



District Plan Review

Section 32 Analysis

Section 17 – Utilities

December 2012

EXECUTIVE SUMMARY

The section 32 analysis is informed by the monitoring report and associated consultation. The key issues identified in that were:

1. The National Policy Statement on Electricity Transmission (NPS ET) and associated implementation guidance has come into force and should be given effect to by the Plan.
2. Definition of Utility is confusing and may encompass unintended development
3. Lack of clarity regarding the Overview of the Utilities Section
4. Lack of provisions relating to all types of utilities
5. Public health and safety issues not considered
6. Triggers for resource consent activity status for telecommunications mast height may require updating
7. The District Plan does not distinguish between microwave and panel antennae
8. Assessment of hazards and earthworks / engineering works undertaken when developing utilities may not be undertaken in accordance with best practice.
9. More emphasis should be placed on co-locating telecommunications infrastructure on common masts
10. Rules relating to utility buildings in Rural General Zone are unclear
11. The same Site Standards apply to very different types of utilities
12. The Site Standard relating to colour (17.2.5(iv)) requires more clarity
13. The current Site Standard relating to landscaping (17.2.5(ii)) may not always promote the best environmental outcome as it is potentially inappropriate in relation to the development of masts. Also the site standard appears to be incomplete.
14. Current assessment criteria in the Plan do not provide for the consideration of cumulative effects of utilities on the same site
15. Current assessment criteria in the Plan do not provide for the removal of obsolete / unnecessary utilities from utility sites
16. Guidance on provisions in the Plan relating to temporary utilities is not clear
17. Minor error regarding terminology (kV)
18. Section 15 (Subdivision and Development) includes objectives and policies relating to utilities
19. The Utilities Section of the Plan contains unnecessary text
20. The existing site standard for setbacks applies only to setbacks from zone boundaries, and therefore does not manage effects on neighbouring properties.

Resolutions to the above issues have been suggested and a cost benefit analysis of those suggestions undertaken. Key amendments proposed to the Plan include:

- the addition of provisions to give effect to the NPS ET and NPS REG;
- amendments to the definition of utility to ensure only utilities that provide wider community benefit are considered under the Utilities section;
- deletion of the landscaping Site Standard and amending rules to impose restrictions on utilities within sensitive areas (ONL, ONF, heritage precincts, sites of significant indigenous vegetation, special character precincts);
- amendments to height provisions and amendment to site standards for internal and road boundary setbacks

- amendments to improve clarity and amend minor errors;
- removal of unnecessary text from the Utilities Section including refinement of objectives and policies;
- addition of new Site Standard to ensure utility works comply with best practice; and
- addition of assessment criteria to encourage co-location of utilities, encourage removal of obsolete / unnecessary equipment and ensure adequate assessment of cumulative effect

INTRODUCTION

Section 79 of the Resource Management Act (the Act), requires that a local authority must commence a review of the district plan provisions (which have not been a subject of a plan change during the previous 10 years). To meet this requirement of the Act, Queenstown Lakes District Council (QLDC) has undertaken a review of the Operative Queenstown Lakes District Plan, 2003 (the Plan). A description of the statutory requirements underpinning this process together with a description of the overall approach undertaken in preparing this Review is available in the Section 32 Analysis: Overview Report.

This report is an evaluation of the proposed objectives, policies and methods relating to the management of Utilities (as outlined in Section 17 of the Plan) under section 32 of the Resource Management Act.

As this is a District Plan Review, the operative provisions are deemed to give effect to the purpose of the Act, and this section 32 assessment is focused on the proposed changes to the Utilities Section.

RESOURCES, ACTIVITIES AND VALUES

The Utilities Section of the Plan is intended to manage the efficient and effective provision of essential utilities in the District. The following description of the Queenstown Lakes Districts utilities resources, activities and values is taken from the Plan. As this material is descriptive in nature, it is being removed from the Plan in order to simplify and streamline the document by removing what is considered to be unnecessary verbiage while retaining it in the Section 32 analysis. The descriptive material is set out below:

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

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.

HOW THE UTILITIES SECTION WORKS

Section 17 of the Plan contains a set of provisions that apply to utilities throughout the District. The definition of utilities is contained in the Definitions Section. Importantly, the utilities section focuses on the network. For instance, it doesn't apply to electricity generation, but applies to electricity transmission lines, and the structures and facilities associated with the network.

Due to the essential nature of utilities, the District Plan specifically states that the rules in the Utility Section (Section 17) *take precedence over any other rules in the Plan* (17.2.2 *General Provisions*, page 17-9). The District Plan provides for temporary utilities to be carried out as a permitted activity subject to specific requirements listed under 19.2.2.3(i)(e) on pages 19 – 4 and 19- 5 of the District Plan. It is noted that Section 15 (*Subdivision, Development and Financial Contributions*) also contains objectives, policies and rules relating to servicing issues, many of which are applicable to water and road utilities in particular. In addition, Section 15 provides for subdivision within the Transmission Corridor.

Where the utility provider is a Requiring Authority under Part VIII of the Resource Management Act 1991 (RM Act) then the provisions for designations contained in the RM Act take precedence over the Utility Section provisions. This is frequently the case. For example the Council as a Requiring Authority often undertakes work to upgrade water services within areas which are designated for this purpose, as listed in Appendix 1 of the District Plan and the District Planning Maps.

The Utilities Section provides detailed discussion of resources, activities, values and issues at the start of the objectives and policies, and outlines the purpose of the section at the beginning of the rules section. The objectives and policies generally seek to provide for utilities within the District in a safe and efficient manner, whilst ensuring that the amenity values of the District are adequately protected.

POLICY CONTEXT:

Statutory Policy Context

Relevant RMA Sections

The relevant RMA sections are contained in District Plan review overview document.

National Policy Statement on Electricity Transmission (NPS ET)

The Government issued the NPS ET in March 2008. The National Environmental Standard for Electricity Transmission Activities (NESETA) applies to activities that relate to the operation, maintenance, upgrading, relocation or removal of an existing national grid transmission line. The NPS ET aims to provide for consistent management of the national grid. The National Policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the

resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

The overall objective is set out below.

Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

A detailed implementation guide has been developed by the Ministry for the Environment to assist Councils is giving effect to the NPS ET, and has been used for the purposes of this section 32 assessment.

National Environmental Standards for Telecommunication Facilities

The National Environmental Standards for Telecommunication Facilities came into force on 9 October 2008.

The standards provide that:

- An activity (such as a mobile phone transmitter) that emits radio-frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz-300GHz).
- The installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.
- Noise from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.
- The installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.

Activities that do not qualify as permitted activities under the regulations will continue to be managed by the Council through the existing rules in the Plan. However, the regulations substitute existing district plan rules that address the same subject material.

No changes are required to the Plan as a result of the NES for the following reasons:

- The NES contains restrictions on telecommunication facilities that emit radiofrequency fields. This is not a duplication with the District Plan provisions, which contains no such provisions.
- The NES contains controls on telecommunication facilities located within the road reserve. In most cases, the rules in the Plan apply only to activities located within a zone. Because roads are not zoned, these zone rules don't apply.

Regional Policy Statement (RPS)

The Regional Policy Statement for Otago was made operative on 1 October 1998. It has not been reviewed since this time. Chapters 6, 12 and 13 of the RPS on 'Water', 'Energy' and 'Waste' are relevant to the Utilities Section.

The relevant objectives relating to Water are set out below:

6.4.3 *To safeguard the life-supporting capacity of Otago's water resources through protecting the quantity and quality of those water resources.*

The relevant policies relating to Water are set out below:

6.5.1 *To recognise and provide for the relationship Kai Tahu have with the water resource in Otago through:*

- (a) *Working toward eliminating human waste and other pollutants from entering all water bodies;***

The relevant objectives relating to Energy are set out below:

12.4.1 *To avoid, remedy or mitigate the adverse effects on Otago's communities and environment resulting from the production and use of energy.*

12.4.2 *To sustainably and efficiently produce and use energy taking into account community values and expectations.*

The relevant policies relating to Energy are set out below:

12.5.2 *To promote the sustainable management and use of energy through:*

- (b) *Encouraging the use of renewable energy resources, in a way that safeguards the lifesupporting capacity of air, water, soil and ecosystems and avoids, remedies and mitigates adverse effects on the environment, as a replacement for non-renewable energy resources: and***

The relevant objectives relating to Wastes and Hazardous Substances are set out below:

13.4.1 *To protect Otago's communities, environment and natural resources from the adverse effects of the waste stream.*

The relevant policies relating to Wastes and Hazardous Substances are set out below:

13.5.1 *To recognise and provide for the relationship Kai Tahu have with natural and physical resources when managing Otago's waste stream through:*

- (a) *Providing for the management and disposal of Otago's waste stream in a manner that takes into account Kai Tahu cultural values; and***
- (b) *Working towards eliminating human wastes and other pollutants from entering Otago's waterways.***

13.5.2 *To avoid, remedy or mitigate the adverse effects resulting from the disposal of solid wastes in Otago through:*

- (a) *Requiring that new landfills be located in appropriate areas taking account of landfill guidelines produced by the Ministry for the Environment; and*
- (b) *Requiring that safeguards be incorporated into landfill design to prevent adverse effects on the environment, taking account of landfill guidelines produced by the Ministry for the Environment; and*
- (c) *Encouraging a minimisation in the number of landfills, consistent with environmental and community requirements; and*
- (d) *Minimising the amount and type of litter disposed of within Otago through:*
 - (i) *Educating the public and promoting about the need to reduce littering; and*
 - (ii) *Providing facilities for the collection and disposal of litter;*

Regional Plan – Air

The relevant objectives relating to energy emissions to air are set out below:

- 6.1.1 To maintain ambient air quality in parts of Otago that have high air quality and enhance ambient air quality in places where it has been degraded.**

The relevant policies relating to Air are set out below:

- 6.1.2 To avoid adverse localised effects of contaminant discharges into air on:**
- (a) Human health;
 - (b) Cultural, heritage and amenity values;
 - (c) Ecosystems and the plants and animals within them; and
 - (d) The life-supporting capacity of air.

