

Monitoring Report: Section 17: Utilities



Queenstown Lakes District Council

28 October 2011

Executive Summary

The focus of this monitoring report is whether the District Plan objectives and policies are being achieved with regard to the provision of utilities in the District. This report identifies potential resource management issues relating to utilities and highlights the areas that require specific attention during the District Plan review process.

Resource management issues are articulated below as questions and answers:

1. Is the construction, operation and maintenance of essential services readily allowed in the district?

Yes. In most instances utility development has occurred on a non-notified basis with few applications requiring a resource consent hearing. The district has some established utility sites which have been ideal for their purpose, however some of these are now reaching capacity and there is a need to ensure that new sites can be established that continue to provide appropriate resource management outcomes.

2. Does the Utility Section effectively direct development to areas where utilities can be provided on a sustainable basis?

The Section currently provides minimal guidance in this regard, and amendments to the Section to include clearer rules giving the activity status that is applicable for utility types within various zones would assist.

3. Are the adverse effects of utilities being avoided, remedied or mitigated?

Some good resource management outcomes have been achieved over the review period in terms of avoiding or mitigating adverse effects to landscape values. However the Section may need to include greater consideration of the public health and safety effects, and cumulative effects of utilities.

4. Is unnecessary equipment being removed, and does the District Plan provide for this?

We do not know whether unnecessary equipment is being removed, and the District Plan does not currently give consideration to this issue. This topic could be discussed with utility operators as part of the District Plan review.

The District Plan Review should address the following:

- Review the District Plan provisions that relate to utilities, including those in Sections 15 and 19 to simplify the objectives and policies; and also ensure information about the role of designations in the utilities section is clear.
- Simplify the rules relating to utilities, perhaps through the use of tables, to

clarify what consent status is applicable to different types of utilities in different parts of the district, and ensure that there is consistency in the rules in areas that are zoned similarly.

- Reconsider what size limits and landscaping is appropriate for different utility types and clearly provide for this in the rules.
- Include provisions to enable consideration of the public health and safety effects, and cumulative effects of utilities.

Introduction

The focus of this monitoring report is whether the District Plan objectives and policies are being achieved with regard to the provision of utilities in the District. A utility is the term commonly used to describe the essential services which enable a community to undertake its every day activities and functions. There are various categories of public utilities and a number of providers. The current District Plan refers specifically to telecommunication and electricity utilities, waste management utilities, water utilities (including water supply, sewage and stormwater), roads and airport utilities.

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 that may apply to utilities in the District Plan, unless specifically stated to the contrary.”* (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.

Where the utility provider is a Requiring Authority under Part VIII of the Resource Management Act 1991 (RM Act) then the provisions for this 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.

What is the Utilities Section Trying to Achieve?

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.

There are three objectives listed for utilities;

- Objective 17.1.3.1 seeks to co-ordinate the provision of utilities with the development of the District. Policies that follow from this objective seek to ensure that new development is adequately serviced, that appropriate provision is made

with regard to costs involved, and to provide adequately for future needs with regard to solid waste and reticulation services.

- Objective 17.1.3.2 seeks the establishment, efficient use and maintenance of utilities necessary for the well being of the community. Policies include the need to plan for these activities, encourage co-location where feasible, and to achieve sustainability.
- Objective 17.1.3.3 seeks to avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly high quality landscapes. This includes protection of areas with important natural features and significant habitats of indigenous fauna.

Currently the objectives and underlying policies and rules tend to focus on water, electricity, telecommunications and waste management issues. None of the objectives and policies refers specifically to roads or airports, although it is noted that there are separate District Plan Sections that deal with these.

The technology relating to utilities is constantly evolving and changes at the national level relating to utilities, such as amendments to the Resource Management Act 1991 and the development of National Environmental Standards relating to some types of utilities require District Plans to be updated to be consistent with the national requirements, and flexible to incorporate latest developments.

Overall the resource management issues for utilities can be articulated as four questions:

1. Is the construction, operation and maintenance of essential services readily allowed in the district?
2. Does the Utility Section effectively direct development to areas where utilities can be provided on a sustainable basis?
3. Are the adverse effects of utilities being avoided, remedied or mitigated?
4. Is unnecessary equipment being removed, and does the District Plan provide for this?

