addition of a new assessment matter under Section 17.3 Resource Consents - Assessment Matters - Utilities.

Decision 17/3.5.4

1. The decision requested by **Central Electric Limited** [1304\43] is accepted by retaining Objective 2 Policy 2.
2. The decision requested by **PowerNet Limited** [2311\12] supported by **Central Electric Limited** [6034\2] is **accepted in part** by adding the following assessment matter to Clause 17.3.2.

The extent of any effects arising from non-compliance with any performance standards.

Reasons for the Decision

- i. The submissions supports this provision and seeks no change.
- ii. This allows for all effects to be assessed on a case by case basis

3.5.5 Objective 2 - Policy 5

PowerNet Limited [2311\13] supports 17.1.3 Objective 2 Policy 5 and seeks that it be retained.

BellSouth New Zealand [1136\2] and **Clear Communications Limited** [1340\3] consider that Section 17 is deficient because it seeks to encourage co-siting of telecommunication facilities, without recognising technical and commercial constraints. The submitter requests an amendment to Section 17, Objective 2, Policy 5 to read: “To encourage the co-siting of compatible facilities on sites where technically and commercially viable”.

Consideration

The Committee noted that **PowerNet Limited** [2311\13] support this provision of the Proposed District Plan and seek its approval.

The submissions by **BellSouth New Zealand** [1136\2] and **Clear Communications Limited** [1340\3] seek recognition that commercial viability should be considered.

Mr Burn in his evidence stated to the Committee at the hearing that:

Presumably the policy is aimed at keeping the number of utility structures to a minimum where feasible. The reality of the telecommunications industry is that it now operates in a commercially competitive marketplace. In such an environment the owner of an existing utility structure may be unwilling to allow a competitor to attach their equipment to the structure they have in place, as this will adversely affect their market share and create operational and management problems. In my view this policy is little different from asking “New World” to approach “Countdown” for shelf space from which to sell their goods, or requiring Caltex and BP to share service stations.

The Committee agreed with this statement. They considered that co-location was most likely, and only possible, if the parties concerned could agree to share facilities with each other. The Committee noted the evidence of Ms McGregor that, in the case of Telecom and BellSouth, a 20 metre separation distance was required. In this regard they considered that co-location more specifically referred to location in a similar area. The Committee was also mindful of the environmental benefits of co-location, as was Mr Burn. The Committee agreed that co-location should take into account technical constraints.

However, the Committee considered that “commercial viability” was not an appropriate factor to take into account when considering the location of a utility. The Committee was of the view that “commercial viability” and “financial viability” were one in the same.

Decision 17/3.5.5

The decision requested by **PowerNet Limited** [2311\13], **BellSouth New Zealand** [1136\2] and **Clear Communications Limited** [1340\3] are **accepted in part** by amending Objective 2, Policy 5 to read as follows:

To encourage the co-location of facilities where operationally and technically feasible.

Reasons for the Decision

- i. To recognise that it is not always technically feasible to co-locate facilities.
- ii. This allows for all effects to be assessed on a case by case basis

iii. Commercial viability is not a factor that should be taken into account.

3.5.6 Objective 2 - Policy 6

Ministry of Commerce [2171\47] considers that the Council should not have regard to the “importance” of a utility when assessing its establishment or otherwise. The role of the Council is to ensure that the adverse effects of the utility are avoided, remedied or mitigated. The submitter requests the deletion of 17.1.3 Objective 2 Policy 6.

PowerNet Limited [6213\3] *opposes* this submission for the reason it is appropriate for the Council to have regard to “importance”.

Telecom New Zealand Ltd [6222\16] *opposes* this submission for the reason that utilities/telecommunication and radio communication services are critical to the social, economic and cultural well-being of communities and for their health and safety and believes that due regard should be given to the importance of utilities.

Central Electric Limited [6034\8] *opposes* this submission as the amendment is inappropriate and policy 6 should be retained in its present form.

Consideration

The Committee considered that the submission by the **Ministry of Commerce** [2171\47] was partly correct in that it is not a function of Council to determine the importance of a particular utility. Any such importance must be founded in premise of sustainable management. In this respect the Committee took Mr Kyle’s view, at the hearing, on behalf of Telecom. Mr Kyle considered that the mandate of sustainable management was somewhat wider than a duty to avoid, remedy or mitigate effects. The Committee also had regard to evidence present at the hearing from Mr Whitney on behalf of Central Electric and Mr Dell on behalf of PowerNet. Mr Whitney considered that the policy recognises the fundamental significance of utilities to the well-being of the community. Mr Dell submitted that the Resource Management Act 1991 itself specifies matters of importance and surely this concept can be imported into a plan.

Taking the submissions of Mr Whitney and Mr Kyle into account, and more particularly the amended policy suggested by Mr Dell, the Committee determined that the policy should be amended to become more consistent with the principle of sustainable management.

Decision 17/3.5.6

The decision requested by **Ministry of Commerce** [2171\47], opposed by **PowerNet Limited** [6213\3], **Telecom New Zealand Ltd** [6222\16] and **Central Electric Limited** [6034\8] is **accepted in part** by the amendment of Objective 2 Policy 6 as follows:

To have ~~give due~~ regard to the importance of a utility when ~~determining whether assessing the~~ establishment of a proposed utility will promote the sustainable management of natural and physical resources ~~or the suitability of a neighbouring activity~~.

Reason for the Decision

- i. Amendment is required to make the policy consistent with the principle of sustainable management.

3.5.7 Objective 2 - Policy 8

To promote waste reduction and recycling.

Otago Regional Council [2258\128] supports the objective and seeks that 17.1.3 Objective 2 Policy 8 be approved. The submitter also seeks that an implementation method, dealing with the promotion of waste reduction and recycling, be introduced by the QLDC.

Consideration

The Committee note that **Otago Regional Council** [2258\128] supports this provision of the Proposed District Plan and seeks its approval.

With respect to the requested method the Committee considered that the provisions of Section 538 and 539 of the Local Government Act 1997 were sufficient to promote waste reduction and recycling. Section 538 requires every territorial authority to promote effective and efficient waste management within its District. Section 539 requires the preparation of a waste management plan.

Decision 17/3.5.7

The decision requested by **Otago Regional Council** [2258\128] is **accepted in part** by noting the support of the submission for Objective 2 Policy 8.

Reasons for the Decision

- i. The submission supports this provision and seeks no change.
- ii. The District Plan already promotes waste reduction and recycling.
- iii. Section 538 and 539 of the Local Government Act 1974 already require the Council to promote effective and efficient waste management within its District through a waste management plan, and this is considered more appropriate than any mechanism under the District Plan.

3.5.8 Objective 2 - Policy 9

Otago Regional Council [2258\129] supports 17.1.3 Objective 2 Policy 9 and seeks that it be approved.

Consideration

The Committee noted that **Otago Regional Council** [2258\129] supports this provision of the Proposed District Plan and seeks its approval.

Decision 17/3.5.8

The decision requested by **Otago Regional Council** [2258\129] is **accepted** by retaining Objective 2 Policy 9.

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.5.9 Objective 2 - Policy 10

BellSouth New Zealand [1136\3], **Broadcast Communications Ltd** [5013\3] and **Clear Communications Limited** [1340\4] state that Objective 2 Policy 10 is deficient because it is the responsibility of individual operators to determine whether they are using efficient technology. The submitters request an amendment to Objective 2 Policy 10 to read: 'To require utilities to be established in a manner that they will not result in any significant adverse effects on the environment'.

Telecom New Zealand Ltd [6222/1] [6222/3] [6222/9] *supports the above submissions as utility operators have a duty to avoid, remedy or mitigate adverse effects on the environment. It is not the Councils job to ensure that utility operators use efficient technology.*

Consideration

The Committee considered that it is not a Council function, nor does the Council have the knowledge and resources to determine the efficiency of the latest technology or structures. The Committee agrees with the submissions that this is the role of the utility operators. However, the Committee considered that the amendment requested by the submitters is not necessary. The amendment merely repeats the provisions of Part II of the Resource Management Act 1991, expect that the submitters wish focus on the significant adverse effects rather than all adverse effects. The

Committee therefore decided that it was more appropriate to delete Objective 2 Policy 10.

Decision 17/3.5.9

The decisions requested by **BellSouth New Zealand [1136\3]**, **Broadcast Communications Ltd [5013\3]** and **Clear Communications Limited [1340\4]** supported by **Telecom New Zealand Ltd [6222/1] [6222/3] [6222/9]** are **accepted in part** by deleting Objective 2, Policy 10.

Reasons for the Decision

- i. It is not a Council function to have knowledge of the most efficient utilities.
- ii. The requested amendments restate Part II of the Resource Management Act 1991.

3.5.10 Objective 2 - Explanation and Principal Reasons for Adoption

3.5.10 D & E H Broomfield [1211\18a] requests the deletion of the second sentence of the fourth paragraph, page 17/6 as the life of the existing landfill facilities will be fixed by resource consent.

Consideration

The Committee noted that the matter referred to by the submitter stated.

Encouraging the reduction of waste will have a number of beneficial effects. It will prolong the life time of facilities such as landfill sites and reduce the frequency with which new facilities are required.

The Committee was of the view that the statement is correct; less waste entering the landfill will result in a longer life for the landfill.

Decision 17/3.5.10

The decision requested by **D & E H Broomfield [1211\18a]** is **rejected**.

Reason for the Decision

- i. The statement is appropriate in the context it is written.

3.6 Objective 3 & Policies - Environmental Impacts

3.6.1 Telecom New Zealand Limited [2623\19] and **Upper Clutha Environmental Society (Inc.) [2707\4]** generally support the objective and seek that it be approved.

Consideration

The Committee noted that **Telecom New Zealand Limited [2623\19]** and **Upper Clutha Environmental Society (Inc.) [2707\4]** generally support this provision of the Proposed District Plan and seek its approval.

Decision 17/3.6.1

The decisions requested by **Telecom New Zealand Limited [2623\19]** and **Upper Clutha Environmental Society (Inc.) [2707\4]** are **accepted** by retaining Objective 3.

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.6.2 D & E H Broomfield [1211\18b] request that Objective 3 be amended as follows:
“Avoid, remedy or mitigate the adverse effects of utilities on their surrounding environments”

Consideration

The submission by **D & E H Broomfield [1211\18b]** seeks the removal of the words “*particularly those in or on land of high landscape value*” from this objective. The Committee considered that

the adverse visual impact of utilities upon land of high landscape value is an effect which must be managed in order to protect the scenic value of the District> Further, they were of the view that the provisions of section 6 (b) of the Resource Management Act required them to recognise and provide for “The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development”.

The Committee determined it inappropriate to amend the Objective as requested.

Decision 17/3.6.2

The decision requested by **D & E H Broomfield [1211\18b]** is **rejected**.

Reason for the Decision

- i. The Act requires that areas of landscape importance be recognised and provided for as a matter of National Importance.

3.6.3 Objective 3 - All Policies

J Haworth & R Brighouse [1716\24] considers that enforcing these policies would considerably improve the visual amenity of all the settlements in the District and improve views from many buildings. The submitter requests that Objective 3 and associated policies be retained.

Consideration

The Committee noted that **J Haworth & R Brighouse [1716\24]** support Objective 3 and all policies and seek their approval.

Decision 17/3.6.3

The decision requested by **J Haworth & R Brighouse [1716\24]** are **accepted in part** by noting the support of the submission for the provisions of Objective 3 and its subsequent policies, but also noting that Policy 6 has been amended and Policy 7 deleted.

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.6.4 Objective 3 - Policy 1

Central Electric Limited [1304\44] believes that Policy 1 does not take into account the economic costs and the requirement that the needs of the community and the costs of energy supply be balanced against the visual amenities and the quality of the environment. The submitter requests an amendment to Section 17.1.3 Objective 3 Policy 1 by inserting the following at the end of the policy:

“...provided that the visual amenity and the quality of the environment shall not outweigh each situation’s practical requirements and the economics of supply to the community and the district”.

Consideration

Having regard to its considerations under section 17/3.2.4 the Committee considered it inappropriate to incorporate the proposed amendment in Objective 3 Policy 1. The Committee was of the view that visual amenity and quality of the environment should not be second to economics or practical requirements. The Committee’s interpretation of Part II of the Resource Management Act 1991 was that such matters were equal and that it would be *ultra vires* to provide for such matters in a policy.

Decision 17/3.6.4

The decision requested by **Central Electric Limited** [1304\44] is **rejected**.

Reason for the Decision

- i. Visual amenity and quality of the environment should not be second to economics or practical requirements. These matters are equal under Part II of the Resource Management Act 1991.

3.6.5 Objective 3 - Policy 4

Otago Regional Council [2258\130] fully supports 17.1.3 Objective 3 Policy 4 and seeks that it be retained.

Consideration

The Committee noted that the submission of the **Otago Regional Council** [2258\130] supports this provision of the Proposed District Plan and seeks its approval.

Decision 17/3.6.5

The decision requested by **Otago Regional Council** [2258\130] is **accepted** by retaining Objective 3 Policy 4.

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.6.6 Objective 3 - Policy 6

Upper Clutha Environmental Society (Inc.) [2707\5a] supports Policy 6, because it would improve the visual amenity of all settlements in the Queenstown Lakes District area, and the views from many buildings. The submitter requests that the policy be retained.