Contaminants as defined in the Regional Plan include energy discharges.

Non-statutory Policy Context

The Council does not have any non-statutory documents that directly affect the policy context for utilities.

BACKGROUND REPORTS AND SUPPORTING INFORMATION:

The following table lists the additional technical work and reports which have been used to inform the review in relation to Utilities Section.

Documents	How have these been used	Link No.
National Policy Statement on Electricity Transmission	Specifies the objectives and policies that Council must give effect to.	<u>22</u>
National Policy Statement on Electricity Transmission Implementation Guidance for Local Authorities	Provides guidance on how to implement the provisions of the NPS ET.	<u>23</u>
National Policy Statement on Electricity Transmission: Further Guidance on Risks of Development near High Voltage Transmission Lines	Provides guidance on Risks of Development near High Voltage Transmission Lines when implementing the provisions of the NPS ET.	<u>17</u>
New Zealand Electrical Code	Provides guidance on electrical	<u>18</u>

of Practice for Electrical Safe Distances	safe distances from sources of electricity	
Transpower Annual Planning Report 2012	Provides medium to long term plans for the alteration and upgrading of the National Grid as it pertains to the District.	15
Monitoring Report for the Utilities Section of the District Plan, October 2011	The identification of relevant issues in terms of the efficiency and effectiveness of the Plan provisions.	24
Queenstown Lakes District Council Proposed District Plan – Issue 17 Report	Includes submissions and draft recommendations from QLDC Planning department regarding Utilities Section of the 1995 Proposed District Plan. Taken into account as part of the review of the Utilities Section.	25
QLDC Proposed District Plan – Issue 17 Utilities – Decision – August 1998	Identifies reasons for the current operative District Plan section.	26
Feedback received from operators from consultation through the Monitoring report phase	Taken into account as part of the review of the Utilities Section.	19,20,21,27
Te Ao Marama - The Cry of the People Te tangi a Tauira	Iwi management plan for Te Ao Marama; Taken into account as part of the review of the Utilities Section.	7
Kai Tahu Ki Otago Natural Resource Management Plan 2005	Taken into account as part of the review of the Utilities Section.	8
Electric and Magnetic Fields and Your Health (2011) formulated by National Radiation Laboratory for the Ministry of Health	Taken into consideration when assessing risks to human health of magnetic and electric fields	16

CONSULTATION

In accordance with the requirements of the RMA and the processes outlined in the District Plan Review Consultation Strategy, consultation has been undertaken with key operators and stakeholders of utilities through the monitoring and Section 32 analysis phase of the review of the utilities section. The consultation undertaken is summarised as follows and is outlined in full under the Document Library reference **13**:

- In terms of telecommunications, semi-structured interviews were undertaken with representatives from Vodafone New Zealand, Two Degrees Mobile and Telecom. All of these stakeholders have lodged resource consents relating to telecommunication facilities since the Plan has been in effect.
- In terms of electricity transmission, consultation has occurred with both Aurora Energy Limited/Delta Utility Services Limited and Transpower New Zealand.

- Consultation has been undertaken with Queenstown Lakes District Council's Three Waters Manager, Mr Gerry Essenberg, and Queenstown Lakes District Council's Solid Waste Manager, Mr Stefan Borowy.
- On-going discussions during the course of preparing this section 32 assessment with representatives from Transpower New Zealand and Delta Utility Services.

ISSUES

Existing Issues Identified in the Operative District Plan

Section 17.1.2 of the Plan identifies four issues relating to the Utilities Section. These issues are being set out in the section 32 report so that they can be removed from the Plan in order to simplify and streamline the document:

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.

Current issues with the Plan provisions for Utilities

The following nineteen issues have been identified in relation to the operative provisions of the Utilities Section. These issues have been identified from monitoring and consultation.

1. The National Policy Statement on Electricity Transmission (NPS ET) and associated implementation guidance has come into force and should be given effect to by the Plan.

Discussion of Issue

Since the Utilities Section became operative, the Government has issued the NPS ET, and a detailed implementation guide including further notes on development near high voltage transmission lines. The NPS ET requires that local authorities give effect to its provisions in plans made under the RMA (i.e. the District Plan) by initiating a plan change or review within four years of it coming into force (11 April 2008).

The National Policy Statement on Electricity Transmission (NPSET) established a range of policies to direct the management of effects generated by the national transmission network, and the management of effects on the network generated by development in close proximity to it. Specifically, the NPSET requires local authorities to give effect to Policies 10 and 11, which require them to manage adverse effects caused by development near high-voltage transmission lines.

Option

A number of different options have been considered to give effect to the NPS ET. These include:

- Amend current provisions to ensure the specific NPS ET policies are given effect to; or
- Incorporate the policy provisions provided by the Ministry for the Environment in the Implementation document provided with the NPS ET.
- Incorporate provisions as suggested by Transpower.

While the objectives and policies outlined in the NPS ET are specific and are not fully given effect to by the existing objectives and policies in the Plan, it is important to recognise that the NPS only applies to one transmission line that runs through the District. This line is managed by Transpower, who has provided advice on the draft provisions, and made suggestions as to how the Plan should be amended. Transpower suggests the inclusion of policies under Objective 2. This is considered appropriate as it recognises the importance of the transmission corridor, and the importance of avoiding the location of sensitive activities within that corridor.

It is recommended that the following policy is added under existing Objective 2:

2.8 To ensure safe and efficient use and development of the Electricity Transmission Network, including within the Transmission Line Corridor, and to protect activities from the adverse effects of the Electricity Transmission Network, including by:

- a. Avoiding incompatible land use and development within the transmission yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised;
- b. Avoiding sensitive activities within the electricity transmission yard to avoid reverse sensitivity effects on, and minimise risk and health and safety effects, amenity and nuisance effects of, the transmission network;
- c. Managing subdivision within the electricity transmission corridors to achieve the outcomes in (a) and (b) and to facilitate good amenity and urban design outcomes; and
- d. Not foreclosing operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.

The National Environmental Standards for Electricity Transmission (NES ETA) set out methods to ensure the NPS ET objectives are met. The NES ETA sets out rules that determine when resource consents are required for electricity transmission infrastructure. The Ministry for the Environment has provided guidance on how these could be incorporated into District Plans and have outlined that there will be conflict with the NES if a rule in the Plan:

- Is more stringent than the NES provision; or
- Is more lenient than an NES provision.

The options on how to incorporate the NES ETA rules include the following:

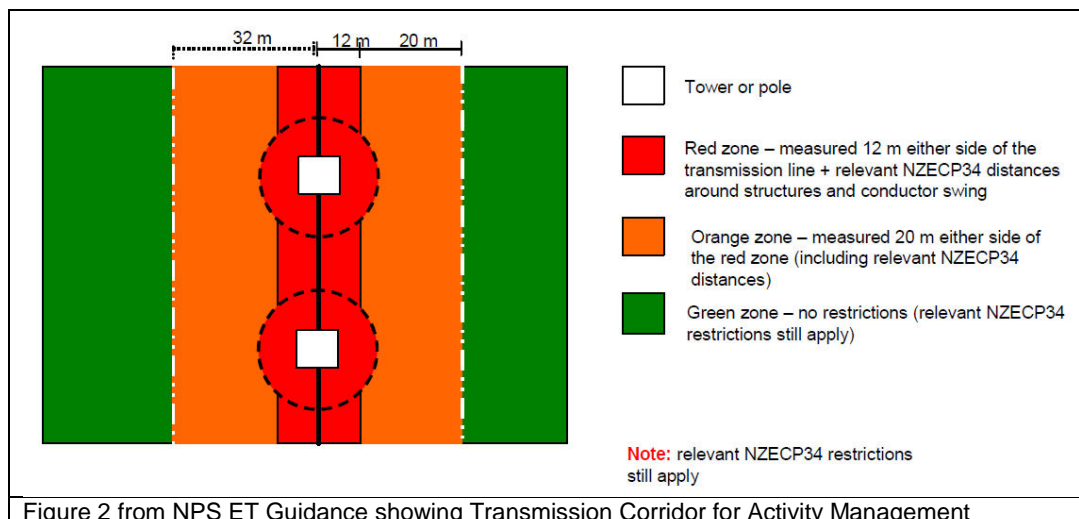
- Amend plan provisions to remove specific duplication or conflict
- Include references to the NES by a rule
- Include references to the NES by way of advisory notations

The option suggesting a new rule in District Plans referring to the NES ETA is considered appropriate as it ensures the Plan gives effect to the NES and users of the Plan are aware of the requirements of the NES ETA. This adopts the approach suggested by Transpower. It is therefore proposed to provide a rule in the Utilities Section to ensure the District Plan gives effect to the NES ETA and that this is clear for users of the Plan. As the NES ETA only provides for works to existing lines a rule relating to new lines should remain in the Plan. The discretionary activity rules (17.2.3.3(b)) relating to support structures should be amended to refer to 'new' overhead lines as opposed to new and existing lines.