Summary of District Plan Rules Relating to Utilities

A copy of the relevant excerpts from the District Plan that relate to Utilities can be found in Appendix 3, attached.

The District Plan contains size measurements which determine whether electricity or telecommunication utilities are processed as a permitted, controlled, or discretionary activity, with the proviso that all applications for either within the Remarkables Park Zone require a non-complying activity consent. If a utility building is required which is over a certain size, then consent for this is also required.

Water utilities only require a resource consent if a building is required that is over the size requirements listed, with the exception of *flood protection works* (as defined on page D-4) which require a discretionary activity consent.

Waste management utilities also only require consent if a building is required that is over the size requirements listed, with the exception of *waste management facilities* (as defined on page D-13) which require a discretionary activity consent.

Roads and airports only require a consent if a building is required that is over the size requirements listed. Otherwise they are permitted activities.

Any utility that does not meet four listed Site Standards requires a restricted discretionary activity consent. The four Site Standards relate to:

- setback from boundaries,
- landscaping,
- height, and
- colour.

Section 15 (*Subdivision, Development and Financial Contributions*) includes objectives, policies and rules, some of which relate to utility development and in particular water and road utilities, where new development is to occur.

Any utility may also require a resource consent under other Sections of the District Plan, such as for earthworks; although as noted previously, the Utility Section rules take precedence over any other rules.

The District Plan currently contains no specific provisions relating to gas pipelines or lighting, both which could be considered as an essential service.

The District Plan enables any type of temporary utility to be carried out as a permitted activity subject to certain requirements listed on pages 19-3 and 19-4.

Desk Top Review of Utility Consents Granted Since 2003

Approach

A review of resource consent data was undertaken in order to obtain a clear picture of the kind of utility development occurring in the District since the Utility Section of the District Plan became operative, in 2003. The resource consent activity has been compiled from Council's NCS system, with data reported for the period from January 2003 through to 31 August 2011, an 8 year period. This electronic system has not historically been used to provide data that can assist with understanding the quality of consent decisions. Further work on improving the quality of data in the system will improve the speed and efficiency of obtaining useful data used in preparing monitoring reports. Currently much of the data comes from manual reviewing of consent files in order to understand what trends are emerging.

Overview of Utility Data

The data base revealed that the applications lodged for utility related activities during the review period fell into four broad categories, these being telecommunication, electricity, water and waste management. This is not surprising, as the Section 17 rules focus on these four types of utility activities. The largest numbers of applications were for telecommunication utilities with 99 sought during the review period, with 92 of these requiring consent under the rules contained in Section 17.

UTILITY ACTIVITY	
Telecommunication	99
Water related	68
Electricity	23
Waste management	11
TOTAL	201

Many of the applications lodged for the other three categories of utilities did not require consent under the rules in Section 17, but instead required consent under other District Plan provisions. Most commonly, consent was required under Section 5 (*Rural Areas*) of the District Plan to undertake earthworks, for either water or waste management related activities, within rural parts of the district.

The data revealed that the majority of utility applications were lodged by six main applicants, who together lodged 106 out of a total of 201 applications. These were as follows:

UTILITY APPLICANT AND NUMBER OF APPLICATIONS LODGED BY EACH	
Telecom	38
Vodafone	18
Aurora	15
QLDC	14

Broadcast Communications	11
Airways Corporation	10
Other	95
TOTAL	201

As some of these applicants are also Requiring Authorities under Part VIII of the RM Act, there were a number of applications that were dealt with as outline plans or notices of requirement under the procedures set out under the RM Act, rather than Section 17 of the District Plan.

A review of the data showed that the majority of utility sites in the district are located within the Rural General zone, although this can give a slightly misleading picture, as often utilities are located very close to the urbanised parts of the District which they service.

An in-depth analysis of each type of utility is set out below.