Telecom New Zealand Limited [6222\30a] *oppose this submission as Policy 6 fails to reflect that environmental factors may pose technical constraints on undergrounding.*

PowerNet Limited [2311\14] supports the undergrounding of services to new areas but opposes that part of the Policy relating to encouraging replacement of existing overhead services. The replacement and upgrading of a utility is not a matter for the District Plan. The submitter requests an amendment to 17.1.3 Objective 3 Policy 6 by deleting the following: “and encourage the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services”.

Central Electric Limited [1304\45] identifies that Policy 6 includes two concepts which will be better promoted as separate stand alone policies. It may be appropriate to require underground services in some areas, but this must be balanced against the economics of such supply and the requirements of the community. Undergrounding existing services systematically is likely to be unrealistic. The submitter requests that Policy 6 of Objective 3 in Section 17.1.3 be amended by splitting the policy into the following two separate policies:

“To require the undergrounding of services in most new areas of development”;

“Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services”.

Telecom New Zealand Limited [2623\20] states that it is not always technically feasible to underground services in areas of difficult terrain where soils have a high resistivity, in areas prone to lightning strike, or where land tenure comprises a constraint. The submitter requests an amendment by adding the following words to the end of the Policy: “...where technically feasible.”

Consideration

The Committee noted that the submission by the **Upper Clutha Environmental Society (Inc.)** [2707\5a] supported the provisions of Policy 6.

With respect to the submission by **PowerNet Limited** [2311/14] the Committee noted the evidence of Mr Dell at the hearing. Mr Dell stated that PowerNet does not have any problems with the Council encouraging replacement of existing overhead service. He stated concern over the word “systematic”, which suggests that utility providers have a programme for replacement. He considered this unrealistic. The Committee noted that Mr Whitney’s evidence on behalf of **Central Electric Limited** [1304/45] expressed similar concerns. In this respect the Committee determined it appropriate to delete the word systematic and to divide the policy into two.

With respect to the submission by **Telecom New Zealand Limited** [2623\20], the Committee realised that in some parts of the District the undergrounding of services will not be technically feasible due to constraints of topography, soil type and other similar circumstances. Therefore, the Committee considered it appropriate to recognise technical feasibility.

Decision 17/3.6.6

1. The decisions requested by **Upper Clutha Environmental Society (Inc.)** [2707\5a] opposed by **Telecom New Zealand Limited** [6222\30a] is **rejected**.
2. The decision requested by **PowerNet Limited** [2311/14] is **accepted in part** and the decisions requested by **Central Electric Limited** [1304/45] and **Telecom New Zealand Limited** [2623\20] are **accepted** by replacing Objective 3 Policy 6 with the following two new policies:

To require the undergrounding of services in new areas of development where technically feasible.

To encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.

Reasons for Decision

- i. It is unreasonable to require systematic replacement of overhead services.
- ii. Is not always technically feasible to underground facilities.

3.6.7 Objective 3 - Policy 7

Upper Clutha Environmental Society (Inc.) [2707\5b] supports Policy 7 which would improve the visual amenity of all settlements in the Queenstown Lakes District area, and the views from many buildings. The submitter requests that the policy be retained.

Telecom New Zealand Limited [6222\30b] oppose this submission as it is unreasonable for Policy 7 to refer specifically to one form of effect over all others

Telecom New Zealand Limited [2623\21] believes that Policy 7 is superfluous to Policies 1, 3 and 4 because it is unreasonable to specifically refer to one specific form of effect, over all others. The submitter requests that the policy be deleted.

Central Electric Limited [1304/46] believes that the policy does not take into account the economic costs and the requirement that the needs of the community and the costs of energy supply be balanced against the visual amenities and the quality of the environment. The submitter requests an amendment to Policy 1 of Objective 3 in section 17.1.3 by adding the following at the end of the policy: “... provided that the visual amenity and the quality of the environment shall not outweigh each situation’s practical requirements and the economics of supply to the community and the district”.

Consideration

The Committee noted that the submission by the **Upper Clutha Environmental Society (Inc.)** [2707\5b] supported the provisions of Policy 7.

With respect to the submission of **Telecom New Zealand Limited** [2623\21], the Committee agreed that Policy 7 is already covered in Policies 1, 3 and 4. They held therefore that Policy 7 should be deleted.

With regard to the submission by **Central Electric Limited** [1304\46] the Committee considered the appropriateness of an amendment to Objective 3 Policy 1 under decision 17/3.6.4. The Committee held the same view; visual amenity and quality of the environment should not be second to economics or practical requirements, as these matters are equal under Part II of the Resource Management Act 1991. Further, it determined that the deletion of Policy 7 would negate the need for any additions to Policy 1.

Decision 17/3.6.7

1. The decisions requested by **Upper Clutha Environmental Society (Inc.)** [2707\5a] opposed by **Telecom New Zealand Limited** [6222\30a] and **Central Electric Limited** [1304\46] are **rejected**.
2. The decision requested by **Telecom New Zealand Limited** [2623\21] is **accepted** by deleting Objective 3, Policy 7.

Reasons for the Decision

- i. The deletion avoids repetition of policy matters.
- ii. Deletion of Policy 7 negates the need for any additions to Policy 1
- iii. Visual amenity and quality of the environment should not be second to economics or practical requirements, as these matters are equal under Part II of the Resource Management Act 1991.

3.6.8 Objective 3 - Policy 8

Central Electric Limited [1304\47] believes that Policy 8 is unclear in its meaning and should be redrafted. The submitter requests an amendment to Policy 8 of Objective 3 in Section 17.1.3 by replacing the word “and “ with the word “at”.

Consideration

The Committee agreed with the submission of **Central Electric Limited** [1304\47] and determined that this policy is unclear. The Committee made the amendments requested.

Decision 17/3.6.8

The decision requested by **Central Electric Limited** [1304\47] is **accepted** by amending Objective 3 Policy 8 to read:

To ensure that utilities are located in positions which retain visibility ~~and~~ at intersections.

Reason for the Decision

- i. The amendment provides clarification of this provision.

3.6.9 Objective 3 - Policy 10

Otago Regional Council [2258\131] fully supports the policy and requests that 17.1.3 Objective 3 Policy 10 be approved.

Consideration

The Committee noted that the submission by the **Otago Regional Council** [2258\131] supports this provision of the Proposed District Plan and seeks its approval.

Decision 17/3.6.9

The decision requested by **Otago Regional Council** [2258\131] is **accepted** by retaining Objective 3 Policy 10.

Reason for the Decision

- i. The submission supports this provision and seeks no change.

3.6.10 Objective 3 - Explanation and Principal Reasons for Adoption

Central Electric Limited [1304\48] considers that the explanation is unclear because general terms are used in different zones within the proposed District Plan. The explanation will provide sufficient clarity if the sentence is omitted. The submitter requests that 17.1.3 Explanation be amended by deleting the last sentence in paragraph 1 of the Explanation and Principal Reasons for Adoption of Objective 3 in its entirety.

Consideration

The Committee agreed that this sentence is unclear and should be deleted.

Decision 17/3.6.10

The decision requested by **Central Electric Limited** [1304\48] is **accepted** by deleting the last sentence in paragraph 1 of the Explanation and Principal Reasons for Adoption of Objective 3.

Reason for the Decision

- i. It is not reasonable nor practical to require the undergrounding of services in all cases.

3.7 Implementation Methods

- 3.7.1 Central Electric Limited** [1304\49] considers that the Implementation Method of avoiding any adverse effects fails to take into account the realistic situation which requires the economics of supply be taken into consideration and balanced against the surrounding environment. The submitter requests an amendment to 17.1.3 Implementation Methods by inserting the following to the 3rd criterion of i (a) so that it reads : "...utilities to avoid where possible and after taking into consideration the economics of supply of essential utility services and any adverse effects ..."

Trans Power New Zealand Ltd [6038\2] support this submission as in order to have infrastructure at a reasonable cost it may be necessary to accept some adverse effects.

Consideration

The Committee considered that the submission by **Central Electric Limited** [1304\49] was similar to that considered in its Decision 17/2.3.4. In this regard it determined it inappropriate to include the provision requested. The Committee however considered that the concerns of the submitter could be served by deleting the three bullet points following Implementation Method (i)(a). in requests that Council consider the issue of economics of supply. The most appropriate means of dealing with this submission is by the addition of a new assessment matter under part 17.3 Resource Consents - Assessment Matters - Utilities.

Decision 17/3.7.1

The decision requested by **Central Electric Limited** [1304\49] supported by **Trans Power New Zealand Ltd** [6038/2] is **accepted in part** by amending Implementation Method (i)(a) to read:

a ~~Through +~~ The provision of zones, designations and rules in the District Plan to:

- ~~— permit the erection of utility structures, their operation and maintenance;~~
- ~~— set performance standards on the design, location and operation of utilities to avoid any adverse effects on the surrounding environment;~~
- ~~— control the scale and type of development of utilities.~~

Reason for the Decision

- i. The matters deleted are not necessary as they are already covered by the Policies.

3.8 Environmental Results Anticipated

- 3.8.1 Transit New Zealand** [2675\48] considers that the adverse effects of road construction of Council and private roads should be avoided, remedied or mitigated through provisions in the proposed District Plan. This is achieved for state highways through the designation process which allows for public input. No such public input appears to be available where District Council or roads serving other utilities are concerned. The submitter requests that the following be included as an Environmental Effect Anticipated: “the maintenance of a safe and efficient local roads network which provides for social and economic well being.”

Consideration

The Committee considered that it was unnecessary to specifically identify roading matters and considered it was appropriate to expand the Environmental Result Anticipated which reads “Protection of the functioning of utilities”. The Committee noted that a written statement received from Transit indicated that they were satisfied with this amendment.

Decision 17/3.8.1

The decision requested by **Transit New Zealand** [2675\48] is **accepted in part** by replacing bullet point 3 of the Environmental Result Anticipated with the following:

The safe and efficient operation of utilities.

Reason for the Decision

- i. It is appropriate that all utilities should be safe and efficiently operated.

- 3.8.2 D & E H Broomfield** [1211\18c] requests that the tenth Environmental Result on page 17/9 be amended as follows:

“Adequate disposal of solid wastes, sewerage, and stormwater in a manner which protects the surrounding environment” or similar wording.

Consideration

The Committee agreed that the tenth bullet point of the Environmental Result Anticipated should be amended to encompass more thoroughly the potential adverse effects upon the environment and not just water resources and amenities.

Decision 17/3.8.2

The decision requested by **D & E H Broomfield** [1211\18c] is **accepted in part** by amending bullet point 10 of the Environmental Result Anticipated to read:

Protection of the surrounding environment from the Adequate disposal of solid wastes, sewerage, and stormwater in a manner which protects water resources and amenities.

Reason for the Decision

- i. The amendment gives proper regard to the definition of environment in the Resource Management Act 1991.

4 UTILITIES RULES

4.1 Utilities Rules - General Submissions

- 4.1.1 D & E H Broomfield** [1211\19] opposes 17.2.1 on the basis that it contains inadequate assessment criteria for utilities. The submitter requests that the environmental effects of all utilities be assessed whether small scale or significant. The delay caused by this process should not be an issue in the Purpose of this part of the Proposed District Plan.

PowerNet Limited [6213\8] *opposes* this submission for the reason that it is uncertain what the submitter is requesting.

Consideration

The Committee disagreed with the submission by **D & E H Broomfield** [1211\19]. It was their view that the adverse effects on the environment of small scale activities are often no more than minor, and that it is not practical to require that all small scale activities apply for resource consent. The Committee considered that its decisions on Part 17 had determined which utilities required assessment as Controlled, Discretionary or Non-Complying Activities.

Decision 17/4.1.1

The decision requested by **D & E H Broomfield** [1211\19] opposed **PowerNet Limited** [6213\8] is **rejected**.

Reason for the Decision

- i. It would not promote sustainable management to require that all small scale activities apply for resource consent.

4.2 Rule 17.2.3.1 - Permitted Activities

- 4.2.1 D & E H Broomfield** [1211\20] opposes this section on the basis that it allows too greater range of utilities as a permitted activity without setting adequate performance standards or assessment of their environmental effects. The assessment process for the effects of utilities should be set in the District Plan together with adequate development and performance standards.

Consideration

The Committee considered firstly that the submission of **D & E H Broomfield** [1211\20] was very broad and did not offer alternatives. The Committee was of the view that its decisions provided a suitable management regime and that they had completed their duties under section 32 of the Resource Management Act 1991. The Committee determined that they had given effect to the requests of the submitter.

Decision 17/4.2.1

The decision requested by **D & E H Broomfield** [1211/20] is **accepted** by adopting Decisions 17/4.2.2, 17/4.3.1, 17/4.5.1, 17/4.6.1, 17/4.7.2 and 17/4.8.1 which make amendments to the Rules controlling Utilities.

Reason for the Decision

- i. The decisions outlined have made giving regard to Section 32 of the Resource Management Act 1991, the submissions lodged, the submission made at the hearing and the matters raised in the staff report.

- 4.2.2 Central Electric Limited** [1304\52] [1304\53] considers that the contents of the note at the end of Rule 17.2.3.2 (i) should be specifically listed as a permitted activity in Rule 17.2.3.1 and to remove doubt, that permitted activity should be extended to upgrading or renewal of existing lines and support structures. The submitter requests an amendment to Rule 17.2.3.1 to read:
 “Any utility which is not defined as a discretionary or non-complying activity in rules 17.2.3.2 and 17.2.3.3, existing lines and support structures and upgrading and/or renewal of existing lines and support structures is a permitted activity”.