Proposed District Plan Map Amendments

It is proposed to add a "Transmission Corridor" to the District Plan Maps along the length of the current Cromwell to Frankton 110kV line where it traverses the District. This is to identify the corridor and allow rules to be developed to control what can occur in these areas in accordance with the NPS ET provisions. Consultation with Transpower New Zealand and a review of their future plans as outlined in their Annual Plan 2012 has revealed that no new 110kV (or greater) line is proposed over the Plan life therefore no other corridors are required to be established.

The corridor shall be identified in accordance with Figure 2: Transmission Corridor Activity Management of the *National Policy Statement on Electricity Transmission: Further Guidance on Risks of Development near High Voltage Transmission Lines* shown below:



Proposed Rules

It is proposed to add the following rule under Section 17.2.2 General Provisions to give effect to the NPS ET:

The following rules shall apply to all utilities:

National Environmental Standards

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

It is proposed to make the following amendments to ensure support structures for new lines require consent under the plan as existing lines are catered by the above rule giving effect to the NES ETA (deleted text stuck through, added text in underline).

17.2.3.3 Discretionary Activities

i Lines and Support Structures - except minor upgrading

Any line or support structure where it involves:

- (b) Erecting any support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) **in all zones**;*

In response to the advice of Transpower, it is proposed to add the following zone standard.

i. Transmission Corridor

- 1. Activities located within the electricity transmission yard (being 32m either side from the centre line of the transmission line):**
 - (a) Buildings and structures shall be less than 2.5m in height and 10m² in area;**
 - (b) Fences and horticultural structures shall be less than 2.5m in height;**
 - (c) Additions and extensions to existing buildings shall not exceed the existing building envelope.**
- 2. No sensitive activities shall be located within the electricity transmission yard**
- 3. No buildings or structures shall be located within 12m of the outer edge of any support structure.**

The inclusion of the zone standard reflects Transpower's advice by making certain activities within the corridor a non-complying activity. Because failure to comply with the zone standard is a non-complying activity, no assessment matters are necessary,

Because the rules refer to 'sensitive activities', a definition is required. The following definition suggested by Transpower is proposed:

Means those activities within an Electricity Transmission Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include any residential

activity, visitor accommodation, educational facility, healthcare facility and day care facility.

Transpower also identify permitted earthworks activities. However, it is unclear as to what status activities should become if they fail to meet the permitted standards suggested by Transpower. Given that any activity within the corridor is subject to the NES ETA it is considered unnecessary to include further provisions within the Plan.

Transpower also suggest the inclusion of a restricted discretionary activity for subdivision applications within the Transmission Corridor. This is outside the scope of this Section 32 analysis. It is noted that Transpower commented positively on the way in which subdivisions within the Corridor were assessed recently. This was achieved without additional provisions within the Plan, and therefore it is considered that existing provisions are adequate.

2. Definition of Utility is confusing and may encompass unintended development

Discussion of Issue

Two issues with the definition for utilities have been identified through consultation.

The current definition of utility is as follows:

Utility Means:

- a. *transformers, lines and necessary and incidental structures and equipment for the transmissions 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 (excluding water tanks);*
- e. *structures, facilities, plant and equipment for the treatment of water.*
- f. *structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications (see definition of telecommunication facilities).*
- g. *structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities 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. *waste management facilities.*

Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.

The two issues that have arisen are as follows:

Firstly there is an inconsistency between part c. and d. in the definition. The storage facilities referred to in c. could be misconstrued to include water tanks, and these are specifically excluded in part d. Therefore the definition currently contains an internal inconsistency.

Secondly the definition for utility does not distinguish between utility development to provide wider community benefit and utility development for individual property owners. It is understood that the purpose of the utilities provisions is to allow for utility development that may have more environmental impact than would normally be considered appropriate but that impact is balanced against the need for essential services to be provided to the community.

The result of this lack of distinction is that utilities that do not provide wider community benefit and are developed to service the direct needs of individuals in the community can be developed under the Utility provisions which can result in unanticipated adverse effects.

Through the review of the Utilities section, further consideration has been given to the definition and the fact that it specifically excludes structures or facilities for the generation of electricity, manufacture and storage of gas, and the treatment of sewage.

The definition of utility includes storage facilities for sewage, but specifically excludes structures or facilities for the *treatment* of sewage. In comparison, both the storage and treatment of water is included in the definition.

It is understood that this distinction arises because the utilities provisions provide for the *network*, rather than the generation or treatment facilities. This recognises that the network provides for the wider community and can span across different areas of land that are within different ownership. In comparison, the treatment station, or the electricity generation, will be in one location, and will likely be managed by a requiring authority, who has the ability to use the designation provisions of the Act.

The purpose of the Utilities Section, at page 17-1, states that “Large scale utilities such as sewage treatment facilities are provided with specialised rules through designation”. Designations allow requiring authorities to plan for network utilities and large public works by setting aside an area of land outside the provisions of the district plan. A requiring authority can be:

- a Minister of the Crown
- a local authority
- a network utility operator approved as a requiring authority under section 167.

Ministers of the Crown and territorial authorities are automatically requiring authorities. A network utility operator has to have its status as a requiring authority approved by the Minister for the Environment. Only a requiring authority can use the designation provisions of the RMA to have land designated for public works or network utilities. It has financial responsibility for a project, work or operation on the designated site.

Option

No changes to the objectives and policies are considered required to resolve this issue.

It is suggested that the utilities definition is amended so that it clearly applies only to utilities that provide for a community benefit.

To address the first point above it is considered that point d. of the Utilities definition could be amended to read (amendments shown as strike through):

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

This provides greater clarity that water tanks/water storage may be considered a utility. However, this depends on the addition of a further clarification within the definition, which aims to exclude utilities that serve less than 25 people. Otago's average number of people per dwelling was 2.69 in 1999 therefore allowing for rounding up to an average of 3 per dwelling the amended definition would exclude utilities serving less than 8 dwellings. The Health Act 1956 defines a neighbourhood drinking water supply as serving between 25 and 100 people. It is considered reasonable to use the same figure to determine when a community benefit will result from utility provision.

An alternative to the above suggested amendment would be to attempt to limit utility provision to utility network operators. The issue with that is that the Act defines Network Utility Operators under s. 166 and the definition in the Act may also allow the development of utilities without providing wider community benefit as water supply facilities, including those for irrigation, is included in the definition. This is not what the utilities section in the Plan intends therefore it is considered the former suggestion to define the term utility by the number of people it serves more adequately achieves the intended purpose for Utilities Section in the Plan.

If included in the definition of utility, most wastewater treatment facilities would still be assessed as a discretionary activity, because the controlled activity rule for utilities does not apply to buildings in the Rural General Zone, or buildings that are discretionary within the zone in which they are located. Where a wastewater treatment facility is located within urban zones (resort, township) they would likely be considered at the time of subdivision. If not, they may be assessed as a building (if greater than 10m² in size).

It appears that including wastewater treatment within the utilities definition would, in general, not alter the level of assessment. While it is unclear as to why sewage treatment facilities are excluded, but storage is, amending the Plan would unlikely change the level of assessment.

It is therefore recommended that no change is made to the definition of utility as it relates to sewage treatment facilities, and sewage treatment facilities, electricity generation and manufacture and storage of gas continue to be excluded from the definition.

3. Lack of clarity regarding the Overview of the Utilities Section

Discussion of Issue

The monitoring report identified two issues with the "Overview" text within the Utilities Section. It is considered that the monitoring report was referring to the "Purpose" outlined in 17.2.1 and the "General Provisions" outlined in 17.2.2 of the Utilities section. Firstly, the monitoring report considered that many applications for utility development are processed under Part 8 (Designations and heritage orders) of the Act and that the Utilities Section should note this to ensure clarity.