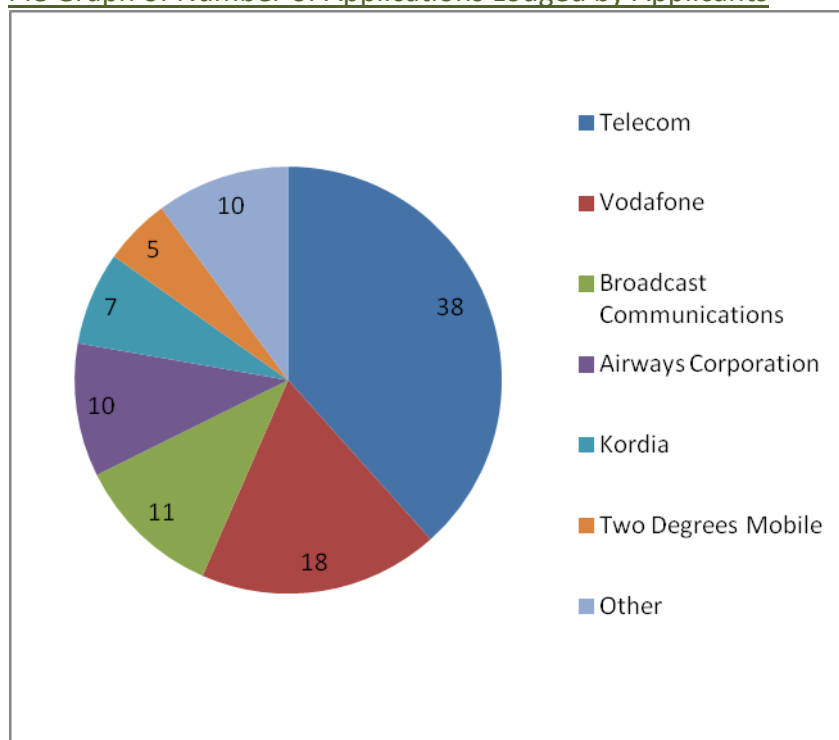
A: TELECOMMUNICATIONS UTILITIES

Telecommunication Trends during the Review Period

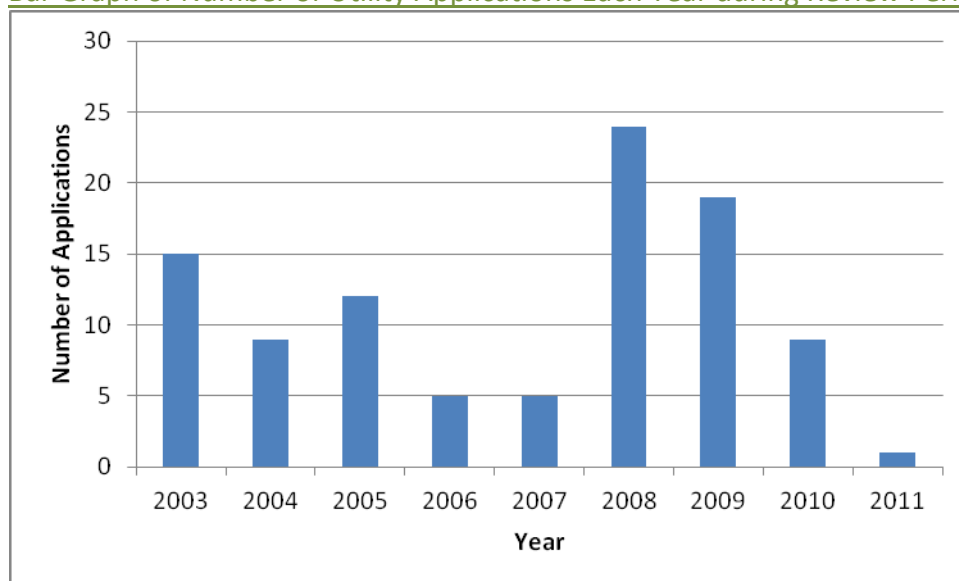
Utility Applicants

The telecommunication applications during the review period have predominantly been sought by five main applicants, as noted in the pie graph below. Over one third of the applications were lodged by one applicant – Telecom.