Consideration

The Committee noted that throughout the Proposed District Plan permitted activities had not been listed, because if they were not listed as a Controlled, Discretionary, Non-complying or Prohibited Activity and complied with the zone and site standards they were permitted as of right. The Committee considered that to list permitted activities would be inconsistent with the structure of the Proposed District Plan. However, in noting this the Committee considered that it would be appropriate in Clause 1.10.2 of the District Plan, which deals with existing use rights, to identify that those rules set out in the Utilities Rules do not apply to existing lines and support structures which are provided for by section 10 of the Resource Management Act 1991.

Decision 17/4.2.2

The decision requested by **Central Electric Limited** [1303/52] [1303/53] is **accepted in part** by:

- (a) Deleting the note occurring in Rule 17.2.3.2(i)
- (b) Adding the following to the end of Clause 1.5.2 of the Proposed District Plan - “Existing Use Rights”:

Those rules set out in Utilities 17.2.3.2 Discretionary Activities do not apply to existing lines and support structures which are protected by Section 10 of the Act.

Reason for the Decision

- i. This is a more appropriate part of the Plan for this information.

4.3 Rule 17.2.3.2 - Discretionary Activities - General Submissions

- 4.3.1 Otago Regional Council** [2258\132] considers that it is not appropriate that landfills should be treated as permitted activities. Implementation of rule 17.2.3.1 will conflict with 4.7.3 implementation method (i)(a). The submitter requests that 17.2.3 be amended to provide rules which make landfills a discharge consent in terms of section 15 of the Resource Management Act 1991 and the Regional Plan: Waste will be required from the Otago Regional Council.
D & E H Broomfield [6221\1] supports this submission as landfills are a significant utility in the District and may have significant effects depending on design and management.

Consideration

The Committee noted that within the Proposed District Plan as notified, landfill are a permitted. Further, they recognised that not only did the Council provide for waste management facilities but

private individuals also did. Hence, the Committee agreed that it was appropriate to include requirement for waste management facilities to gain a discretionary activity resource consent. They considered that it was consistent with the Regional Plan: Waste for Otago to exclude cleanfill landfills, offal pits on farms and factory farms, farm landfills and greenwaste landfills from this requirement.

Decision 17/4.3.1

The decision requested by **Otago Regional Council** [2258\132] supported by *D & E H Broomfield* [6221\1] is **accepted** by:

- (a) Adding the following Discretionary Activity Rule:
v Waste Management Facilities
- (b) Adding the following Definition to Part 2 of the Proposed District Plan:
Waste Management Facility means a site used for the deposit of solid wastes onto or into land, but excludes:
 - sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial or trade process on that production land
 - sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes.
 - sites for the disposal of clean fill.
- (c) Including “waste management facilities” in the definition of “Utility”.
- (d) Amending the definition of Utility to include “waste management facilities” and amending the last paragraph of the definition of Utility to read:
Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage, ~~or the disposal of solid wastes.~~

Reasons for the Decision

- i. Landfills should be assessed as discretionary activities because of the adverse effects associated with them.
- ii. The provisions were inconsistent with the Regional Plan: Waste for Otago and with Section 4.7.3 Waste Management Implementation Method (i)(a).

4.4 Rule 17.2.3.2(i) - Discretionary Activities - Lines and Support Structures

4.4.1 Central Electric Limited [1304\50] considers that Rules 17.2.3.2 (i) (a) and (b) adequately control overhead lines as a discretionary activity. However, some structures referred to in 17.2.3.2 (i)(c) can be considered as a controlled activity. Discretionary provision will result in significant cost in terms of delay, monetary cost, uncertainty etc. The submitter seeks a reasonable balance of environmental, economic and practical considerations. The submitter requests that either:

- Bullet point one of Rule 17.2.3.2(i)(c) be deleted and the works be referred to in 17.2.3.2 as a permitted activity or
- A Controlled Activity Rule be inserted, which reads:

Lines and Supporting Structures

Any line and/or support structure for overhead lines to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications in the following zones - Residential, Urban Township, Millbrook Resort, Rural Tourist, Town Centre, Frankton Corner Shopping Centre and Business Zones.

And that any application shall not be notified and the written approval of the affected persons need not be obtained.

N W Pittaway [6094\3] supports this submission for the reason that a reasonable balance must be provided between environmental, economic and practicality.

Telecom New Zealand Limited [2623\22] opposes paragraph (c), because the mandatory nature for undergrounding is unreasonable. The submitter requests the deletion of paragraph (c).

Central Electric Limited [6034\12] supports this submission as it recognises that mandatory nature of undergrounding is unreasonable.

PowerNet Limited [2311\15] specifically supports paragraph (b) but is opposed to paragraph (c) as it is considered that the classification as a discretionary activity is too restrictive. The submitter requests that 17.2.3.2 i (b) be approved and that (c) be amended to exclude minor structures.

Telecom New Zealand Limited [6222\14] supports this submission as it is consistent with Telecom's submission with respect to this standard.

D Gatward-Ferguson [1604\3] supports that structures and overhead lines create an adverse visual effect and can detract from visual amenity and therefore believes that the provision should be expanded to include all support structures and overhead lines. The submitter requests an amendment to 17.2.3.2 i to read:

Any overhead lines for any purpose or any support structure for overhead lines in all zones.

Central Electric [6034\11] opposes this submission an amendment is inappropriate and unnecessary. Submission fails to recognise costs that will be imposed on the community.

Telecom New Zealand Limited [6222\21] opposes this submission for the reason that visual effects from over head lines and support structures are not significant and can be avoided, remedied or mitigated.

Hawea Development Assn. Inc. [1713\7] considers that lines and support structures should be non-complying in all zones. The submitter requests an amendment so that lines and support structures are non-complying in all zones.

Telecom New Zealand Limited [6222\23] opposes this submission for the reason that many of the effects of overhead lines and support structures can be avoided, remedied or mitigated.

Central Electric Limited [6034\15] opposes this submission as the proposed amendment is inappropriate and unnecessary, and fails to recognise the heavy costs that will be imposed on the community if the amendment is accepted. The submission also fails to recognise that the adverse effects of overhead lines and structures can be avoided, mitigated and remedied and that overhead lines are a necessary part of the rural landscape. The proposed amendment is contrary to the purpose and principles of the Resource Management Act 1991.

Consideration

The Committee recognised that section 375 of the Resource Management Act 1991 provides for, as of right, transformers and lines for conveying electricity at a voltage up to and including 110 KV with a capacity up to and including 100 MVA. They considered it was therefore appropriate within the special environment of the Queenstown Lakes District that such matters be regarded as controlled activities. They considered in great depth the evidence presented by Mr Skelton on behalf of Central Electric. The Committee agree that means were available to enable the mitigation of such structures.

Decision 17/4.4.1

1. The decisions requested by **D Gatward-Ferguson** [1604\3] opposed by **Central Electric** [6034\11] and **Telecom New Zealand Limited** [6222\21], and by **Hawea Development Assn. Inc.** [1713\7] opposed by **Telecom New Zealand Limited** [6222\23] and **Central Electric Limited** [6034\15] are **rejected**.
2. The decisions requested by **Central Electric Limited** [1304\50] supported by **N W Pittaway** [6094\3], **Telecom New Zealand Limited** [2623\22] supported by **Central Electric Limited** [6034\12], by **PowerNet Limited** [2311\15] supported by **Telecom New Zealand Limited** [6222\14] are **accepted in part** by
 - (a) Adding the following Controlled Activity Rule:

17.2.3.2 Controlled Activities

The following activities shall be **Controlled Activities**, provided that they are not listed as a Discretionary Activity below.

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

i Lines and Supporting Structures



Any line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications **in all zones**.

The Council has reserved its control in respect of location or route, height of supporting structure, diameter of supporting structure, thickness of lines and number of overhead lines.

- (b) Amending the Discretionary Activity Rule for Lines and Supporting Structures to read:

i Lines and Support Structures

Any ~~line and/or support structure~~ is a ~~Discretionary Activity~~ where it involves:

- a Erecting any lattice towers for overhead lines to convey electricity **in all zones**; ~~or~~
- b Erecting any support structures for overhead lines to convey electricity (at a voltage of more than 110KV with a capacity over 100MVA) **in all zones**; ~~or~~
- c Erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purposes including telecommunications ~~**in the following zones:**  Residential, Rural Residential, Urban Township, Millbrook Resort, Rural Tourist, Town Centre, Frankton Corner Shopping Centre and Business Zones;  Any part of the Rural Uplands or Downlands Zones,~~ **any part of the District** which has an altitude greater than 1070m above sea level, or is located within the areas identified on the planning maps as being of Significant Nature Conservation Value ~~or a Remote Experience Recreation Area.~~

- (c) Adding the following provision relating to non-notification of resource consent applications:

17.2.4 Non-Notification of Applications

An application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application.

- i All applications for **Controlled Activities**.

- (d) Amending Rule 17.2.3.1 to read:

Any **utility** which is not defined as a Controlled or Discretionary ~~Non-Complying~~ Activity in Rules 17.2.3.2 and 17.2.3.3 is a **Permitted Activity**.

Reason for the Decision

- i. The adverse visual effects on the environment from overhead powerlines and supporting structures can be mitigated and hence it is appropriate to provide for these controlled activities in certain situations.
- ii. Lines and supporting structures in Industrial Zones should be a permitted activity,

- | | |
|------|--|
| iii. | The decision is consistent with Decision 17/4.8.1 which deletes all non-complying activities and requires controlled activity resource consent for any line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications within the Rural Zone. |
|------|--|

4.4.3 Telecom New Zealand Limited [2623\23] opposes paragraph (d) because the impact is created by the support structure and the attachment of cable television aerials and connections would have negligible additional impact. The submitter requests an amendment by deleting paragraph (d) which states that utilising any existing support structures for the erection of cable television aerials and connections is a discretionary activity.

Consideration

The Committee considered that Rule 17.2.3.2(b) is required to prevent the use of existing structures for additional overhead lines, and in order to encourage the undergrounding of lines and support structures. The Committee contended that if this rule was deleted, then the existing structures would continue to be used for other purposes and would not encourage the removal of these structures as undergrounding of lines replaces overhead lines.

The Committee considered that the size of cable television aerials and connections was such that they would have a significant adverse effect on visual amenity.

Decision 17/4.4.2

The decision requested by **Telecom New Zealand Limited** [2623\23] is **rejected**.

Reason for the Decision

- i. To encourage the undergrounding of services.

4.5 Rule 17.2.3.2(ii) - Discretionary Activities - Telecommunication, Navigation, Meteorological and Radio Communication Facilities

4.5.1 BellSouth New Zealand [1136\4] and **Clear Communications Limited** [1340\5] believe that the rules relating to telecommunication facilities are unnecessarily restrictive. There are a number of structures which should be identified as controlled activities with control limited to potential adverse effects on the environment. The submitters requests that Rule 17.2.3.1 be amended to read: Any utility which is not defined as a Controlled, Discretionary or Non-complying Activity in Rules 17.2.3.2 and 17.2.3.3 is a Permitted activity.

Upper Clutha Environmental Society Inc. [6454\64] opposes [1136\4] submission as public consultation is required.

BellSouth New Zealand [1136\5] and **Clear Communications Limited** [1340\6] consider that the rules relating to telecommunication facilities are unnecessarily restrictive. There are a number of structures which should be identified as controlled activities with control limited to potential adverse effects on the environment. The submitter requests that 17.2.3.2 be renumbered as 17.2.3.3 and that a new Rule 17.2.3.2 be inserted which reads:

17.2.3.2 Controlled Activities

Except as specified as a Discretionary Activity in 17.2.3.3 below, the following activities shall be Controlled Activities:

i Telecommunication, Navigation, Meteorological and Radio Communication Facilities.

Any telecommunication, navigation or radio communication facility is a Controlled Activity where it involves:

- a Erecting any telecommunication, navigation, meteorological or radio communication mast not greater than 10 metres in height for an antenna no greater than 2.4 m in diameter in the following zones: Residential, Rural Residential, Urban Township, Millbrook Resort, Rural Tourist, Town Centre,

Frankton Corner Shopping Centre and Business zones.

BellSouth New Zealand [1136\6] [1136\7], **Clear Communications Limited** [1340\7] [1340\8] and **Broadcast Communications Limited** [5013\4a] [5013\4c] consider that the definition for 'Height' in Section 2 does not include finials or chimneys. Standard telecommunication antennas are little different in scale and should be added to the list of structures excluded from the determination of height. The submitters request Rule 17.2.3.2 (ii) be amended to read:

- a Erecting any telecommunication, navigation and meteorological or radio communication mast which is over 10 m in height above ground level and any antenna with a diameter greater than 2.4 m above ground level ~~(including any mast, antenna (dish or otherwise), tower or support structure)~~ **in the following zones:**
 - Residential, Rural-Residential, Urban Township, Millbrook Resort, Rural Tourist, Town Centre, Frankton Corner Shopping Centre and Business Zones;
 - Any part of the Rural Uplands or Downlands Zones, which has an altitude greater than 1070m above sea level, or is located within the areas identified on the planning maps as being of Significant Nature Conservation Value or a Remote Experience Recreation Area.
- b Entering any telecommunication, navigation, meteorological ~~mast or radio communication facility (including any mast, antenna, tower or support structure)~~ which is over 1020m in height above ground level, or includes any ~~dish~~ antenna or structure of more than 3m in diameter, **in all other zones or areas of zones not referred to above.**

Clear Communications Limited [1340\9a] requests the addition of the following discretionary activity rule

- d Lightning rods, antennas that are no more than 1 square metre in area on any side and dish antennas that are no more than 1200 mm in diameter

Broadcast Communications Limited [5013\4d] requests that the following be added after Rule 17.2.3.2(ii)(b):

For the purpose of calculating height in relation to Rules (a) and (b) above the following are excluded:

- c Lightning rods and antennas that are no more than 1.3 metres in diameter.