Secondly, and linked to the first point above, the “General Provisions” section states that the rules in the Utilities Section has precedence over other District Plan rules, but the monitoring report highlighted this is not the case if the utility is covered in Appendix 1: Designations and this requires clarification.

Further, it is important that the utilities section is consistent with the new electricity generation section, by referring to other district wide sections that also apply to utilities.

Option

Changes to objectives and associated policy or methods are not required to deal with this issue. As an option to resolve the first issue above it may be appropriate to refer to the function of designations to inform those intending to provide utilities in the District. The most appropriate part of the Utilities Section to refer to these matters is within the ‘General Provisions’ section. The following amendments to ‘General Provisions’ would provide more clarity:

Utilities can also be provided as designations. Refer to Appendix 1 – Designations of the Plan for conditions and descriptions of designated sites.

With regard to the second point the conditions for designations set out in Appendix 1 of the plan are not considered to be rules per se therefore a change to the statement in the General Provisions section is not required.

A further change is suggested whereby it is clarified that utilities must comply with noise and earthworks standards for the zone in which they are located. In many cases, where utilities are of a small scale, earthworks standards will not be triggered. Given the environmental effects associated with earthworks, particularly on amenity and landscape values, it is considered important that control is retained over these effects. This approach is consistent with the approach taken for the new section on electricity generation.

4. Lack of provisions relating to all types of Utilities

Discussion of Issue

The monitoring report suggested that provision should be made for all utilities, and found that the issues, objectives, policies and in some cases the rules in the Utilities Section do not include adequate reference to issues regarding the development of gas transmission infrastructure, lighting, roads and airports.

Option

No additional methods to achieve the general objectives and policies are proposed. Part b. of the definition of Utility includes gas distribution infrastructure. Roads are unzoned therefore the District Plan does not control utility provision in these areas. Street lighting is either developed within road reserve where consent is not required or within new roads created by subdivision. The street lighting as part of subdivision and development can and is assessed as a matter under Councils control at subdivision stage of development and this is considered appropriate. In terms of Airports it is considered these facilities are covered by part i. of the definition of utilities. The two main airports within the District are managed by designation.

In light of the above it is considered the definition of Utility in the Plan includes the utilities outlined in the issue above therefore the current provisions do cater for the development of gas transmission infrastructure, lighting, roads and airports.

It is therefore considered the issue above is dealt with appropriately under the current provisions and no changes are required.

5. Public health and safety issues not considered

Discussion of Issue

The monitoring report found that the provisions in the Plan do not include consideration of public health and safety with regard to issues such as odour, electricity and radio-frequency fields. The report concluded that consideration should be given to these matters.

Option

Objective 3 relating to avoiding, remedying or mitigating adverse environmental effects and associated policy 3.1 address the control of effects on the environment which includes effects on people.

With regard to electricity fields it is considered any proposed changes relating to issue 1 above regarding the NPS ET will ensure effects of electricity fields from high voltage lines are taken into consideration.

With regard to other electric and magnetic fields the following relevant excerpt is from a report produced for the Ministry of Health investigating health risks arising from electric and magnetic fields:

“In spite of all the studies that have been carried out over the past thirty years there is still no persuasive evidence that the fields experienced in everyday life pose any health risks.”

As such it considered that there is no need for additional provisions relating to electric and/or magnetic fields.

Odour resulting from emissions to air is under the remit of the Otago Regional Council and so no reference to that is required in the District Plan.

The issue of radio frequency fields is adequately provided for in the National Environmental Standards for Telecommunication Facilities 2008 (NES TF). The NES TF outlines what radio frequency radiation is permitted and also what resource consents are required if these standards are not met. In the interests of stream lining it is not considered appropriate to repeat that information in the District Plan.

For the reasons outlined above it is not considered that further changes to the provisions are required to address this issue.

6. Triggers for resource consent activity status for telecommunications mast height may require updating

Discussion of Issue

According to feedback from consultation with operators, the triggers for the activity status of utilities are currently confusing and contain inconsistencies with other local authorities' District Plans. Feedback through that consultation has also identified that some operators consider higher mast heights should be permitted, consistent with other Districts. The monitoring report suggested that consideration should be given to the use of tables to show maximum building heights in each zone to allow operators to easily establish what heights of antennae could be erected under the utility provisions.

The following table reflects the existing provisions as they relate to mast heights:

Permitted	Controlled	Discretionary
Masts up to 15m height in RG and town centre	All zones with max height less than 8m, all masts over 7m This applies to residential (if sloping), township, Arrowtown Town Centre, business and industrial, some buildings in Millbrook, Penrith Park, Bendemeer (some), some buildings in RPZ, Quail Rise, Meadow Park, some buildings in MCS, some in Kingston Rural General	Any mast or any antenna with diameter greater than 1.2m that is Above 1070m In SNA Within Residential Arrowtown Historic Management zone
	Antenna greater than 1.2m in diameter but less than 2.4m in diameter	Antenna greater than 2.4m in diameter in residential, rural living, township, resort, Airport, visitor, town centre, corner shopping centre, Bendemeer, Penrith Park and Business zones
	Masts up to 15m in height in Rural General	Masts over 15m in height in industrial and rural general zones.
		Masts with a diameter greater than 1.5m in width and up to the height limit for that zone. Therefore, you can have a mast up to 12m in height with a width of 1.5m in Queenstown town centre, but within Business zone you require discretionary resource consent for a mast over 6m in height
		Masts over 10m in height in residential (if sloping), township, Arrowtown Town Centre, business and industrial, some buildings in Millbrook, Penrith Park, Bendemeer (some), some buildings in RPZ, Quail Rise, Meadow Park, some buildings in MCS, some in Kingston
Masts up to 17m in Town Centre		In zones with a max building height of 8m or more, masts that exceed the height limit by more than 5m.

Currently, it is a permitted activity to erect a mast that is less than the permissible height of the zone, subject to the landscape and colour site standards. The landscaping site standard is unworkable for masts given that the same landscaping requirement applies whether the mast is on top of Deer Park heights, or within a car park in the town centre, and landscaping is not realistic as a means of mitigating the effects of a tall mast. In most cases it is likely to be the location that can resolve effects. It is also the cumulative effects of a number of masts in one small area that creates effects.

Any mast within the Residential Arrowtown Historic Management Zone is discretionary, yet a mast up to 7m in height is permitted within the Arrowtown town centre. Because the height restrictions are so strict in Business and Industrial zones, any mast up to 6m is permitted, but above is controlled. In terms of amenity values, these areas are better suited to absorbing the effects of masts than town centres. It may be preferable to encourage them within business and industrial zones, and restrict them in town centres.

Within town centres masts up to 17m in height are permitted (subject to the landscape standard). This is considered inappropriate given the importance of town centres, particularly the historic precincts and special character areas, for providing amenity.

Option

The inconsistencies referred to are understood to be between the height of masts that are permitted in other Districts around the country and the heights permitted in this District.

The original hearing in 1997 relating to the current Utility provisions heard various submissions and arguments aimed to justify a higher mast height prior to resource consent being required in the District. The decision that followed that hearing and established the current provisions on permitted mast height justified the current provisions by stating that the permitted heights requested by submitters were excessive and visual impact resulting from masts higher than permitted building height in the zone could be more than minor. The restrictions currently in place were then approved permitting mast height less than or equal to the permitted building height in the zone.

The suggested approach of using tables to highlight permitted building heights for each zone was considered however the disadvantages of this approach were considered to outweigh the small benefit that would arise for network operators using the Plan. The use of tables would repeat recorded information in the Plan and this does not promote streamlining which is one of the goals of the review. Importantly if any changes were made to permitted heights in existing zones, or new zones were created through plan changes, the tables in the Utility section would also require continuous amendment. It is considered that maximum building heights are clearly shown in each section and operators can easily review these sections to establish what heights are permitted on the sites they are considering. For these reasons the use of tables to show maximum building height in each zone is not being promoted.

It is recommended that all masts and antenna that are located on an ONF or an ONL are a controlled activity, with control reserved over location, cumulative effects, access, landscaping and external appearance.

It is currently a discretionary activity to locate any mast or antenna on sites above 1070m and within Significant Natural Areas. As per buildings, it is suggested that these triggers are no longer relevant, and that they be replaced with reference to ONF and ONL. This will impose stricter rules on most masts and antenna given that many are located on the hills within the basin which are at around 600-800masl.

While it is recognised that the providing for these utilities is important, they do have an adverse effect, and are often highly visible, even though the Colour site standard requires that they have a low reflective finish. If consent is required then co-location could be considered in order to reduce effects, likewise location and access. Often it is the access that causes adverse effects, and result in scars on the landscape from tracking across ONL or ONF.

It is also recommended that the height standards are amended so that it is more permissive to provide for masts etc within the business and industrial zones, and is more restrictive in sensitive areas. As per the new section for electricity generation, the historic precincts, open space zones, and town centre special character areas are considered sensitive. The proposed changes reflect the importance of managing adverse effects from utilities within these areas.