Pie Graph of Number of Applications Lodged by Applicants



Bar Graph of Number of Utility Applications Each Year during Review Period

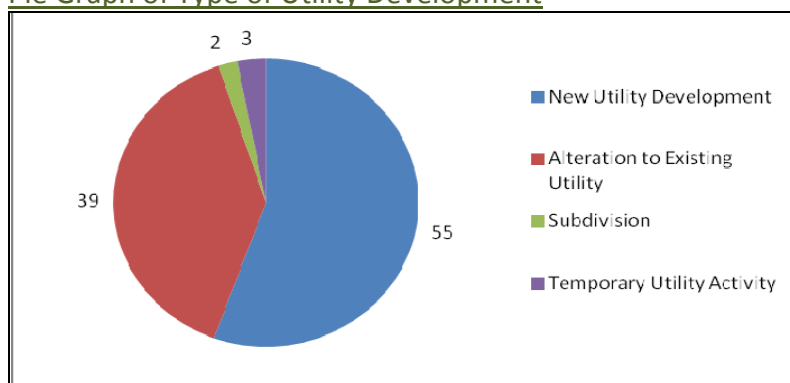


A significant number of applications were lodged in 2008 and 2009, which was caused by a new provider entering the market (Two Degrees Mobile) and a surge of activity by other providers, in both upgrading existing utility sites and establishing new sites. The downturn in applications in 2011 is in part attributed to the Christchurch earthquakes and the need to re-establish sites in that region, and also to Two Degrees Mobile focussing on establishing sites in other parts of the South Island during 2011.

Type of Activity

As the pie graph below indicates, over half of the applications (55) during the review period were for new utility development within the District; and this was mostly to establish new mast sites. There were 39 applications to upgrade existing telecommunication sites, with most of these being to add new antenna and associated equipment to existing masts. There were also three applications for temporary utility activities, where the requirements for these to operate as a permitted activity could not be met, thus requiring a resource consent.

Pie Graph of Type of Utility Development



Location of Telecommunication Activity

District Plan Zone Location

Although over half of the telecommunication utilities are located in the Rural General zone this can give a misleading picture; as a large portion of these are clustered together on hill tops, which are zoned Rural General, but are close to adjoining built up areas; such as the utilities underneath Skyline Gondola at Bobs Peak in Queenstown Central, and the utilities located on Peninsula Hill at Kelvin Heights.

DISTRICT PLAN ZONE		AREA LOCATION OF ACTIVITY REQUIRING RESOURCE CONSENT	
Rural General	58	Queenstown Town Centre	19
Other Rural	3	Wanaka Town Centre	3
Town Centre	8	Kelvin Heights Peninsula	14
Township	1	Frankton	7
Residential	13	Arthurs Point	3
Ski-field	8	Arrowtown	1
Other or unspecified	8	Cardrona	14
Total Development	99	Coronet Peak	6
		Wakatipu Basin	6
		Kingston	4
		Glenorchy	5
		Mount Nicholas	1
		Wanaka Rural, including Hawea Flat	14
		Unspecified	2
		Total Development	99

Decision Making and Consent Status

Nearly all telecommunication applications during the review period were processed as non-notified applications. For nearly all of these affected party approval from the landowner was first obtained. In one instance landowner approval was not forthcoming so that application was processed as a limited notified application. In some cases affected party approval from neighbours that were deemed to be affected was also obtained. As noted in other monitoring reports, the data does not currently enable information to be easily obtained on how many consents required affected party approvals. It is noted that if there is a high instance of consents being granted by delegated authority where

approvals were not required, then a change to rule structure in the Plan may avoid the need for many of the consents sought if these are for minor infringements.

Five applications prior to 2005 required a hearing process, with none since this date requiring a hearing or being the subject of legal proceedings.

HOW CONSENT WAS GRANTED	
Delegated Authority (only one application was limited notified, with the rest being non-notified)	93
Commissioner (Hearing)	5
Declined or Withdrawn	1
TOTAL	99

Whilst most applicants do not request a Certificate of Compliance prior to carrying out any permitted activity listed as such in the District Plan, applicants for new telecommunications utilities that comply with the District Plan rules usually do request a Certificate of Compliance; and there were 27 applications for these during the review period, as indicated on the table below. The costs involved in obtaining a Certificate of Compliance for a utility activity are similar to obtaining a non-notified resource consent, although they are usually issued within a shorter time-frame.