Central Electric Limited [1304\51] considers that the facilities contained within the discretionary activity provisions can be more appropriately considered as controlled activities. The submitter requests the deletion of all of the activities stated in rule 17.2.3.2 (ii) to be replaced by inserting a new Rule 17.2.3.1A to provide for all of the activities which were stated in 17.2.3.2 (ii) to be considered as controlled activities and any consequential amendments to the Plan.

Telecom New Zealand Limited [2623\24] opposes this provision because it is unduly restrictive, at odds with the objectives and policies, fails to acknowledge the critical importance of network utilities to economic and cultural well-being and fails to recognise that above ground structures can be designed and finished to avoid, remedy or mitigate adverse effects. The submitter requests:

- That (a) be amended by adding the words "... which is over 20 metres in height or includes any dish antenna of more than 3 metres in diameter..." after the brackets and before the words "in the following areas".
- That (b) be amended by replacing the height above ground level with the figure of 30 metres and the dish antenna or structure diameter with the figure of 5 metres.

Central Electric Limited [6034\13] supports this submission as the proposed amendments are appropriate and distinguish communication facilities that may have an effect on the environment and are consistent with the purpose and principles of the Resource Management Act..

Mount Cook Group Limited [2631\145] considers that it is appropriate in alpine environments which have already been significantly modified, such as ski areas, to permit more extensive development than would otherwise be appropriate. It is inefficient for both DoC and QLDC to exert similar controls intended to achieve similar objectives in relation to the same land. The siting of transmission equipment may not be practicable except on skylines and ridgelines and it is appropriate in such cases to concentrate the facilities so that only a small area is affected e.g. Skifield Policy Areas. The submitter requests an amendment to 17.2.3.2 ii a ii and b by adding the

words “Except in Skifield Policy Areas as shown on the Planning Maps” before the words “Any telecommunication” in the first paragraph of this rule.

Minister of Conservation [6104\38] *opposes* this submission as the facilities alluded to in this section of the plan can potentially have adverse effects on the environment significant enough to warrant public involvement in the consent process.

J Haworth & R Brighthouse [1716\22] considers that the effects of these structures are not minor and seeks an amendment so that all masts, towers or other tall structures for any purpose are non-complying activities and are notified.

Telecom New Zealand Limited [6222\24] *opposes* this submission as effects can be avoided, remedied or mitigated and are dependent upon a number of factors including height, colour, materials and location.

Upper Clutha Environmental Society (Inc.) [2707\28] believes that all masts, towers or other tall structures for mobile phone, TV, radio or any other purpose should be non-complying activities and should be notifiable in all cases because their effects are not minor. The submitter requests that all masts, towers or other tall structures be non-complying activities and that all resource consent applications for such activities be notified.

I McCrone [6295\15] *supports* this submission in general.

Wakatipu Environmental Society [6198\3] *supports* this submission for the reason that structures have an effect on visual amenity, particularly when on skyline.

Telecom New Zealand Limited [6222\31] *opposes* this submission for the reason that the effects can be avoided, remedied or mitigated and are dependent upon a number of factors including height, colour, materials and location.

B Hinsen [1763\1] believes that the Council has not had power to stop horrendous structures in residential areas under the old Plan. The submitter requests an amendment to the clause so that the items listed are non-complying in urban areas.

Telecom New Zealand Limited [6222\25] *opposes* this submission as the effects can be avoided, remedied or mitigated and are dependent upon a number of factors including height, colour, materials and location.

Consideration

The Committee considered that the submissions highlighted the need for further clarification of how Telecommunications, Navigation and Meteorological Facilities are managed by the District Plan. The Committee was of the view that the principal reasons for controlling the location of utilities is because of their potential scale and resultant adverse effects.

The Committee firstly considered it was appropriate to recognise the submissions of **BellSouth New Zealand** [1136\4] and **Clear Communications Limited** [1340\5] by amending Rule 17.2.3.1 to read:

Any utility which is not defined as a Controlled or Discretionary Activity in Rules 17.2.3.2 and 17.2.3.3 is a Permitted activity.

The Committee considered that this provided for other decisions it had made to include controlled activity rules. They held that public consultation was not required in the instances where controlled activities had been identified as it was unlikely that any person would be adversely affected. The Committee therefore rejected the further submission of the **Upper Clutha Environmental Society Inc.** [6454\64].

Second, the Committee reassessed the appropriateness of Rule 17.2.3.2(ii) in terms of the submissions by **BellSouth New Zealand** [1136\5] [1136\6] [1136\7], **Clear Communications Limited** [1340\6] [1340\7] [1340\8] [1340\9], **Central Electric Limited** [1304\51], and **Broadcast Communications Limited** [5013\4]. Having considered the submissions presented to them at the hearing, the Committee was of the view that the opinions expressed by Mr Burn were

the most appropriate to follow. They considered those expressed by Mr Kyle on behalf of Telecom to be extreme.

Mr Burn considered that controlled and discretionary activity rules should read as submitted by BellSouth and Clear. The Committee took aboard these recommendation and has provided a simplified management regime in response. The Committee considered that to allow any greater size of antenna as a permitted activity would result in significant adverse effects on amenity values.

The Committee sought to provide for masts within the rural and industrial environment, while ensuring that mast diameters are kept to a minimum. They noted Decision 17/2.2.1 which provided for antennas to extend up to 2.5 metre above the maximum zone height. Further, because the Committee provided for controlled activity antennas and masts, it made exceptions with respect to special areas, these being:

- i Any part of the District which has an altitude greater than 1070m above sea level, or
- ii Any areas identified on the planning maps as being of Significant Nature Conservation Value and being contained in Part I of Appendix 7; or
- iii The Residential Arrowtown Historic Management Zone.

With respect to the submission by **Mount Cook Group Limited** [2631\145] the Committee considered that their decision was consistent across all zones and therefore there should be no exception for Skifield Sub-Zones.

With respect to the submissions by **J Haworth & R Brighthouse** [1716\22], **B Hinsen** [1763\1] and the **Upper Clutha Environmental Society (Inc.)** [2707\28] which request telecommunication, navigation, and meteorological facilities (including masts, towers and other tall structures) be non-complying, the Committee considered that appropriate regard had been given to managing the adverse effects of such facilities. The Committee was of the view that the provisions outlined in their decision recognised that such utilities were a necessary part of everyday life. However, the Committee were confident that the provisions would ensure that the principles of sustainable management would be achieved.

Decision 17/4.5.1

1. The decision requested by **BellSouth New Zealand** [1136\4] opposed by **Upper Clutha Environmental Society Inc.** [6454\64], and **Clear Communications Limited** [1340\5] is **accepted in part** amending Rule 17.2.3.1 to read:

Any **utility** which is not defined as a Controlled or Discretionary ~~Non-Complying~~ Activity in Rules 17.2.3.2 and 17.2.3.3 is a **Permitted Activity**.

2. The decisions requested by **BellSouth New Zealand** [1136/5] [1136/6] [1136/7], **Clear Communications Limited** [1340/6] [1340/7] [1340/8] [1340/9a], **Broadcast Communications Limited** [5013\4a] [5013\4c] [5013\4d], **Central Electric Limited** [104\51], **Telecom New Zealand Limited** [2623\24] opposed by **Central Electric Limited** [6034\13] and **Mount Cook Group Limited** [2631\145] opposed by **Minister of Conservation** [6104\38] are **accepted in part** by

- (a) Adding the following Controlled Activity Rules and making consequential changes to the provisions to reflect the inclusion of these rules:

17.2.3.2 Controlled Activities

The following activities shall be **Controlled Activities**, provided that they are not listed as a Discretionary Activity below:

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

ii Telecommunication, Navigation, Meteorological Facilities

Any telecommunication, navigation or meteorological communication facility where it involves erecting:

a ~~a~~ mast greater than the maximum height permitted for buildings of the zone in which it is located; or

b an antenna greater than 1.2m in diameter but less than 2.4m in diameter.

The Council has reserved its control in respect of location, colour, design, access, and landscaping.

- (b) Amending the Discretionary Activity Rule for Telecommunication, Navigation and Meteorological Facilities to read:

ii Telecommunication, Navigation, and Meteorological ~~and Radio Communication~~ Facilities

Any telecommunication, navigation or meteorological ~~radio communication~~ facility is a Discretionary Activity where it involves:

a Erecting any mast, or erecting any antenna greater than 1.2 metres in diameter in:

i Any part of the District which has an altitude greater than 1070m above sea level,

ii Any areas identified on the planning maps as being of Significant Nature Conservation Value and being contained in Appendix 7;

iii The Residential Arrowtown Historic Management Zone

~~ba Erecting any telecommunication, navigation, or meteorological or radio communication facility a mast which is over 10m in height or antenna greater than 2.4m in diameter or 3m in length, above ground level (including any mast, antenna (dish or otherwise), tower, or support structure) in the following zones:~~

~~i Residential (other than the Residential Arrowtown Historic Management Zone), Rural-Lifestyle, Rural-Residential, Urban Township, Millbrook Resort, Mixed Use, Rural Visitor, Town Centre, Frankton Corner Shopping Centre and Business Zones;~~

~~ii Any part of the Rural Uplands or Downlands Zones, which has an altitude greater than 1070m above sea level, or is located within the areas identified on the planning maps as being of Significant Nature Conservation Value or a Remote Experience Recreation Area.~~

~~cb Erecting any telecommunication, navigation, meteorological or radio communication facility (including any mast, antenna, tower or support structure) a mast which is over 15m+0 metres in height above ground level, or includes any dish-antenna or structure of more greater than 2.4m in diameter or 4m in length 3m diameter, in: all other zones or areas of zones not covered by a above.~~

Industrial and Rural Zones

d Erecting a mast which is greater than 1.5m in diameter up to the maximum height permitted for buildings of the zone in which it is located or greater than 0.75m in diameter above the maximum height permitted for buildings of the zone in which it is located.

2. The decisions requested by **Mount Cook Group Limited [2631\145]** opposed by **Minister of Conservation [6104\38]**, **J Haworth & R Brighthouse [1716\22]** opposed by **Telecom New Zealand Limited [6222\24]** and **B Hinsen [1763\1]** opposed by **Telecom New Zealand Limited [6222\25]** and **Upper Clutha Environmental Society (Inc.) [2707\28]** supported by **I McCrone [6295\15]** and **Wakatipu Environmental Society [6198\3]** and opposed by **Telecom New Zealand Limited [6222\31]** are rejected.

Reasons for the Decision

- i. Controlled Activity criteria allows for certain effects of an activity to be assessed subject to criteria and this is appropriate where activities will have less than significant effects on

	the environment.
ii.	Because provision is made for controlled activities, it is necessary identify special areas where the effects of any mast or antenna for a telecommunication, navigation, or meteorological facility require management.
iii.	To prevent the construction of lattice type structures without approval, the diameter of masts has been controlled.
iv.	Provision has been made in the rural and industrial areas for taller masts and larger antennas to be assessed as controlled activities.
v.	It is unreasonable in terms of the Resource Management Act 1991 to require telecommunication, navigation, or meteorological masts and antennas to obtain a non-complying activity resource consent under any circumstances.

4.6 Rule 17.2.3.2(iii) Discretionary Activities - Buildings

4.6.1 Central Electric Limited [1304\54] suggests that the rule be amended to make the stated discretionary activity applications specifically non-notified. This leaves the Council's discretion unfettered while recognising utility supply as an essential service. The submitter requests that Rule 17.2.3.2 (iii) be amended by adding a new paragraph to the end of the rule which reads:

"Any application to erect a building involved in a utility shall not be notified and the written approval of affected persons need not be obtained".

Remarkables Park Limited [6017\46] *opposes this submission at utilities and utilities buildings are often unsightly and create an adverse visual effect - should be discretionary at least and notified.*

PowerNet Limited [2311\16] is opposed to Rule 17.2.3.2(iii) - Buildings, because it is too restrictive. The submitter seeks that buildings be either controlled or permitted.

Telecom New Zealand Limited [2623\25] opposes the rule because it is unreasonable and unduly restrictive. The submitter considers that it is more appropriate to include a performance standard which controls the size of the building as a threshold to determining whether consent is necessary. The submitter requests an amendment by adding after the words "Erecting any building" the words "...with a gross floor area in excess of 50 square metres..."

Consideration

The Committee considered that these submissions are similar to those dealt with in terms of telecommunications, navigation and meteorological masts and antennas, and lines and supporting structures.