Recommended changes:

Controlled Activity Rule:

ii Telecommunication, Navigation, Meteorological Facilities

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

- (a) ~~In zones with a maximum building height of less than 8m and in the Rural General zone, a mast greater than the maximum height permitted for buildings of the zone in which it is located; or Within the Rural General Zone and within the Town Centre Zones (Arrowtown, Queenstown and Wanaka), any mast greater than 8m in height.~~
- (b) In zones with a maximum building height of less than 8m (except for the Business and Industrial Zones), a mast greater than the maximum height permitted for buildings of the zone or activity area in which it is located;
- (c) ~~(b) — an antenna greater than 1.2m in diameter but less than 2.4m in diameter. If circular shaped an antenna greater than 1.2m in diameter but less than 2.4m in diameter. If another shape, an antenna greater than 1.2m in length or breadth but less than 2.4m in length and breadth.~~

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

Discretionary Activity Rule:

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 1.2m in diameter (if circular in shape) or 1.2m in length or breadth (if another shape) in:*

- (i) Any Outstanding Natural Landscape or Outstanding Natural Feature; Any part of the District which has an altitude greater than 1070m above sea level;
 - (ii) Any area of Significant Indigenous Vegetation Any areas identified on the District Plan maps as being of Significant Nature Conservation Value and being contained in Appendix 5.
 - (iii) The Residential Arrowtown Historic Management Zone.
 - (iv) Any open space and landscape buffer areas identified on any of the Special Zone structure plans (Part 12)
 - (v) Town Centre Special Character Areas and Heritage Precincts
- (b) Erecting antenna greater than 2.4m in diameter or 3m in length or breadth, except omni directional (or “whip”) antenna which shall not exceed 4m 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 length or breadth and/or 4m in length if a whip antenna, **in industrial and Rural General 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.
- (e) In all other zones with a maximum building height of less than 8m (except the Business and Industrial Zones) and erecting a mast which is over 10m in height.
- (f) In the Business and Industrial Zones, and in all other zones with a maximum building height of 8m or greater, erecting a mast which exceeds the maximum height of buildings in the zone it is located by more than 5m.

7. The District Plan does not distinguish between microwave and panel antennae

Discussion of Issue

The rules in the Plan identify controlled, discretionary and non-complying activities that relate to the size of antennae. The issue is that the restrictions only relate to size in terms of diameter therefore only appear to relate to circular shaped antennae (i.e. commonly microwave antennae). The Monitoring report identifies this as an issue as the rules are confusing as they do not relate to square or rectangular antennae. It is considered that the restrictions should also apply to square or rectangular antennae commonly referred to as ‘panel antennae’. The rules affected are 17.2.3.2 (ii)(b), 17.2.3.3(ii)(a), (b) and (c) and 17.2.3.4(i).

Option

The objectives and policies relating to this issue do not require amendment as they appropriately seek to avoid, mitigate or remedy adverse effects on the environment.

It is considered appropriate to amend the rules discussed above to ensure they cater for other shaped antennae. The proposed amendments are provided in Issue 6 above (additions are shown as underlined).

8. Assessment of hazards and earthworks / engineering works undertaken when developing utilities may not be undertaken in accordance with best practice

Discussion of Issue

Currently many utility developments can be undertaken without adhering to accepted best practice in terms of hazard assessment, engineering and earthworks. This can lead to a range of adverse effects including a lack of analysis of slope stability and other hazards when earthworks are undertaken and a lack of site management that can result in sediment run off into surrounding waterways thereby degrading water quality.

This requires consideration to ensure Objective 3 and associated policies are achieved to avoid, remedy or mitigate the adverse effect of utilities (including their construction) on the surrounding environments and to ensure the relevant provisions in the Regional Policy Statement relating to the protection of water ways are achieved.

Option

The objectives and policies relating to this issue do not require amendment as they appropriately seek to avoid, mitigate or remedy adverse effects on the environment.

It is considered that the introduction of a new site standard would provide an appropriate method to effectively achieve the above mentioned objectives and policies. The site standard could be designed to ensure all development is undertaken in accordance with New Zealand Standards 4404:2011 as the accepted best practice standard for engineering works including assessment and design to ensure structures are resilient to hazards. If the site standard is not met then a restricted discretionary consent would be required with Council's discretion restricted to that matter. The site standard could read:

v Compliance with New Zealand Standards

All development of utilities including associated earthworks shall comply with NZS4404:2011.

It is considered that operators and developers of utility installations are conscious of ensuring development is undertaken in accordance with best practice therefore the site standard is not considered to be onerous.

The following assessment matter is proposed to ensure decision makers assess matters relevant to the above rule:

(xviii) Whether and to what extent the proposed development complies with NZS4404:2011, including adequate assessment and design for hazards and what effects may arise from any non compliance.

It is also recommended that utilities are subject to earthworks site and zone standards that apply in the District within which the utilities are located. In many cases this will not trigger additional consent requirements, given the scale of many utilities. For those that will trigger consent, it is important that the potential effects on the environment from the earthworks are managed effectively.

9. More emphasis should be placed on co-locating telecommunications infrastructure on common masts

Discussion of Issue

Currently there are provisions in the Plan (Policy 2.5 & 3.5) that encourage co-location of facilities where operationally and technically feasible. This issue was raised through consultation. The hearings and decision relating to the current District Plan provisions addressed this issue. At the hearing a submission was made which stated:

“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.” C Burn of Connell Wagner in submission for BellSouth New Zealand.

This is as true today as it was then and it is considered to be unrealistic to impose rules that would force operators to co-locate. It is considered advantageous to co-locate therefore a methodology should be devised to further encourage this practice where possible.

Option

The objectives and policies relating to this issue do not require amendment as they appropriately seek to encourage co-location of infrastructure.

If applications are submitted for new infrastructure located in close proximity to an existing mast then it is considered appropriate to have assessment criteria to allow decision makers to assess whether and to what extent efforts have been made by the developer to co-locate infrastructure on existing masts. The proposed assessment matter could read as follows:

- xix *Whether, and to what extent the utility developer has made efforts to co-locate new infrastructure on existing masts including any correspondence requesting co-location between owners of the existing masts and the utility provider*

10. Rules relating to utility buildings in Rural General Zone are unclear

Discussion of Issue

The monitoring report identified that utility buildings over 10m² are permitted activities in the Rural General zone but if less than 10m² are controlled activities. The rule being referred to in the Utilities Section is 17.2.3.2(iii) and it states:

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.

This rule shall not apply to structures up to 10m² in area and in addition less than 3m in height above ground level except where buildings are:

- Specified as being a discretionary activity in the zone which they are located; or
- Located in the Rural General zone; or
- Located on the site of a protected feature as identified in Appendix 3

The Council has reserved control in respect of the location, external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on heritage values, landscape and visual amenity values, nature conservation values and the natural character of the rural environment.

It is not considered that the rule above intends to allow buildings over 10m² to be permitted activities however it is accepted that the rule is ambiguous and requires clarification. The penultimate paragraph in the purpose of the Section at 17.2.1 states the following:

The Plan retains control over buildings while providing some flexibility for small utility buildings (being less than 10m² in area and 3m in height). Due to potential effects on open space, landscape and heritage values this flexibility is not provided for where buildings would otherwise be a discretionary activity in the zone.

This highlights that the flexibility provided for small utility buildings is not provided where buildings would otherwise be discretionary in the zone. The rule as it currently exists is confusing and requires amendment.

Option

The objectives and policies relating to this issue do not require amendment.

To provide more clarity the rule should be amended as follows (deleted text struck through, added text in bold underline):

The addition, alteration or construction of buildings greater than 10m² in area and 3m in height, other than masts for any telecommunication, navigation or meteorological communication facility or supporting structures for lines.

Control is reserved in respect of location, external appearance, associated earthworks, access and landscaping

This rule shall not apply to structures up to 10m² in area and less than 3m in height above ground level;

nor shall it apply where buildings are:

~~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.~~

~~This rule shall not apply to structures up to 10m² in area and in addition less than 3m in height above ground level except **nor shall it apply** where buildings are:~~

- Specified as being a discretionary activity in the zone which they are located; or
- Located in the Rural General zone; or
- Located on the site of a protected feature as identified in Appendix 3

In the above cases the rules in the underlying zone shall apply.

~~The Council has reserved control in respect of the location, external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on heritage values, landscape and visual amenity values, nature conservation values and the natural character of the rural environment.~~

11. The same site standards apply to very different types of utilities

Discussion of Issue

The monitoring report concludes that consideration should be given to having different Site Standards for different types of utilities, perhaps one set for utility buildings and one set covering masts and transmission lines.

Option

As this issue relates to amendments to existing site standards no changes to policy are considered necessary.

To resolve the issue separate site standards could be formulated to relate to buildings and masts and transmissions lines. This is not considered appropriate because the rules as they currently read, apart from the site standard to be amended under issue 13 below relating to landscaping, are considered to provide an effective methodology to achieve the objectives and policies of the Utilities Section. To split them would not add any meaningful benefit as they currently work well and would not assist in streamlining the District Plan. As such no changes are proposed to the existing provisions.