ACTIVITY STATUS	
Non-complying	13
Discretionary	18
Restricted Discretionary	14
Controlled	20
Permitted (Certificate of Compliance)	27
Outline Plan	5
Subdivision Consent	2
TOTAL	99

Thirteen applications were processed as non-complying activities, with 32 processed as either a discretionary or restricted discretionary activity. A review of decisions has revealed that Rule 17.2.3.3(vi) has created confusion in processing applications as either discretionary or restricted discretionary. The Rule states *“any utility which does not comply with one or more of the following site standards shall be a discretionary activity with the exercise of the Council’s discretion being confined to the matter(s) specified in the standard(s) not complied with.”* Some applications that do not comply with a Site Standard have thus been processed as a restricted discretionary activity, with others not complying with the same Site Standard being processed as a discretionary activity. An example is RM090134 that required discretionary activity consent because the proposal did not comply with Site Standard 17.2.5(ii) and RM080823 which required a restricted

discretionary activity consent because the proposal did not comply with the same Site Standard.

Many applications for telecommunication masts require consent due to non-compliance with Site Standard 17.2.5(ii), which requires landscaping to be provided up to 2m in height. As noted by Council's Landscape Architect in decision RM080823 (5 December 2008, page 3) *"it is inappropriate to carry out landscaping on the site as required by Site Standard 17.2.5(ii), as this would compromise the natural character and landscape values of the site"*. Many of the regions' higher hilltops have an alpine character that could be compromised with planting and the environment is such that it would be difficult for plants to become established in any case. Landscaping of 2m is often insufficient to obscure masts that are usually over 10m in height. The District Plan review provides an opportunity to reconsider this Site Standard.

Other issues that have arisen during consent processing are:

- that the Rules contain measurements relating to antenna but do not distinguish between panel and microwave antenna which causes confusion,
- that the measurement 'kV' is written as 'KV' throughout the Section,
- that there is no assessment criteria considering the cumulative effects of several utilities located in the same location,
- that the Section does not give adequate consideration to potential public health effects of utilities, such as odour, electricity and radio-frequency fields.
- that telecommunication and electricity utilities are a non-complying activity in the Remarkables Park zone and this is inconsistent with what occurs in other zones.
- that there is an inconsistency in that utility buildings under 10m² in the Rural General zone require a controlled activity consent but appear not to require a consent if they are over 10m².

Consent Conditions

A review of the decisions issued for telecommunication utilities indicated that conditions are usually imposed on colour, to ensure that any proposal blends in both with the environment and existing utilities at the site. There are three main colour preferences and these are a light grey where the utility is on top of a hill or ridgeline, a green-brown colour where a utility is viewed against a rural backdrop, and a blue-grey for any utilities located underneath the Skyline Gondola building.

In some instances a condition has been included to require the removal of equipment that is no longer needed, often with a date by which the removal is required.

A review clause has almost always been imposed on telecommunication decisions to enable Council to review the conditions of these consents.

District Plan Assessment Criteria

Five decisions were reviewed against the Assessment Criteria set out under 17.3.2 (pages 17-12 to 17-14 of the District Plan). The result was that four out of the five decisions achieved most of the assessment criteria, and the conclusion was that good resource

management outcomes were being achieved. The fifth decision was for a certificate of compliance to erect a new mast with associated equipment in Frankton. This proposal did not meet a number of the assessment criteria listed. Although the approved plans indicated landscaping to comply with Site Standard 17.2.5(ii) almost a year after the mast was erected there is still no landscaping. A further problem is that once a new mast site is established, this then becomes a site for other telecommunication utilities to co-locate at, and if the site is unsuitable, the problem becomes compounded.