The Committee was of the view Utility buildings/structures are often "utilitarian" nature and different in appearance and character to those in the surrounding environment. They considered that in built up zones the visual adverse effect of small utility buildings will be minor. Further, that in some areas the effects of buildings can be mitigated by requiring that any buildings be subject to Controlled Activity criteria which includes design, colour and location criteria.

The Committee considered that if buildings were to be Controlled Activities, then a maximum height should be specified. The Committee determined that the height should be that permitted for buildings in which the utility is located. The Committee provided an exception for masts for any telecommunication, navigation or meteorological communication facility and supporting structures for lines as these were covered by other rules in Part 17 of the Plan.

Decision 17/4.6.1

The decisions requested by **Central Electric Limited** [1304\54] opposed by **Remarkables Park Limited** [6017\46] and **PowerNet Limited** [2311\16] and **Telecom New Zealand Limited** [2623\25] is **accepted in part** by

- (a) Adding the following Controlled Activity Rule for Buildings:

17.2.3.2 Controlled Activities

The following activities shall be **Controlled Activities**, provided that they are not listed as a Discretionary activity below.

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

iii Buildings

Where any **utility** involves addition, alteration or construction of **buildings**, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines.

The Council shall reserve its control in respect of the location, design, bulk, colour, materials and methods of construction of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment.

- (b) Adopting Decision 17/4.7.1 which adds the following matter as a site standard under a new Rule 17.2.5:

Height

Any part of a building or structure, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines, which exceeds the maximum height permitted for buildings of the zone in which it is located.

- (c) Replacing the Discretionary Activity Rule relating to Buildings with the following:

iii Buildings

Where any **utility** involves addition, alteration or construction of **buildings and structures**, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines in:

- a Any part of the District which has an altitude greater than 1070m above sea level,
- b Any areas identified on the planning maps as being of Significant Nature Conservation Value and being contained in Part I of Appendix 7; or
- c The Residential Arrowtown Historic Management Zone

Reasons for the Decision

- i. The adverse effects of utility buildings will be able to be mitigated or avoided subject to design control criteria.
- ii. Because provision is made for controlled activities, it is necessary identify special areas where the effects of any utility structure or building require management.

4.7 Rule 17.2.3.2(v) - Discretionary Activities - General

- 4.7.1 Central Electric Limited** [1304\57] considers that structures stated in this rule are discretionary and the rule fails to recognise the essential service aspect of electricity supply, which may require

the Council to exercise discretion contrary to the proposal in the rule. Furthermore, the landscaping requirement fails to take into account the potential that such open space not be landscaped. The Council can exercise its discretion with respect to buildings and impose colour conditions where appropriate. The submitter requests that Rule 17.2.3.2(v) be deleted in its entirety.

PowerNet Limited [2311\17] is opposed to this rule to the extent that it should only apply to those parts of a utility which would normally be painted. As drafted the rule would include, for example, lines and poles which are not normally painted. The submitter requests an amendment to 17.2.3.2 v (c) to read: “Any part of any utility normally painted ...”.

Trans Power NZ Limited [2676\4] opposes paragraph (c) in relation to the Colour Palette, as it appears that transmission wires, poles, pylons, and other utilities need to be painted. This makes no sense, imposes significant costs on the consumer and would not have any significant environmental benefit. The submitter requests that either paragraph (c) be deleted or replaced with the following: “Any outwardly visible part of any utility building shall be finished in accordance with the colours set out on the Colour Palette (Appendix 2). (For the purposes of this clause a building shall not include overhead lines and support structures).”

Consideration

With respect to the submission by **Central Electric Limited** [1304\57] the Committee considered that overhead lines and supporting structures should be exempt. To make this explicit the Committee determined that the general matters contained in the rule were better stated as a site standard. This also provided consistency with other rules in the Plan.

With respect to the colour palette, the Committee noted that this section has been deleted in its entirety from the Plan. However, the Committee further considered that utilities had the potential to create an adverse effect on the visual amenities and character of the environment. This can be mitigated in a number of ways such as controlling height and location of utilities, and implementing landscaping. Paragraph (c) was accordingly amended by the Committee.

Decision 17/4.7.1

1. The decisions requested by **PowerNet Limited** [2311\17] and **Trans Power NZ Limited** [2676\4] is **accepted in part** by deleting paragraph (c) of Rule 17.2.3.2 and adding the following matter as a Site Standard under a new Rule 17.2.5:

Any visible part of any utility shall be finished with colours compatible with the surrounding environment.
2. Taking the above decision into account the decision requested by **Central Electric Limited** [1304\57] is **accepted in part** by:
 - (a) Adding the following Rule to the end discretionary activity rules:

Any utility, except overhead lines and supporting structures, which does not comply with one or more of the following site standards shall be a **Discretionary Activity** with the exercise of the Council’s discretion being confined to the matter(s) specified in the standard(s) not complied with.
 - (b) Rule 17.2.3.2(v) is deleted and inserted as site standard to the Utility Rules which shall read as follows:

17.2.5 Site Standards

i Setback from boundaries

Where the utility is a building of more than 10m² ground floor area, or is a building, mast, tower or support structure over 6m in height above ground level, it shall be set back from all Rural-Lifestyle, Rural-Residential, Residential, Resort, Rural Visitor and Township Zone boundaries, and the street boundary, by a distance not less than 50% of the height of the structure.

ii Landscaping

Any parts of a site not used for buildings, structures, or access, shall be planted with trees or shrubs of least one metre which at maturity reach a height of at least 2m and shall be maintained or replaced..

iii Height

Any part of a building or structure, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines, which exceeds the maximum height permitted for buildings of the zone in which it is located.

iv Colour

Any visible part of any utility shall be finished with colours which blend into the surrounding environment.

Reason for the Decision

- i. To ensure that utilities blend appropriately into the surrounding environment in order to avoid adverse visual effects.
- ii. The reorganisation of the section is a minor amendment and made pursuant to Clause 16(2) of the First Schedule to the Resource Management Act 1991.
- iii. The decision is consistent with Decision 17/4.6.1 which inserts height restrictions.

4.8 Rule 17.2.3.3 - Non-Complying Activities

4.8.1 Federated Farmers Otago [1531\108] state that overhead lines require a resource consent if they are located in some rural areas, which is absurd because they are a necessary feature of the landscape. The submitter requests an amendment to the Rules to allow overhead lines as a Permitted Activity.

PowerNet Limited [6213\9] supports this submission for the reason that this is a sensible and practical amendment.

Central Electric Limited [6034\3] supports this submission for the reason that overhead lines are a necessary feature of the landscape in rural areas.

Telecom New Zealand Limited [6222\11] supports this submission for the reason that the mandatory nature of rule is unreasonable because the terrain, cost and the efficiency of installation prevents undergrounding.

Upper Clutha Rural Landowners/Ratepayers [6444\108] supports this submission for the reason that they want to see a more moderate approach which is workable and realistic and support less intervention of farming operations.

Bob Pringle [6432\108] supports this submission as there is a need to account for the needs of rural people.

Central Electric Limited [1304\55] believes that the facilities contained within these provisions can be more appropriately considered as discretionary activities. The submitter requests the deletion of all of the activities stated in rule 17.2.3.3 (ii) to replace them by inserting a new Rule 17.2.3.2 to provide for all of the activities stated in 17.2.3.3 (ii) to be discretionary activities and any consequential amendments to the Plan.

Central Electric Limited [1304\56] opposes the general requirement for overhead lines being non-complying in Areas of Landscape Importance, stating that only major lines and support structures should be subject to this requirement. A controlled activity status is more appropriate because non-complying provisions will result in significant cost in terms of delay, monetary cost, uncertainty etc. The submitter believes that there must be a reasonable balance of environmental, economic and practical considerations. The submitter requests the deletion of Rule 17.2.3.3(i) to replace it by inserting the following:

- (i) Any line and/or support structure where it involves -
 - (a) erecting lattice towers for overhead lines to convey electricity; or
 - (b) erecting any support structures for overhead lines to convey electricity (at a voltage of more than 110KV with a capacity over 100MVA).

The submitter also requests that either provision be made for works currently referred to in 17.2.3.3(i) as a permitted activity or insert into proposed Rule 17.2.3.1A (as promoted by submission no 50) a provision for lines and support structures to be a controlled activity in those parts of the Rural Downlands and Rural Uplands Zones that are located as an Area of Landscape Importance in the planning maps.

Telecom New Zealand Limited [6222\7] supports this submission for the reason that potential effects of overhead lines can be avoided, remedied or mitigated through conditions of consent.

PowerNet Limited [6213\1] supports this submission for the reason that it accepts that only major lines and support structures should be subject to this requirement.

N W Pittaway and Family [6094\4] supports this submission as a reasonable balance must be provide between environmental, economic and practicality.

Central Electric Limited [1304\58] opposes the inclusion of utility buildings as a non-complying activity in the Rural Downlands and Rural Uplands Zones where they are in an Area of Landscape Importance. These buildings are part of an essential service and the use should be a discretionary activity to be specifically non-notified. The submitter requests an amendment to Rule 17.2.3.3(iii) by deleting reference to non-complying activities and make it a discretionary activity, with the additional paragraph: “Any application to erect a utility shall not be notified and the written approval of affected persons need not be obtained”.

Hawea Development Association Inc. [6184\1] opposes this submission for the reason that utility structures should not be exempt from the non-complying status in Areas of Landscape Importance.

PowerNet Limited [6213\2] supports this submission as buildings are part of an essential service and should be a discretionary activity to be specifically non-notified.

Telecom New Zealand Limited [2623\26] opposes Rule 17.2.3.3, as it is unduly restrictive and fails to recognise that the location of such utilities is most often dictated by operational criteria. The environmental effects of such activities can often be avoided, remedied or mitigated through sensitive design and placement. Telecom stated that a more appropriate mechanism of control would be to include such activities as discretionary, subject to the assessment matters outlined within Rule 17.3. The submitter requests that Rule 17.2.3.3 be deleted, and provision be made for utilities in the Rural Uplands and Downlands Zones where they are located on the Planning Maps as an area of Landscape Importance as discretionary activity within Rule 17.2.3.2.

Trans Power New Zealand Limited [2676\1] requests the re-categorisation of activities listed in 17.2.3.3 to discretionary activities under 17.2.3.2, where they are new utilities. Trans Power also requests either (a) allowance of upgrading of existing utilities such as reconductoring or addition of extra circuits utilising existing or similar support structures as a permitted activity; or (b) make such upgrading a controlled activity with Council reserving control over the assessment of the significance of the visual impact.

Powernet Limited [6213\10] supports this submission as it is practical and sensible.

Broadcast Communications Limited [5013\5] considers that the rules relating to telecommunication facilities are unreasonably restrictive and that some types of telecommunication facilities should be provided for as permitted activities. The submitter request that Rule 17.2.3.3(ii) be deleted.

BellSouth New Zealand [1136\8] and **Clear Communications Limited** [1340\9a] requests the addition of the following discretionary activity rule

- c Telecommunication, navigation, or meteorological facilities in the Rural Downlands and Rural Uplands Zone, where they are located within an area identified on the Planning Maps as an Area of Landscape Importance.

Broadcast Communications Limited [5013\4b] request that the following be added after Rule 17.2.3.2(ii)(a)(ii): “iii Any part of the Rural Downlands and the Rural Uplands zone which is located within an Area identified on the Planning Maps as an Area of Landscape Importance.”;

Maritime Safety Authority of New Zealand [2034\5] notes that navigational aids will generally be permitted because the 1070m height above sea level will not be compromised. No decision is requested.

D Gatward-Ferguson [1604\4] requests that Rule 17.2.3.3 be amended to read;
“The following utilities shall be Non-Complying Activities in ALL ZONES:”

Telecom New Zealand Limited [6222\22] *opposes this submission.*

Central Electric Limited [6034\10] *opposes this submission as the proposed amendment is inappropriate and unnecessary, and fails to recognise the heavy costs that will be imposed on the community if the amendment is accepted. The submission also fails to recognise that the adverse effects of overhead lines and structures can be avoided, mitigated and remedied and that overhead lines are a necessary part of the rural landscape. The proposed amendment is contrary to the purpose and principles of the Resource Management Act 1991.*

Consideration

The Committee considered the issue of areas of landscape importance in Decision 51. The Committee decided that there should be no areas identified on the planning maps. Accordingly, because the non-complying activity rules only apply to these areas, the Committee considered that Rule 17.2.3.3 should be deleted. As a result of this deletion the Committee included reference to rural areas in the utility rules, in order that any adverse effects of such on the landscape and visual amenity values, nature conservation values and the natural character of the rural environment, can be avoided, remedied or mitigated.

The Committee further considered it inappropriate to reclassify activities relating to utilities as permitted or discretionary activities, as requested by the majority of submitters. Rather, the Committee found it appropriate to delegate these controlled activity status, in order to better enable an assessment of effects to be undertaken in each case.

This deletion of Rule 17.2.3.3 also nullifies any submissions seeking amendment to it, including D Gatward-Ferguson [1604/4].