12. The Site Standard relating to Colour (17.2.5(iv)) requires more clarity

Discussion of Issue

This issue was raised for two reasons. Firstly the monitoring report highlighted that unpainted masts can comply with the current site standards. Secondly the site standard does not give effective guidance to operators in relation to what is required. The monitoring report considers it would be appropriate to amend the site standard to require masts to be painted and to specify what colour ranges are appropriate in different circumstances to increase certainty for operators.

The site standard relating to colour states that any visible part of a utility shall be finished with low reflectivity colours. It is unlikely that any raw material used for utility construction would be of low reflectivity therefore the site standard would require the utility to be painted. If a raw material was used and met the requirements outlined in the site standard then it would be appropriate.

Option

As this issue relates to amendments to existing site standards no changes to policy are considered necessary.

It is recommended that once the separate piece of work on appropriate colours is completed, that this shall be applied to the site standard. It is noted that other recommended changes to place restrictions on utilities within sensitive sites (ONL, ONF, heritage precincts and special character areas) links with this site standard. It may be more appropriate to remove this standard and rely on the amended rules which now trigger consent for utilities within those sensitive areas.

13. The current Site Standard relating to landscaping (17.2.5(ii)) may not always promote the best environmental outcome as it is potentially inappropriate in relation to the development of masts. Also the site standard appears to be incomplete.

Discussion of Issue

The current landscaping standard attempts to manage the effects associated with utilities across all zones, and therefore all environments. It is subjective, badly targeted, and not effective in achieving good environmental outcomes.

Some applications are only triggered by the landscaping site standard, which may not be appropriate for masts due to the potential ineffectiveness of landscaping to mitigate adverse effects of such structures. Landscaping can also give rise to adverse effects on openness, skylines and ridgelines in areas that have little or no trees. Many masts are located on skylines and ridgelines to provide for maximum coverage. Consideration should be given as to whether the current provision provides the best environmental outcome.

Option

As this issue relates to amendments to existing site standards no changes to policy are considered necessary.

It is recommended that the existing site standard for landscaping is deleted. In order to better manage environmental effects of utilities, it is recommended that in place of the landscaping site standard, the following changes are made:

- Utilities are subject to the earthworks site standards that apply to the zone in which the utility is located
- the rule requiring discretionary activity consent for buildings and structures on sites above 1070m is replaced with a rule requiring discretionary consent for buildings and structures within Outstanding Natural Landscapes and Outstanding Natural Features
- Permitted heights are reduced in the town centre zones and sensitive areas.

The rule referring to altitudes above 1070m was derived from the 1995 Plan, which drew a distinction between Rural Uplands and Rural Downlands. This was removed from the Plan following the Environment Court decisions which inserted reference to Outstanding Natural Landscapes, Outstanding Natural Features, Visual Amenity Landscapes and Other Rural Landscapes. The recommended change reflects this new distinction, and recognises that it is the ONL and ONF that are most vulnerable to effects from utility buildings. It is suggested that utility buildings and structures within VAL are controlled activities, recognising that the VAL are better able to

absorb utilities, but that control over location, landscaping, and access is still necessary in order to avoid or mitigate adverse effects.

14. Current assessment criteria in the Plan do not provide for the consideration of cumulative effects of utilities on the same site

Discussion of Issue

It may be appropriate to include assessment criteria relating to cumulative effects. Objectives and policies currently aim to avoid, remedy or mitigate adverse effects on the environment. It is considered an assessment of cumulative effects would assist in achieving this aim.

Option

The following assessment matter could be added to Section 17.3.2 to ensure cumulative effects of utilities are adequately assessed:

The number of existing utilities in the surrounding area, and whether the addition of a further structure or building represents a threshold with respect to the site's ability to absorb further change

15. Current assessment criteria in the Plan do not provide for the removal of obsolete / unnecessary utilities from utility sites

Discussion of Issue

Although the removal of obsolete or unnecessary utility infrastructure is discussed in the Plan provisions, no assessment criteria or rules exist to ensure the obsolete or unnecessary structures are removed.

Option

No change to existing policy is required to resolve this issue as policy 3.5 already encourages the removal of obsolete/unnecessary equipment.

It is considered that a method could be introduced to ensure policy 3.5 is met. In that regard an assessment matter could be included in the Utilities Section that would allow decision makers to assess the efforts an operator has made to remove unnecessary equipment if consent is lodged for new equipment. The assessment matter could read as follows:

Whether and to what extent efforts have been made by the utility operator to remove unnecessary or obsolete equipment at the proposed site.

16. Provisions in the Plan relating to temporary utilities are not clear

Discussion of Issue

Temporary utilities are provided for under Section 19 of the Plan (Relocated Buildings and Temporary Buildings and Temporary Activities) but are not referred to in the Utilities Section. This can be misleading for providers of utilities.

Option

Objectives and policies do not require amendment to resolve this issue.

It is recommended that the general provisions are amended so that it is consistent with other sections of the Plan, by referring to those District Wide sections that may apply to utilities. This is consistent with the approach taken in the new section on electricity generation. The recommended amendments are shown below:

- (a) Where the following District Wide rules are not met then resource consent will be required in respect of that matter.
 - (i) Heritage – Refer Part 13
 - (ii) Transport – Refer Part 14
 - (iii) Subdivision, Development and Financial Contributions – Refer Part 15
 - (iv) Hazardous Substances - Refer Part 16
 - (v) Signs – Refer Part 18
 - (vi) Relocated & Temporary Buildings and Temporary Activities – Refer Part 19
- (b) Where the following standards within the zone in which the activity is located are not met then resource consent will be required in respect of that matter:
 - (i) Noise
 - (ii) Earthworks

Utilities can also be provided as designations. Refer to Appendix 1 – Designations of the Plan for conditions and descriptions of designated sites.

17. Minor error regarding terminology

Discussion of Issue

The monitoring report identified that the term “KV” used in the Utility Section does not relate to Kilovolts as intended. The term “KV” is commonly used to identify the toughness of a material as defined by the Charpy V Test. The term that was intended to be used was “kV” which is used as an acronym for kilovolts.

Option

Current objectives and policies do not require amendment to resolve this issue.

It is proposed to replace the term KV with kV to refer to kilovolt as intended.

18. Section 15 (Subdivision and Development) includes objectives and policies relating to utilities

Discussion of Issue

The monitoring report identified that some of the objectives and policies in the subdivision section relate to utility development. The monitoring report suggested

that all the utility objectives and policies be moved to the Utility Section and be cross-referenced in Section 15.

Option

It is considered that the objectives and policies in Section 15 should not be moved as the services development they relate to is not necessarily the services that the Utility section is providing for. As outlined in the discussion of issue 2 above for services infrastructure to be defined as a utility it should provide a wider community benefit. In most cases services created as part of subdivision do not provide for wider community benefit therefore they should be considered under Section 15 and the current objectives and policies should ensure subdivision and development is appropriately serviced.

For this reason it is not proposed to move the servicing objectives and policies from Section 15 to the Utilities Section.

19. The Utilities Section of the Plan contains unnecessary text

Discussion of Issue

One of the identified aims of the District Plan review is to make efforts to simplify and stream line the sections of the Plan where possible. It is considered that there is unnecessary text in the Utilities Section of the Plan.

Further it is considered that the zone purpose provides a useful concise summary of what the zone is seeking to achieve, without having to read through all the objectives and policies. It is considered that it would be more useful to a District Plan user if the purpose was outlined at the start of the chapter, rather than the start of the rules. The purpose of the rules and assessment matters is simply to give effect to the objectives and policies.

Option

Any text that is not necessary in the Plan could be contained within this section 32 analysis allowing for future referral if required. This analysis will then lead to the provision of objectives, policies and associated methods to resolve any issues arising. This will also effectively streamline and simplify the District Plan.

It is therefore recommended that the text relating to the following sections is removed and provided within this Section 32 analysis:

- 17.1.1 Resources, Activities and Values;
- 17.1.2 Issues;
- 17.1.4 Environmental Results Anticipated;
- Text that explains “Explanation and Principal Reasons for Adoption” for each Objective and associated policies;
- Text that explains “Implementation Methods” following Objectives and Policies;

It is also proposed to relocate the Section 17.2.1 - Purpose to the beginning of the Utilities Section so that it provides a clear purpose at the start of the section. The purpose is also amended so that it is clearer and more concise. The Objectives and Policies have been amended by removing those that are not relevant or are provided in other sections of the Plan.

21. The existing site standard for setbacks applies only to setbacks from zone boundaries, and therefore does not manage effects on neighbouring properties.

The setback rule only requires a setback from street boundaries and from particular zone boundaries. This means that there is no setback required between utility buildings or masts and adjacent sites. It may be that it is an error in the way that the rule is drafted, and that it should read that the utilities must meet the setbacks for the zones in which they are located. Reference to street boundary should be replaced with road boundary so that it is consistent with other provisions of the Plan.