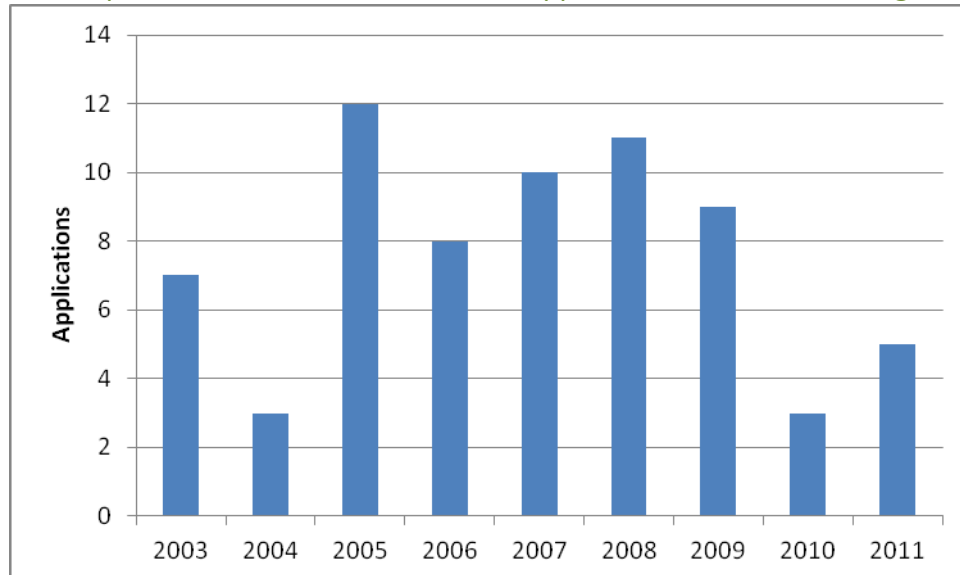
B: WATER UTILITIES

Trends during the Review Period

Water Utility Applicants

Council's data base indicates that there were at least 68 applications during the review period for water related activities. However not all of these can be classified as being for public utilities (essential services) as some were for activities such as the alteration of water races, upgrading of stormwater systems, the provision of water retention ponds, and the like. The data base indicates that the main applicant for water related activities is Council. As many of Council's water utilities are designated as such in the District Plan, many of Council's water utility related applications are for an outline plan approval or notice of requirement under the Designation provisions of Part VIII of the RM Act.

Bar Graph of Number of Water Related Applications Each Year during Review Period



Type of Activity

Location of Activity

Most water utilities need to be located close to urban areas, in areas with enough space to contain the water utility. A high location is preferred for water supply utilities while a

low lying position is preferred for stormwater and sewage pump stations. Most are situated in areas that are zoned rural.

DISTRICT PLAN ZONE	
Rural General	29
Other Rural	10
Town Centre	6
Township	3
Residential	9
Ski-field	4
Other or unspecified	7
Total Development	68

Decision Making and Consent Status

Most applications were processed as non-notified, with only four being subject to a hearings process. About half (32) of the applications for water utilities were processed as either discretionary or non-complying activities.

A review of the 28 water related applications since January 2008 showed that only five required consent under Section 17. Out of these five, one was for a certificate of compliance, three required a controlled activity consent for buildings associated with a water utility, and one was a discretionary activity for a water utility building in the Remarkables Park zone. Most of the others required a consent for earthworks under Section 5 (*Rural Areas*) of the District Plan. Ten applications were processed under Part VIII of the RM Act.

ACTIVITY STATUS	
Designation	5
Outline Plan	5
Non-complying	16
Discretionary	16
Restricted Discretionary	8
Controlled	4
Permitted (Certificate of Compliance)	3
Subdivision Consent	10
Unspecified	1
TOTAL	68

Consent Conditions

A review of the five decisions referred to above revealed that conditions were usually imposed to require landscaping and ensure that any adverse effects of earthworks were appropriately avoided or mitigated. Conditions imposed on other issues relevant to specific applications were on topics including colour, engineering, transport, and heritage protection.

C: ELECTRICITY UTILITIES

Trends during the Review Period

Electricity Utility Applicants

There has been one main electricity applicant during the review period, Aurora Energy Ltd, who lodged 15 applications. There were eight other electricity related applications by a variety of applicants. The years 2007 and 2010 both had five electricity related applications lodged, with less than this lodged on all the other years in the review period.