Decision 17/4.8.1

1. The decision requested by **Federated Farmers Otago** [1531/108] supported by **PowerNet Limited** [6213\9], **Central Electric Limited** [6034\3], **Telecom New Zealand Limited** [6222\11], **Upper Clutha Rural Landowners/Ratepayers** [6444\108] and **Bob Pringle** [6432\108] is **accepted in part** and the decisions requested by **Central Electric Limited** [1304\56] supported by **Telecom New Zealand Limited** [6222\7], **PowerNet Limited** [6213\1], and **N W Pittaway and Family** [6094\4] by **Central Electric Limited** [1304\58] opposed by **Hawea Development Association Inc.** [6184\1] and supported by **PowerNet Limited** [6213\2], by **Trans Power New Zealand Limited** [2676\1] and supported by **Powernet Limited** [6213\10], by **Central Electric Limited** [1304\55] and **Broadcast Communications Limited** [5013\5], by **Telecom New Zealand Limited** [2623\26], by **BellSouth New Zealand** [1136\8], by **Maritime Safety Authority of New Zealand** [2034\5] are **accepted** by:

- (a) Deleting Rule 17.2.3.3.

- (b) Requiring controlled activity resource consent for any line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications in all zones.
- (c) Requiring controlled activity resource consent for telecommunication, navigation or meteorological facilities.
- (d) Requiring controlled activity resource consent for all utility buildings.
- (e) Amending the introduction to the Discretionary Activity Rule as follows:
~~Except as specified as a Non-Complying Activity in 17.2.3.3 below, the~~ The following activities shall be **Discretionary Activities**:
- (f) Deleting Assessment Matter (xiii) of Clause 17.3.2.

2. The decision requested by **D Gatward-Ferguson** [1604\4] opposed by **Telecom New Zealand Limited** [6222\22] and **Central Electric Limited** [6034\10] are **rejected**.

Reasons for the Decision

- i. As a result of Decisions to Issue 51 Rule 17.2.3.3 is no longer appropriate.
- ii. Provision is required to assess the adverse effects of utilities on the environment through granting them controlled activity status.
- iii. The deletion of Rule 17.2.3.3 negates the need to make further amendments to it.

5 RESOURCE CONSENTS - ASSESSMENT MATTERS UTILITIES

- 5.1 Central Electric Limited** [1304\59] objects to many of the criteria being absolute rather than directory. The assessment matters should take into account beneficial and adverse effects. The submitter requests an amendment to the first paragraph of 17.3.2 by inserting the following: "...not be limited by 'or bound to have regard to in every situation', the following...".

Consideration

The Committee considered that the amendment requested by **Central Electric Limited** [1304\59] is not necessary as the first paragraph already states "...the Council shall have regard to, but not be limited by, the following assessment matters,..." This therefore already allows the Council some discretion in considering the extent of adverse effects on the environment on a case by case basis.

Decision 17/5.1

The decision requested by **Central Electric Limited** [1304\59] is **rejected**.

Reason for the Decision

- i. This provision already allows for some discretion.

- 5.2 Trans Power NZ Limited** [2676\5] supports the recognition of landscape, but considers that the first assessment matter sets an almost impossible test for utilities, by seeking to ensure that any activity will not do a number of things which might adversely affect the way landscape is viewed. Further, the first assessment matter is not in keeping with the other assessment matters. The submitter requests that paragraph (i) be amended by replacing the words "The need to ensure that the activity will not:" with the words "The extent to which the following effects are likely to occur:".

Consideration

The Committee accepted the submission by **Trans Power NZ Limited** [2676\5] as it agreed that

this assessment matter is not consistent with others listed under this provision.

Decision 17/5.2

The decision requested by **Trans Power NZ Limited** [2676\5] is **accepted** by amending Assessment Matter (i) to read:

~~The need to ensure that the activity will not:~~ The extent to which the following effects are likely to occur:

Reason for the Decision

- i. To provide consistency with other provisions in the Plan.

- 5.3 New Zealand Archaeological Association** [2210\15] requests that Assessment Matter (vi) be rewritten so that the installation of utilities will be undertaken with minimum impact of the heritage sites, including buildings and archaeological sites (suggested version in submission).

Consideration

The Committee considered that it was inappropriate to specify certain values of the definition “environment” in section 2 of the Resource Management Act 1991, at the expense of precluding other aspects of the “environment”.

Decision 17/5.3

The decision requested by **New Zealand Archaeological Association** [2210\15] is **rejected**.

Reason for the Decision

- i. The meaning of ‘environment’ as contained in section 2 of the Resource Management Act 1991 includes the aspects which the submitter requests focus to be placed.

- 5.4 Clear Communications Limited** [1340\10] and **Broadcast Communications Limited** [5013\6] believe that the assessment matters require unnecessary detail to be included in an application and request assessment matter (vii) be amended to read:
“The extent to which alternative sites have been considered and the reasons as to why these have been discounted for the proposed site”.
Telecom New Zealand Limited [6222\4] supports [5013\6] for the reasons given by the submitter.

Consideration

The Committee considered that the submitters are correct, in that this provision will require unnecessary information being included in applications. The Fourth Schedule to the Resource Management Act 1991 only requires an assessment of alternatives to be undertaken when it is likely that the activity will result in any significant adverse effect on the environment.

Decision 17/5.4

The decisions requested by **Clear Communications Limited** [1340\10] and **Broadcast Communications Limited** [5013\6] supported by **Telecom New Zealand Limited** [6222\4] are **accepted in part** by amending Assessment Matter (vii) to read:

The extent to which alternative sites or routes have been considered and the ~~impact of these alternatives on the environment~~ reasons as to why these have been selected ahead of the alternatives.

Reason for the Decision

- i. To remove unnecessary detail from resource consent applications.

5.5 Royal Forest and Bird Protection Society [2408\38] considers that Assessment Matter (viii) is not an environmental effect and requests its deletion.

Transpower New Zealand Limited [6038\3] opposes this submission as the cost of making a decision on a resource consent should be considered - especially where costs borne by the public in general as is the case with utilities.

Consideration

The Committee noted that Assessment Matter (viii) states:

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.

The Committee was of the view that the role of the assessment matters was to focus attention on the adverse effects that required consideration at the time a resource consent is lodged. Accordingly, the Committee agreed with the submission by the **Royal Forest and Bird Protection Society** [2408\38] and decided to delete assessment matter (viii).

Decision 17/5.5

The decision requested by **Royal Forest and Bird Protection Society** [2408\38] opposed by *Transpower New Zealand Limited* [6038\3] is **accepted** by deleting Assessment Matter (viii).

Reasons for the Decision

- i. It is inappropriate for the Council to consider the financial viability of a proposed activity.
- ii. This does not preclude looking at wider economic matters in terms of Part II of the Resource Management Act 1991.

5.6 BellSouth New Zealand [1136\10] [6330\4] **Broadcast Communications Limited** [5013\7] [6330\3] **Clear Communications Limited** [1340\11] [6222\10] [6330\2] considers that Assessment Matter (ix) requires a reference to the New Zealand Standard on radio frequency emissions. Compliance with the New Zealand Standard NZS6609 ensures that there will be no adverse health effects arising from the operation of telecommunication facilities. The radio frequency energy emissions from BellSouth, Clear and BCL antennas are significantly below the maximum recommended in the New Zealand NZS6609 at any point where any member of the public may approach the antennas. The inclusion of reference to NZS6609 allows the Council to assess the potential health and safety impacts of the proposed facility as well as providing the submitters with a greater degree of certainty as to what issues must be addressed. The submitter requests the replacement of Assessment Matter (ix) with the following:

“The degree to which the proposed utility and its location can meet the minimum levels for radio frequency emissions set out in NZS 6609 or any subsequent standard at any point where the facility could be approached by a member of the public.”

Telecom New Zealand Limited [6330\4] [6330\3] supports in part [1136\10] [5013\7] as it is opposed to relief sought - want amendment to assessment matter 17.3.(2)(ix) and insert new assessment matter 17.3.(2)(ixA).

Telecom New Zealand Limited [6222\10] supports [1340\11] for the reasons given by the submitter.

Telecom New Zealand Limited [6330\2] supports in part [1340\1], as it supports some statements but is opposed to the relief sought. Telecom seek amendment to Assessment Matter 17.3(2)(ix), and a new Assessment Matter 17.3(2)(ixA).

Consideration

The Committee noted that Assessment Matter (ix) contained in the Proposed District Plan as notified states:

The degree to which the proposed utility may affect the health or safety of the community including positive effects from the operation of the utility.

The Committee agreed that it was appropriate to give a definitive measure when considering this assessment criteria and therefore accepted the requests of the submissions.

Decision 17/5.6

The decisions requested by **BellSouth New Zealand** [1136\10] and **Broadcast Communications Limited** [5013\7] supported in part by **Telecom New Zealand Limited** [6330\4] [6330\3], and **Clear Communications Limited** [1340\11] supported by **Telecom New Zealand Limited** [6222\10] and supported in part by **Telecom New Zealand Limited** [6330\2] are **accepted in part** by amending Assessment Matter (ix) to read:

The degree to which the proposed utility and its location may affect the health or safety of the community including positive effects from the operation of the utility by ensuring that the activity can meet the minimum levels for radio frequency emissions set out in NZS 6609 (1990) or any subsequent standard.

Reason for the Decision

- i. To ensure regard is had to the appropriate national standards.

- 5.7 Otago Regional Council** [2258\133] considers that no process is identified in the objectives, policies or methods for determining the effects that development of a utility may have on Takata Whenua values. The submitter requests that cross referencing of 17.3(2) x be provided to the provisions of 4.3.6, Objective 1 and associated Policies 1 and 2.

Consideration

The Committee noted Decision 17/1.6 and considered that the adoption of this decision was appropriate with respect to the submission of the **Otago Regional Council** [2258\133].

Decision 17/5.7

The decision requested by **Otago Regional Council** [2258\133] is **accepted** by adopting Decision 17/1.6 which amends Assessment Matter (x) as follows:

The degree to which the proposed utility may affect values held by the takata whenua with particular regard to be had to those issues set out in part 4.3 of this District Plan.

Reason for the Decision

- i. To provide appropriate cross-referencing.

- 5.8 D & E H Broomfield** [1211\22] requests that either Assessment Matter (xvii) be deleted or amended to include a requirement for Council to assess all environmental effects of flood protection works.

Consideration

The Committee considered that the submission was unclear as the submitter did not offer any alternatives regarding other environmental effects they would like assessed with respect to flood protection works. The Committee noted that no further submissions were presented at the hearing to clarify the submission. On the basis of information present to them the Committee felt no action was required as the assessment matters provided for flood protection works are appropriate.

Decision 17/5.8

The decision requested by **D & E H Broomfield** [1211\22] is **rejected**.

Reason for the Decision

- i. The submission is unclear and the assessment matters provided for flood protection works are appropriate.

5.9 Central Electric Limited [1304\60] considers that the assessment matters do not presently require the Council to give equal weight to practical considerations of energy supply to the District when supplying essential utility services. These considerations should not be outweighed by visual amenity. The submitter requests an amendment to 17.3.2 by inserting the following new assessment matter:

“The economic and operational needs in assessing the location, design, and appearance of utilities and each situation’s requirements and the economics of supply of essential utility services to the district”.

Telecom New Zealand Limited [6222\8] supports this submission as will encourage balanced decision making.

Telecom New Zealand Limited [2623\27] opposes this provision because it is at odds with the objectives and policies, fails to acknowledge the critical importance of network utilities to economic and cultural well-being and lacks sufficient balance. The submitter requests the addition of the following assessment matters:

- “1. The public need for the utility and the importance of the utility in promoting the well-being of the community.
2. The strategic and operational needs of a utility when considering possible alternative locations for establishment.
3. The economic costs associated with the consideration of alternative locations, sites or methods for the establishment or alteration of a utility.”

Consideration

The Committee was of the view that the matters raised by the submissions were not of a general economic nature, but are related to financial viability. The Committee referred to its considerations on this matter under Decision 17/3.2.4.

Decision 17/5.9

The decisions requested by **Central Electric Limited** [1304\60] supported by **Telecom New Zealand Limited** [6222\8] and **Telecom New Zealand Limited** [2623\27] are **rejected**.

Reason for the Decision

- i. Financial viability is not a matter which should be had regard to in the assessment of resource consent applications.

6 REASONS FOR RULES - UTILITIES

6.1 New Zealand Historic Places Trust [2212\11] supports these reasons.

Central Electric Limited [1304\61] considers that the provision fails to identify the economic ingredient in considering whether or not undergrounding is not only practicable but economically feasible. The submitter requests that 17.4 (iii) be amended by adding the words “economically feasible” after the word “practicable,” in the last sentence.

Consideration

The Committee noted that **New Zealand Historic Places Trust** [2212\11] supports these provisions of the Proposed District Plan, and noted that the submission by **Central Electric Limited** [1304\61] requests changes to acknowledge the economics of undergrounding. However, as result of submissions requesting that the Plan become more concise from its notified version, the reasons for rules has been deleted.

Decision 17/6.1

1. The decision requested by **New Zealand Historic Places Trust** [2212\11] is **accepted** by noting the support of the submission for the Reasons for the Rules, but also noting that the provisions have been deleted as a result of submissions requesting that Proposed District Plan be a concise document.

2. The decision requested by **Central Electric Limited** [1304\61] is **rejected**.

Reason for the Decision

- i. The provisions have been deleted as a result of submissions requesting that the Proposed District Plan be a concise document.