Option

It is recommended that the site standard for setbacks is amended so that all utilities must comply with the setback requirements for accessory buildings for the zone in which they are located. This is consistent with the approach taken for electricity generation, and reflects the need to manage effects on amenity values.

The existing rule only applies to buildings over 10m² in size. Because of potential amenity effects, and to provide consistency between rules for utilities, buildings associated with electricity generation, and accessory buildings, it is recommended that the reference to 10m² is removed.

EVALUATION:

1) Assessment of Alternative Overall Options:

In order to address the issues described in the preceding section of this report, a range of alternative options have been identified. Outlined below are the broad options which the review could take in terms of defining the approach for the Plan's objectives. These alternative options are as follows:

- **Option 1: No alterations**
Leaving the Utilities Section provisions as they are and simply re-notify them for public submission.
- **Option 2: Retain and Improve**
Retain the majority of the Utilities Section provisions but amend where appropriate to address the identified issues.
- **Option 3: Comprehensive Review**
Completely review the Utilities Section.

The costs and benefits of these different options have been assessed in the Section 32 analysis: Overview Report, and are summarised as follows:

Option 1: No Alterations	Option 2: Retain and Improve	Option 3: Comprehensive Review
-----------------------------	---------------------------------	--------------------------------------

Costs	Does not address identified issues nor implement the new NPS, and risks the provisions becoming further out of date and inconsistent with Central Government policy.	Has costs associated with going through the District Plan Review process.	Would impose a cost when monitoring has shown that the majority of objectives policies and rules are effective and this is not necessary.
Benefits	Retains the established approach which parties are familiar with. Low cost for Council.	Retains established approach but improves where necessary to update and assist implementation to achieve NPS objectives and to resolve known issues. Under the RMA a district plan must be consistent with a National Policy Statement.	Would allow a comprehensive fresh look the Utilities Section, but monitoring has shown the majority of objectives and policies are effective and this is not necessary.
Ranking	3	1	2

The approach that is most effective and efficient is Option 2: Retain and Improve. This recognises that the monitoring that has been undertaken shows that most objectives and policies are effective, but that a review is necessary to ensure consistency with the new National Policy Statement and to address known issues.

2) Assessment of Objectives and Related Policies

New objectives and associated policies are required to give effect to the NPS ET and REG. New or amended objectives and policies are not required to address any of the other issues raised through monitoring or consultation with key stakeholders. Existing objectives and policies to be retained are considered to be appropriate.

In terms of the NPS ET and REG the new objective and associated policies proposed are outlined under the option to resolve Issue 1 above. The following is an evaluation of that objective and associated policies against Part 2 of the Act.

RMA Provision	Evaluation
Section 5(2)(a)	The objective and policies sustain the potential of the existing and proposed electricity transmission resources to meet the reasonably foreseeable needs of future generations by providing for their ongoing use, maintenance, upgrading and establishment if required.
Section 5(2)(b)	The objective and policies safeguard the life-supporting capacity of air, water, soil, and ecosystems to the extent that they provide for the assessment of the impact of electricity transmission infrastructure on flora, fauna, wildlife and landscape values.
Section 5(2)(c)	The objective specifically seeks to avoid, remedy or mitigate any adverse effects of activities on the environment.
Social wellbeing	The objective and policies provide for the communities social well-being through enabling transmission of electricity, which is considered to be an essential service in terms of social well-being. It also provides a wider community benefit.

Economic wellbeing	The objectives and policies provide for the communities economic well-being through enabling efficient transmission of an essential service – electricity.
Cultural wellbeing	The objectives and policies provide for the communities cultural well-being through enabling efficient and effective transmission of electricity which is an essential service. The degree to which a proposed utility may affect values held by the takata whenua need to be considered at the time of resource consent and assessment matters exist in that regard.
Health and safety	Policies, rules and assessment matters explicitly address health and safety issues relating to electricity transmission lines and control development in areas where risks may arise. The NES ETA, embodied by a proposed rule in the Proposed District Plan provides rules that ensure effects on health and safety are considered in relation to electricity transmission activities.
Section 6	<p>How do the objectives and policies recognise and provide for the following:</p> <p><i>s6(a) the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:</i></p> <p>The existing objectives and policies include provisions to avoid, mitigate or remedy adverse effects of development of utilities.</p> <p><i>s6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:</i></p> <p>The new proposed policies include a policy to limit the possibility of an electricity transmission line traversing the outstanding natural landscape and features of the District where they do not already do so. The proposed policies recognise the existing infrastructure in those landscapes.</p> <p><i>s6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:</i></p> <p>Assessment matters relating to takata whenua are considered when resource consents are assessed.</p>
Section 7	<p>These objectives and policies have particular regard to:</p> <p>s7(b) the efficient use and development of natural and physical resources</p> <p>s7(c) the maintenance and enhancement of amenity values:</p> <p>s7(d) intrinsic values of ecosystems</p> <p>s7(f) maintenance and enhancement of the quality of the environment</p> <p>s7(g) any finite characteristics of natural and physical</p>

	<p>resources</p> <p>The objectives and policies of the Utilities Section do have particular regard to the section 7 matters listed above.</p>
--	---

3) Assessment of Rules and other methods (Discuss how proposed solution to issues works in terms of costs benefits etc.

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
<u>Issue 1 & Option</u> Issue: NPS ET required to be given effect to in Plan Option: Insert new objectives, policies, rules and assessment matters to clearly give effect to NPS	The proposed additions to policy will effectively align the Plan with the NPS ET as outlined in the implementation documents produced by the Ministry for the Environment. The proposed rules will ensure Electricity Transmission infrastructure can be developed efficiently in the District. The rule proposed will effectively avoid any conflict and will ensure the Plan is not more lenient than the NES provisions.	Clear provisions relating to the construction, upgrading and maintenance of the National Grid electricity network in a safe manner in accordance with the NPS ET.	Potential for reduced development potential of sites that include the Transmission Corridor.	If not acted upon the District Plan would not be in accordance with national legislation.
<u>Issue 2 & Option</u> Issue: Definition of Utility unclear Option: Amend definition to ensure it is clear and	The proposed amendments will ensure the definition is effective in ensuring utilities are defined as intended in the Plan. Efficiency may be increased due to less	The utility provisions will be used for their intended purpose i.e. to provide for the efficient provision of essential utilities that provide a wider	Using the Utility provisions for private utility development will not be possible under the new definition. Resource consents will be required for private	Uncertainty regarding water tanks would continue. Unintended private utility development can proceed under the current provisions. This

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
only utilities with wider community benefit are included in the definition.	confusion with the defined term that can potentially add to resource consent costs.	community benefit. There will be increased clarity in the definition.	infrastructure under normal provisions for the zone where they are proposed.	can potentially result in unacceptable adverse effects on the environment without a wider community benefit.
<u>Issue 3 & Option</u> Issue: Use of designations not discussed in Utilities Section Option: It is proposed to add an explanation to outline the function of Designations in the establishment of Utilities	The proposed change will ensure clarity for people using the section and will improve efficiency as it may avoid people mistakenly applying for resource consent for utilities that can be established through the designation/outline plan process.	Improves clarity of the District Plan	None	Uncertainty regarding the use of designations for utility development may occur
<u>Issue 4 & Option</u> Issue: Lack of provisions relating to all types of utilities Option: No change proposed	The current provisions are effective and efficient and no gains in effectiveness or efficiency will result if changes are made	No benefits will arise from amending the provisions and not making amendments will assist in streamlining the Plan.	None	There is no uncertainty or insufficient information regarding the range of utilities provided for by the Section.
<u>Issue 5 & Option</u> Issue: Public Health and Safety Issues not considered	Current provisions are effective and efficient	No benefits will arise as no changes are proposed.	None	There is no uncertainty or insufficient information regarding the provision for public health and safety.