P I C Rennie

Chairman

District Plan Policy Committee and Hearings Panel

APPENDIX 1 – Part 17 Utilities

17 Utilities

17.1 Issues, Objectives and Policies

17.1.1 Resources, Activities and Values

Utilities are the infrastructure which enables a community to undertake its every day activities and functions and allows people to provide for their social and economic well being, health and safety.

There are various categories of public utilities and a number of providers. Public utilities include telecommunications, electricity operations, water supply, stormwater drainage, sewage reticulation, treatment and disposal, roads and airports. The main providers of public utilities are the Council, the Crown, Regional Councils, and some State Owned Enterprises. Recent developments have seen a number of trading enterprises and private companies enter the utilities sector.

The District contains a number of utilities including those of national significance (i.e. Airport, State Highways), regional significance (e.g. hydro power stations), or of local significance (e.g. landfill sites and reticulated services in urban areas). They all involve using, developing or protecting a resource and it is important the Plan provides for utilities, and ensures any adverse effects generated by the utility are avoided, remedied or mitigated.

The provision of utility services is an essential function in the development of land for urban and rural purposes. Furthermore, public utility services 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.

17.1.2 Issues

i Visual Impact and Location

The provision of utilities can involve the erection of structures and overhead services, which can detract from visual amenity, or the character of an area or landscape. The visual impact of these structures may be related to their size (e.g. power stations, airports, pylons, power poles), frequency with which they occur and their scale in comparison with the character of a particular environment. For example, utilities erected on or along a skyline may have a significant visual impact, while small utility buildings in an urban area may have little or no adverse effect.

ii Effect on Amenities

A number of utilities have potentially adverse environmental effects. Major public utilities (e.g. airports) may be required only infrequently but have a high impact in the area in which they wish to locate. Many existing utilities and services were established under previous district schemes and legislation. Some of these utilities may not fit the criteria of the new Plan and existing conditions of operations may not now be appropriate to protect amenity values and the quality of the environment.

In some instances locational factors may determine the exact position of a facility but as a general principle service authorities will be encouraged to locate public utilities in areas with characteristics similar to the utility or in a manner which will have few adverse effects on the environment.

The District has high landscape values and certain utilities may not be appropriate in all locations. Residential areas and shorelines, ridges and skylines in the rural areas would be vulnerable to the intrusion of large structures, buildings or pylons. The natural character of lakes and rivers, and habitats of significant fauna need to be protected from inappropriate use and development. Utilities are essential to the welfare of a community and their environmental impacts must be balanced against the community's need for the service or facility.

iii Efficiency

Section 7 of the Act requires that in relation to the use and development of a physical resource (which includes structures) regard be given to efficient use and development. Essential services such as electricity supply, telecommunications or underground water or sewage reticulation must be able to be readily constructed, operated and maintained throughout the District. Where a utility is an accepted element of the environment with minimal adverse effects and is essential for the undertaking of everyday activities, a consent process would incur costs and time delays unacceptable to the provider and user. Rules must therefore enable their establishment and on-going use subject to standards to protect amenity. Other utilities may not be as acceptable, although still essential, due to the effects of their function and or size.

Many utilities involve significant capital expenditure to establish and may have a life expectancy spanning several decades.

The Council can co-ordinate its services and facilities as a means of maximising efficiency and the rate of use. The Second Schedule of the Act provides for Councils to include matters of scale, sequence, timing and relative priority of works, goods and services. The Annual Plan provides the mechanism by which funding and resources are provided for these works. Efficiency of services is also enhanced by co-ordinating services with community development to ensure that utilities are provided where they are needed.

The installation of a wide range of utilities will be at the expense of private developers at the time of development. The costs are then passed on to the purchasers of land or developments. This is more equitable than the costs of new development being met by the Council and its ratepayers as a whole. It is essential standards and specifications are set by the Council and met by developers.

iv Unnecessary Equipment

Utilities can often have an adverse effect upon the environment which can continue after the equipment is no longer required, having been superseded by advances in technology, is no longer in use, or a more suitable location has been found. The removal of unnecessary equipment, including buildings and masts, can mitigate the adverse effects of having it there in the first place, and can assist in restoring and enhancing the surroundings.

17.1.3 Objectives and Policies

Objective 1 - Co-ordination of Utilities

Co-ordinate the provision of utilities with the development of the District.

Policies:

1.1 *To ensure possible areas for new development:*

- (i) *are readily able to be serviced;*
- (ii) *are located in selected areas where the Council will meet the costs of major works (to be recovered from developers as development proceeds);*
- (iii) *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 an efficient pattern of development is promoted.*

1.2 *To ensure the provision of utilities to service new development prior to buildings being occupied, and activities commencing.*

1.3 *To ensure the costs of servicing development are:*

- (i) *met by the developer directly or through contributions made to Council at the time of development or the issuing of titles; or*
- (ii) *initially met by Council but recovered as development proceeds; or*

(iii) *indirectly paid for by the wider public through rating.*

1.4 *To ensure the proper management of solid waste by:*

- (i) *providing landfill sites for the present and future disposal of solid waste.*
- (ii) *assessing trends in solid waste, and*
- (iii) *identifying solid waste sites for future needs.*

1.5 *To recognise the future needs of utilities and ensure their provision in conjunction with the provider.*

1.6 *To assess the priorities for servicing established urban areas, which are developed but are not reticulated.*

1.7 *To ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.*

Explanation and Principal Reasons for Adoption

Co-ordination between the development of the District and the provisions of utilities and services is necessary to ensure areas are capable of being serviced and that the timing of services facilitates development of an area.

The first part of policy 1 is a preferred option, because it ensures services are easily able to be provided and therefore minimises public costs and use of resources.

The second part of policy 1 allows development of parts of the District which may not be easily serviced, but where development may be desirable on other policy grounds (e.g. visual considerations, minimal risk through hazards, transport costs, urban consolidation or soil protection). This policy allows the Council to sustain resources by managing the form and extent of urban growth by promoting appropriate areas for development.

The third part of policy 1 places the onus of service provision upon the developer and ensures the public as a whole does not meet the costs. A qualification to this option is an efficient pattern of development is achieved which avoids dispersed and disjointed urban expansion.

Policy 2 is directed at avoiding disruption and ensuring the well being of occupants by having services provided prior to buildings being occupied, and activities commenced. 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 at the stage of subdivision consent.

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 the rates, but passed from the developer to the purchasers.

In instances where the Council is interested in seeing a particular area developed, it may be appropriate the Council acts as a banker by meeting the initial costs of servicing development, but recovering the costs as development proceeds.

The third option in policy 3 is where the costs of development are met by the wider public through the rates system. This is appropriate in circumstances where the costs should be spread evenly across the District. An example of this may be a land swap, to ensure an important ecological habitat is not developed.

Landfill for the disposal of solid waste is essential to the District. The existing landfill sites are provided for along with site(s) identified for future facilities. Some adverse environmental impacts may be associated with the operation of the landfill from time to time such as smell, dust and visual detracting. To reduce potential conflicts between the landfill and surrounding activities major buffers will be provided.

Planning in conjunction with utility providers is necessary in order to anticipate their future needs and to meet expectations of land users. Development within the District will be facilitated and a climate of certainty provided for future planning. Over the life of the District Plan, various new

technologies will inevitably be developed, especially in the area of telecommunications, and it is necessary the Plan anticipate these changes.

Intervention to ensure service provision at the stage of subdivision or land use development will also enable the most efficient provision of utilities and avoid potential future problems with inadequate services.

Historically, some parts of the rural area have provided for urban activities and residential use in an ad hoc manner. 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 or for other reasons. However, servicing of areas may be unavoidable and necessary to protect groundwater qualities, supply and public health.

Objective 2 - Efficient Use and Establishment of Utilities

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

Policies:

- 2.1 *To recognise the need for maintenance or upgrading of a utility to ensure its on-going use and efficiency.*
- 2.2 *To take economic costs into account when considering the alternative locations, sites or methods for the establishment or alteration of a utility.*
- 2.3 *To take into account the strategic needs of a utility when considering possible alternative locations for establishment.*
- 2.4 *To make specific provisions for certain activities within the District, which are land extensive and/or which have specific locational needs, to ensure the presence and function of the utility is recognised.*
- 2.5 *To encourage the co-location of facilities where operationally and technically feasible.*
- 2.6 *To have regard to the importance of a utility when determining whether the establishment of a proposed utility will promote the sustainable management of natural and physical resources.*
- 2.7 *To encourage development in areas which are already serviced and have the capacity for additional development and takes into account economic costs; or in new locations where the development has regard to efficiencies through consolidation of activity.*
- 2.8 *To promote waste reduction and recycling.*
- 2.9 *To achieve sustainability of the District's water supplies by:*
 - *encouraging water conservation*
 - *ensuring development is able to be serviced by the water supply system*
 - *assessing the impact of development on water quality and quantity.*

Explanation and Principal Reasons for Adoption

Due to the importance of the role of utilities in providing essential services to the community; their often high capital cost to establish; and their long life expectancy, it is important that the Plan acknowledges the need for the establishment and on-going functioning, maintenance and upgrading of the utilities. In addition, some utilities have specific locational needs which need to

be accommodated for their operation. Co-location may reduce capital investment and also environmental effects.

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

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

Encouraging the reduction of waste will have a number of beneficial effects. It will prolong the lifetime of facilities such as landfill sites and reduce the frequency with which new facilities are required. In addition, opportunities for recycling will reduce the need for new product and lessen the impact for, and demand on, both renewable and non-renewable resources.

The District's water resources are vulnerable in some areas because there are limits in terms of quantity and because it is susceptible to contamination. The effect on water quality and quantity will be a key element in assessing land use and development patterns and all new development will have to take into account the cost of providing water supplies.

The Council will encourage new technologies in the provision of utilities to ensure that both the resident and business communities can enjoy the advantages, provided any potential adverse effects, particularly in terms of the visual amenity and residential environment, are minor or properly mitigated.

Objective 3 - Environmental Impacts

Avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly those in or on land of high landscape value.

Policies:

- 3.1 *To avoid, remedy or mitigate the adverse environmental effects created by the operation of utilities through the application of performance standards to separate incompatible activities, maintain visual amenity and the quality of the environment.*
- 3.2 *To make specific provision for certain utilities which are land extensive and/or which have specific locational needs, ensuring the type and scale of development avoids, remedies or mitigates adverse effects on the environment.*
- 3.3 *To 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.*
- 3.4 *To protect areas identified as possessing important natural features or significant habitats of indigenous fauna from utilities which are visually and environmentally incompatible.*
- 3.5 *To encourage utility operators to adopt monitoring systems to ensure the effects of utilities and their operation is regularly evaluated to avoid or mitigate adverse effects, including the removal of unnecessary equipment (including buildings and masts).*
- 3.6 *To require the undergrounding of services in new areas of development where technically feasible.*

- 3.7 *To encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.*
- 3.8 *To ensure utilities are located in positions which retain visibility at intersections.*
- 3.9 *To take account of economic and operational needs in assessing the location and external appearance of utilities.*
- 3.10 *To protect the amenity, drainage and recreational value of lakes and rivers from the adverse impacts of incompatible activities.*

Explanation and Principal Reasons for Adoption

Utilities have a variety of impacts depending on their diverse nature. They include large facilities like the oxidation ponds at the Shotover River, and small-scale facilities such as the various forms of underground reticulation, towers, support structures, poles, wires and ancillary building structures. The impact of utilities is greater in areas used for residential, conservation or recreation purposes, or in areas of high landscape value. There is little justification for regulating utilities which do not have major impacts. Utilities have quite distinctive and varied characteristics. Large facilities are zoned with particular rules according to the scale of effects generated. Environmental effects are also balanced against operational requirements and costs.

Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. The policy recognises 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 and in areas of high landscape significance, provision of new reticulation is required to be by way of underground reticulation. The higher cost of underground reticulation is recognised, and is not required in all rural areas where environmental and economic considerations may be differently balanced. The undergrounding of services for any new settlement development in the rural environment will be required in order to protect the rural character and visual amenity.

Some exceptions to undergrounding of services will exist, such as high voltage lines, as it is not practical to underground these in terms of cost. It also recognises the need for access for maintenance purposes.

The policy further recognises that for some areas of the District, currently supplied by overhead services and particularly the urban areas, visual amenity could be enhanced by the systematic replacement or upgrading of existing overhead services. Setting back poles and lamp standards from the kerb line may also be desirable for both amenity and safety reasons. In addition, a proliferation of infrastructure can be avoided by network utility operators negotiating the joint use of existing facilities and sites, sharing new infrastructure and the efficient removal of unnecessary equipment (including buildings and masts).

Communication facilities, including towers and dish antennae, can have a major visual impact depending on the scale and nature of the structures. Similarly, some utilities require larger ancillary buildings or structures, tanks, pumping stations, while others such as telecommunications have tended to become less conspicuous with changing technology.

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

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

Facilities such as cellular telecommunications, need to be located throughout the District to serve residential as well as commercial users. The provision of high voltage power distribution

may also be unavoidable in built up areas in some cases. Accordingly, the Plan does not preclude such facilities, but will require account to be taken of location and design to mitigate rather than avoid adverse effects.

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 in or near more sensitive rural or residential environments.

The utility function of lakes and rivers has been dominant in management terms, with piping or canal treatment frequently used particularly in urban areas. Such an approach can lessen the ability of these lakes and rivers to enhance amenities, destroy the ecological values of waterbodies, be costly to maintain, and reduce the ability to manage peak discharges. For this reason, the Plan promotes a balanced strategy of maintaining open lakes and rivers for both flood management and environmental reasons. This is supported by controls on the siting of buildings and filling activities along lakes and rivers, as well as public ownership and management where appropriate.

Implementation Methods

Objectives 1, 2 and 3 and associated policies will be implemented through a number of methods including:

(i) **District Plan**

- (a) The provision of zones, designations and rules.

(ii) **Other Methods**

- (a) Through the Annual Plan process to direct funds and resources towards providing services in specific areas.

17.1.4 Environmental Results Anticipated

- (i) Maintenance of the amenity values of the District, particularly in residential, town centre, business, and open space areas.
- (ii) Provision of utilities consistent with the nature of the local environment, operational needs, and the cost and scale of facilities.
- (iii) The safe and efficient operation of utilities.
- (iv) Enhanced functional and environmental management of lakes and rivers.
- (v) New development in areas where utilities can supply services on a sustainable basis.
- (vi) Maintenance of high quality and availability of groundwater supplies.
- (vii) Continued opportunity for improved technologies.
- (viii) Development of areas more able to be serviced with consequent economies in use and provision.
- (ix) Further sewer and water reticulation in rural areas where this is necessary to prevent degradation of groundwater resources.
- (x) Protection of the surrounding environment from the disposal of solid wastes, sewerage and stormwater.
- (xi) Maintained and enhanced public health.

17.2 Utilities Rules

17.2.1 Purpose

Utilities are essential to the servicing and functioning of the District and include a wide range of services which vary significantly in scale and impact. Provision for small-scale utilities is made in a manner which allows their establishment and operation without undue delay. At the same time controls are put in place to ensure consent is required when impacts of utilities are significant.

Large-scale utilities such as power stations and sewage treatment facilities are provided for with specialised rules through scheduling or designation.

17.2.2 General Provisions

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

17.2.3 Activities

17.2.3.1 Permitted Activities

Any **utility** which is not defined as a Controlled or Discretionary Activity in Rules 17.2.3.2 and 17.2.3.3 is a **Permitted Activity**.

17.2.3.2 Controlled Activities

The following shall be **Controlled Activities**, provided they are not listed as a Discretionary Activity below.

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

i Lines and Supporting Structures

Any line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications **in all zones**.

The Council has reserved its control in respect of location or route, height of supporting structure, diameter of supporting structure, thickness of lines and number of overhead lines.

ii Telecommunication, Navigation, Meteorological Facilities

Any **telecommunication, navigation or meteorological communication facility** where it involves erecting:

- (a) a mast greater than the maximum height permitted for buildings of the zone in which it is located; or
- (b) an antenna greater than 1.2m in diameter but less than 2.4m in diameter.

The Council has reserved its control in respect of location, external appearance, access and landscaping.

iii Buildings

Where any **utility** involves addition, alteration or construction of **buildings** other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines, the Council shall reserve its control in respect of the location, external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment.

17.2.3.3 Discretionary Activities

The following shall be **Discretionary Activities**:

I **Lines and Support Structures**

Any **line or support structure** where it involves:

- (a) Erecting any lattice towers for overhead lines to convey electricity **in all zones**;
- (b) Erecting any support structures for overhead lines to convey electricity (at a voltage of more than 110KV with a capacity over 100MVA) **in all zones**;
- (c) Erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purposes including telecommunications **in any part of the District** which has an altitude greater than 1070m above sea level, or is located within the areas identified on the District Plan Maps as being an Area of Significant Indigenous Vegetation.
- (d) Utilising any existing support structures for the erection of cable television aerials and connections.

except where: any new poles are solely for the purpose of providing street lighting.

ii **Telecommunication, Navigation, and Meteorological Facilities**

Any **telecommunication, navigation or meteorological facility** where it involves:

- (a) Erecting any mast, or erecting any antenna greater than 1.2 m in diameter in:
 - (i) Any part of the District which has an altitude greater than 1070m above sea level;
 - (ii) Any areas identified on the District Plan Maps as being of Significant Nature Conservation Value and being contained in Appendix 7;
 - (iii) The Residential Arrowtown Historic Management Zone
- (b) Erecting a mast which is over 10m in height or antenna greater than 2.4m in diameter or 3m in length **in the following zones**:

Residential (other than the Residential Arrowtown Historic Management Zone), Rural-Lifestyle, Rural-Residential, Township, Resort, Airport Mixed Use, Visitor, Town Centre, Corner Shopping Centre, Bendemeer, Penrith Park and Business Zones;
- (c) Erecting a mast which is over 15m in height, or any antenna greater than 2.4m in diameter or 4m in length, **in Industrial and Rural Zones**.
- (d) Erecting a mast which is greater than 1.5m in diameter up to the maximum height permitted for buildings of the zone in which it is located or greater than 0.75m in diameter above the maximum height permitted for buildings of the zone in which it is located.

iii **Buildings**

Any addition, alteration or construction of **buildings and structures**, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines in:

- (a) Any part of the District which has an altitude greater than 1070m above sea level;
- (b) Any areas identified on the District Plan Maps as being of Significant Nature

Conservation Value and being contained in Appendix 7;

(c) The Residential Arrowtown Historic Management Zone.

iv **Flood Protection Works**

The construction of any new **flood protection works** shall be a **discretionary activity** (non-notified), provided that this standard shall not apply to any works carried out in relation to the maintenance, reinstatement or replacement of existing flood protection works for the purpose of maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works.

The Council shall restrict the exercise of its discretion in relation to this matter to effects on the natural character, natural conservation and landscape values of the river and lake bed and margins; and public access, recreation and enjoyment of the river and lake bed and margins.

v **Waste Management Facilities**

Any **utility**, except overhead lines and supporting structures, which does not comply with one or more of the following site standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.

17.2.4 Non-Notification of Applications

An application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act unless the Council considers special circumstances exist in relation to any such application.

(i) All applications for **Controlled** Activities.

17.2.5 Site Standards

i **Setback from boundaries**

Where the utility is a building of more than 10m² ground floor area, or is a building, mast, tower or support structure over 6m in height above ground level, it shall be set back from all Rural-Lifestyle, Rural-Residential, Residential, Resort, Visitor and Township Zone boundaries, and the street boundary, by a distance not less than 50% of the height of the structure.

ii **Landscaping**

Any parts of a site not used for buildings, structures, or access, shall be planted with trees or shrubs of at least one metre which at maturity reach a height of at least 2m and shall be maintained or replaced.

iii **Height**

Any part of a building or structure, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines, which exceeds the maximum height permitted for buildings of the zone in which it is located.

iv **Colour**

Any visible part of any utility shall be finished with colours which blend into the surrounding environment.

17.3 Resource Consents - Assessment Matters - Utilities

17.3.1 General

- (i) The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (ii) In addition to the applicable provisions of the Act, the Council shall also apply the relevant *Assessment Matters* set out in Clause 17.3.2 below.
- (iii) In the case of Discretionary Activities, where the exercise of the Council's discretion is restricted to a particular matter(s) only, the assessment matters taken into account shall only be those relevant to that/those matter(s).

17.3.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters, as are appropriate to the nature of the utility:

- (i) The extent to which the following effects are likely to occur:
 - degrade the quality of the landscape by increasing the apparent level of modification and/or reducing its visual coherence;
 - conflict with landform and vegetation patterns;
 - encroach upon and degrade the visual and landscape amenity of shorelines and skylines;
- (ii) The extent of the visual impact of the utility from any adjoining Residential, Rural-Residential, Rural-Lifestyle, Township, Town Centre, Corner Shopping Centre, Resort or Rural Visitor zoned site or from any public road or public place, and its impact on the amenity values and character of the surrounding environment taking into account its external appearance.
- (iii) 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.
- (iv) The degree to which any adverse effect created by a reduced setback may be mitigated through different options for site layout.
- (v) The extent of the visual impact of the utility where landscaping has been reduced and the extent to which other factors may compensate for any reduction such as:
 - a higher quality of planting over a smaller area.
 - an unobtrusive building design.
 - the compatibility of materials used for finishing and the colour of the building with the environment.
- (vi) The degree to which the proposed choice of site or route for the utility will affect the environment and the reasons for the choice.
- (vii) The extent to which alternative sites or routes have been considered and reasons as to why these have been selected ahead of alternatives.
- (viii) The degree to which the proposed utility and its location may affect the health or safety of the community including positive effects from the operation of the utility by ensuring the activity can meet the minimum levels for radio frequency emissions set out in NZS 2772 (1990) or any subsequent standard.
- (ix) The degree to which the proposed utility may affect values held by the takata whenua with particular regard to be had to those issues set out in part 4.3 of this District Plan.
- (x) The potential for co-siting telecommunication and navigation facilities and the extent to which the provider of the utility has investigated this.
- (xi) 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.

(xii) In Areas of Significant Indigenous Vegetation:

The degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed utility and the extent to which the utility threatens the indigenous plants or animals on the site. In particular:

- (a) The status of a particular species, whether it is rare, vulnerable or endangered in the District, Region, or nationally.
- (b) The general rate of decline of a particular species in the District, Region or nationally.
- (c) The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally.
- (d) The range or diversity of species in a particular plant or animal community.
- (e) The importance of an area providing habitat to animals.

(xiii) The extent to which the utility will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.

(xiv) The extent to which the utility will reduce opportunities for passive recreation and enjoyment.

(xv) With respect to flood protection works:

- (a) The extent to which flood protection works adversely affect the natural character of the bed of a river or lake and its margin, and any associated nature conservation and landscape values at these locations;
- (b) The extent to which flood protection works would impede public access along or to the river, lake bed or its margins, or adversely affect opportunities for public recreation and enjoyment of these areas;
- (c) The potential loss of assets if the protection works are not afforded;
- (d) The ability of buildings or other assets to be relocated, as an alternative to protection works; including estimated costs of relocation, and the possible destination of a relocated building;
- (e) The ability of other measures such as vegetation planting being an appropriate alternative;
- (f) The extent of any effects arising from non-compliance with any performance standards.

APPENDIX 2 - Changes to Other Sections of the Plan

1. INTRODUCTION

1.5.2 Existing Use Rights

Sections 10 and 10A of the Act provide for the existing and continued use of land and the surface of water in a manner which contravenes a rule in the District Plan, subject to the following:

- the use was lawfully established (including by designation) before the rule became operative or the proposed Plan was notified; and
- the effects of the use are the same or similar in character, intensity and scale to those which existed before the Plan became operative or the proposed Plan was notified or the designation was removed; and
- if the activity involves the use of the surface of water in lakes and rivers, the person carrying out the activity applies for a resource consent within 6 months of the rule in the Plan becoming operative.

If the activity is already authorised by a resource consent, no further resource consent is necessary in relation to this provision.

Existing use rights do not apply if:

- the use of land has been discontinued for a continuous period of more than 12 months, unless the Council has granted an extension by way of application; or
- reconstruction, alteration or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

Those rules set out in Utilities 17.2.3.2 Discretionary Activities do not apply to existing lines and support structures which are protected by Section 10 of the Act.

DEFINITIONS

ANTENNA	means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.
HEIGHT	<p>in relation to a building means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:</p> <ul style="list-style-type: none">• radio and television <u>aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a building/dwelling, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m; and</u>• chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5m.

UTILITY	<p>means:</p> <ul style="list-style-type: none"> a <u>transformers</u>, lines and necessary incidental structures and equipment for the transmission and distribution of electricity; b pipes and necessary incidental structures and equipment for transmitting and distributing gas; c storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (<u>excluding water tanks</u>); e structures, facilities, plant and equipment for the treatment of water; f structures, facilities, plant, equipment and associated works for receiving and transmitting radiocommunications and telecommunications (see definition of telecommunication facilities); g structures, facilities, plant, equipment and associated works for monitoring and observation of weather <u>meteorological activities</u> and natural hazards; h structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; i structures, facilities, plant and equipment necessary for navigation by water or air. j <u>waste management facilities.</u> <p>Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, <u>or</u> the treatment of sewage. or the disposal of solid wastes.</p>
<u>WASTE MANAGEMENT FACILITY</u>	<p><u>means a site used for the deposit of solid wastes onto or into land, but excludes:</u></p> <ul style="list-style-type: none"> a <u>sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial trade or process on that productive land.</u> b <u>sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes.</u> c <u>sites for the disposal of clean fill.</u>

PART 4 – DISTRICT WIDE ISSUES

4.7 Solid and Hazardous Waste Management

4.7.3 Objectives and Policies

Objective 1

The collection, treatment, storage and disposal of solid and hazardous wastes in a manner which meets the needs of current and future generations of residents and visitors to the District, and avoids, remedies or mitigates adverse effects on the environment.

Implementation Methods

The Objectives and associated Policies will be implemented through a number of methods including the following:

ii Other Methods

- (a) Allocate Council resources through the annual planning process in order to:
 - To apply for the necessary consents for a landfill site and transfer station.
 - Investigate the potential, and where possible reduce the adverse effects of inefficient disposal;
 - Close and take appropriate after-care management of tips and dumps to reduce the adverse effects of waste disposal.
- (b) Identify, in consultation with the Otago Regional Council, closed and existing landfills within the District.