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
Option: No changes proposed apart from those discussed under Issue 1 above				
<u>Issue 6 & Option</u> Issue: Telecommunication facility rules may be outdated regarding mast height. Option: No change proposed	The rules regarding mast height are currently effective and efficient. Provided the development meets all site standards only masts higher than maximum building heights in the zone require resource consent.	Retaining the rule will ensure telecommunication masts can be erected where adverse effects on the environment are considered appropriate.	Costs to applicants of requiring consents when masts are higher than maximum heights allowed for buildings.	There is no uncertainty or insufficient information regarding the subject matter. Risk of changing permitted mast height is adverse visual and amenity effects. Risk of retaining existing height rules is that utilities not provided because of costs associated with consent approvals.
<u>Issue 7 & Option</u> Issue: Currently no distinction between microwave and panel antennae Option: Amend rules to ensure panel and microwave antennae are provided for	The changes increase clarity which in turn increases effectiveness and efficiency of the provisions. Confusion is avoided and it is clear to see when resource consents are required.	More clarity. Antennae of all shapes covered by the rules.	No cost.	Lack of efficiency as permitted dimensions of antennae that are not circular in shape is unclear.
<u>Issue 8 & Option</u> Issue: Earthworks / Engineering works	Incorporating a new rule will ensure objectives and policies of the	Adverse effects on surrounding waterways and possibility of risk of	Cost to applicants associated with site management and	The Plan has insufficient information regarding how earthworks and

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
<p>undertaken when developing utilities may not be undertaken in accordance with best practice</p> <p>Option: Insert new rule to ensure works are undertaken in accordance with New Zealand Standards (4404:2011)</p>	<p>Utilities Section and the RPS are effectively provided for.</p>	<p>failure of earthworks and facilities may be reduced should the rule be included.</p>	<p>potential for resource consent requirements.</p>	<p>construction of utilities should be undertaken. Without the addition, works may not be carried out in accordance with best practice, creating a risk to the environment.</p>
<p><u>Issue 9 & Option</u> Issue: Co-location of Telecommunication facilities</p> <p>Option: Add assessment matter to address the issue</p>	<p>Policy requires operators to be encouraged to co-locate equipment where possible. The assessment matter will ensure decision makers can assess what level of effort is being made by applicants to co-locate, thereby encouraging the operator to investigate the option of co-location. The addition will make the objective and associated policy more effective.</p>	<p>Where resource consent is required the assessment matter will actively encourage operators to investigate opportunities for co-location, thus potentially reducing effects on the environment</p>	<p>The assessment matter may impose costs on applicants by encouraging discussions. Potential environmental costs by not requiring co-location</p>	<p>Currently there is insufficient information on how utility providers are to be encouraged to co-locate equipment.</p>

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
<u>Issue 10 & Option</u> Issue: Confusing rules relating to buildings in the Rural General zone Option: Amend rule to avoid confusion	The amendments should make the rule less confusing and therefore more effective in achieving the objectives and policies of the Section. Efficiency may be increased as a result of more clarity.	Increased clarity as to when resource consents are required.	No cost	There is currently uncertainty as to when resource consent is required and the amendment will avoid this confusion
<u>Issue 11 & Option</u> Issue: Same site standards apply to different types of activity Option: No changes proposed	The current rules are considered to be the most effective and efficient way of meeting the objectives and policies of the Plan.	Very little if any benefit would arise from amending the rules and the aim of streamlining the District Plan would not be achieved.	No cost	There is no uncertainty or insufficient information regarding the subject matter.
<u>Issue 12 & Option</u> Issue: Site standard relating to colour requires more clarity Option: No changes proposed	The site standard is considered the most efficient and effective way of achieving the objectives and policies. It provides for site specific issues..	No benefit would be realised from amending the provision. The benefit of the existing provision is that it recognises that different colours/finish may be needed depending on the site	There may still be some uncertainty to applicants	There is a currently level of uncertainty in relation to colours as each site is context specific. However there is a risk that amending the rule may not result in a good environmental? outcome. Specified colours may not match surrounding environment and adverse effects on

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
				the environment could be increased.
<u>Issue 13 & Option</u> Issue: Current landscaping provisions inappropriate in relation to mast development. Option: Amend provisions to ensure landscaping requirement is more appropriate	The amendments may result in a more effective method to achieve the objectives and policies. The amendments could also result in a more efficient Plan as resource consents may not be required if no landscaping is proposed at the base of a mast.	Adverse effects on openness, skylines and ridgelines may be reduced. Where indigenous vegetation exists in the vicinity of the mast site it shall be protected if over 2m in height. The area around mast development will be reverted to its natural states as soon as possible after completion of the works.	Costs to applicants of requiring consent for breaching site standard regarding landscaping	There is no uncertainty or insufficient information regarding the subject matter.
<u>Issue 14 & Option</u> Issue: No assessment criteria for cumulative effects of utilities on the same site Option: Add new assessment matter to assess cumulative effects	Cumulative effect can be an adverse effect therefore to ensure objectives and policies for the Utilities section are effective an assessment matter should be added. This will not affect the efficiency of the Plan.	Full assessment criteria in relation to potential adverse effects will be provided, enabling consideration of cumulative effects.	Costs to applicants of having to consider cumulative effects, and consideration of alternative sites where a site may be at the threshold	Currently there is uncertainty as to whether cumulative effects should be considered. This is due to insufficient assessment criteria. The proposed addition removes this uncertainty.
<u>Issue 15 & Option</u>	Policy 3.5 currently aims	The assessment	There would be a	There is currently

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
<p>Issue: No assessment criteria for removal of obsolete / unnecessary equipment</p> <p>Option: Add new assessment matter to assess removal of obsolete / unnecessary equipment</p>	<p>to encourage the removal of obsolete or unnecessary equipment however no effective method is used to achieve this aim. Effectiveness of the Plan would be increased with the addition proposed. Encouraging removal of obsolete infrastructure assists in achieving efficiency.</p>	<p>matter will act as a flag for decision makers to ensure adequate information is provided by operators in relation to the removal of obsolete or unnecessary equipment. This will encourage operators to remove the aforementioned equipment prior to new equipment being erected. Will assist in reducing cumulative effects</p>	<p>financial cost network providers given that they may have to remove obsolete equipment. Currently there is a cost to environment because there is no requirement to remove the equipment</p>	<p>uncertainty as to whether the extent of removal of obsolete equipment has to be considered during the processing of a resource consent for a utility. The proposed addition removes that uncertainty. If not acted upon there is a risk that obsolete equipment will remain on site because there is no requirement for its removal.</p>
<p><u>Issue 16 & Option</u></p> <p>Issue: Provisions relating to temporary utilities not referred to in Utilities Section</p> <p>Option: Include information into the General Provisions section regarding the process to establish temporary utilities.</p>	<p>The objectives, policies and methods exist to allow for efficient and effective provision of temporary utilities. These will be more effective if it is easy for a user of the Plan to be referred to the correct section of the Plan when considering temporary utilities. Efficiency may</p>	<p>Increases clarity.</p>	<p>No cost</p>	<p>Insufficient information in the Utilities Section regarding the process for temporary utilities will be resolved with the addition to point users to temporary activities section.</p>

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
	be improved as applicants will have a better understanding of what provisions apply resulting in costs in time and money unless otherwise directed.			
<u>Issue 17 & Option</u> Issue: Minor error regarding kV terminology Option: Amend errors	As the correct term will be referred to effectiveness will be increased.	The correct term kV will be used and any potential confusion will be avoided	No cost	There is no uncertainty or insufficient information regarding the subject matter
<u>Issue 18 & Option</u> Issue: Objectives and Policies relating to Utilities exist in Section 15 (Subdivision and development) Option: Do not move servicing objectives and policies to utilities section	Effectiveness and efficiency of the Plan will be unchanged	Small scale private service infrastructure development will be provided for through subdivision and development	None.	There is no uncertainty or insufficient information regarding the subject matter
<u>Issue 19 & Option</u> Issue: Unnecessary text in the Utilities Section Option: Remove	Effectiveness and efficiency of the Plan will be unchanged	The proposed change will assist in achieving the aim to streamline the District Plan	None. The information is available in the Section 32 report if required.	There is no uncertainty or insufficient information regarding the subject matter

(Issue)Rules or other methods	Efficiency and Effectiveness	Benefits	Costs	Risk of Acting / Risk of Not Acting if there is uncertain or insufficient information
unnecessary information from the Plan and include in this Section 32 analysis for future referral if necessary				

Conclusion

This section 32 analysis has assessed and discussed identified issues, provided options to resolve those issues and assessed the appropriateness of those options. It is considered that effective and efficient solutions have been proposed that take cognisance of the statutory framework within which the report was developed including the RMA and NPS's that must be given effect to.

Appendix 1: Text Proposed To Be Removed From the Plan

The following is the text proposed to be removed from the Utilities Section of the District Plan 1995. This appendix can be referred to resolve future queries relating the basis of the provisions.

A) Resources, Activities and Values

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

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.

B) 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.

C) Explanation and Principal Reasons for Adoption

Objective 1 and associated policies

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 and associated policies

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 or 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 and associated policies

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.

For completeness the Reasons for adoption of Objective 4 are noted here:

Explanation and Principal Reasons for Adoption

The reasons for the adoption of the proposed objectives, policies and methods relating to the electricity transmission line are outlined in the discussion of the issue 1 above and associated options.

D) 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.

E) Monitoring

Other than resource consent monitoring, and the statutory obligation to monitor the effectiveness and efficiency of provisions under section 35 of the Resource Management Act, no other monitoring is required.

F) Environmental Results Anticipated

The current District Plan Environmental Results Anticipated are set out below. One minor change is proposed to better reflect what is anticipated with regard to electricity transmission.

- (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, sewage and stormwater.
- (xi) Maintained and enhanced public health.
- (xii) Effective, efficient and safe provision of electricity transmission infrastructure.

Appendix 2: Revised Utility Section Provisions