Type of Activity

Eleven of the applications were to upgrade existing equipment, with the remainder being for new electricity utilities. Three applications were processed under the variation provisions of the RM Act.

Location of Activity

District Plan Zone Location

The majority of electricity utilities are located within the Rural General zone.

DISTRICT PLAN ZONE	
Rural General	15
Other Rural	0
Town Centre	1
Township	0
Industrial	1
Residential	3
Ski-field	0
Other or unspecified	3
Total Development	23

Decision Making and Consent Status

Sixteen electricity applications were processed as non-notified, with one being a limited notified application. Six applications were the subject of a hearings process.

HOW CONSENT WAS GRANTED	
Delegated Authority (only one application was limited notified, with the rest being non-notified)	17
Commissioner (Hearing)	6
Declined or Withdrawn	0
TOTAL	23

Activity Status

At least half of the applications were processed under the designation provisions in Part VIII of the Resource Management Act 1991, as either Notices of Requirement or Outline Plans. Many also required a resource consent under the earthworks provisions in Section 5 (*Rural Areas*) of the District Plan. A review of the decisions issued since January 2007 revealed that only two out of 14 were processed under the Rules in Section 17.

ACTIVITY STATUS	
Non-complying	3
Restricted Discretionary	3
Discretionary	3
Controlled	5
Outline Plan	4
Designation (note that some of these were also listed for their activity status)	8
TOTAL	26

D: WASTE MANAGEMENT UTILITIES

Trends during the Review Period

Waste Management Utility Applications

Council's data base identified eleven applications that related to waste management during the review period and these included activities such as the disposal of waste material, gravel stockpiling, and the establishment of recycling and composting operations. A review of the decisions revealed that none required a consent under the rules of Section 17. An additional ten applications were lodged to establish clean fill sites. Almost all of the waste management related applications, including those for clean fills, required a consent for earthworks activities within the rural zones in the district under Section 5 (*Rural Areas*) of the District Plan.

It is noted that there were three applications for gravel related activities and that all of these were subject to a hearings process. The Luggate landfill was approved via the designation procedures under Part VIII of the RM Act.

No applications for waste management facilities (which require a discretionary activity consent under the Section 17 rules) were applied for during the review period.

Have the Objectives and Policies of Section 17 Been Met Through Granted Consents?

From the preceding desk top review and detailed analysis of utility decisions against the District Plan Assessment Criteria, the following conclusions are made:

- Objective 17.1.3.1 seeks to co-ordinate the provision of utilities with the development of the District. Policies which follow from this objective seek to ensure that new development is adequately serviced, that appropriate provision is made with regard to costs involved, and to provide adequately for future needs with regard to solid waste and reticulation services.

Many of the districts utilities are co-located. Some key utility sites have been established that minimise the adverse visual effects of utilities, such as underneath Skyline Gondola in Queenstown Central, and the utility sites on the northern side of the State Highway in Frankton, which are obscured by the vegetation planted along the side of the State Highway. This coordination of large numbers of utilities in key sites has assisted in reducing the visual impacts of utilities in the Queenstown district. However it is noted that some of the key utility sites are nearing capacity in terms of the amount of equipment that can operate from them, such as the telecommunications site at the top of Deer Park Heights. There is a need for a continued co-ordinated approach to ensure good resource management outcomes continue to be achieved in the future.

Whether or not sufficient consideration is given to the need for utility sites during the planning of new subdivisions and developments is a matter that will be considered as part of the review of Section 15 (*Subdivision, Development and Financial Contributions*).

- Objective 17.1.3.2 seeks the establishment, efficient use and maintenance of utilities necessary for the well being of the community. Policies include the need to plan for these activities, encourage co-location where feasible, and to achieve sustainability.

Most utility related applications have been non-notified and have been processed within or close to statutory timeframes, and with no further legal proceedings occurring. The District Plan has thus achieved efficiency in the processing of utility related applications.

As mentioned above, co-location of utilities within the district has in many instances led to successful outcomes.

- Objective, 17.1.3.3, seeks to avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly high quality landscapes. This includes protection of areas with important natural features and significant habitats of indigenous fauna.

The current District Plan requires resource consents where it is perceived that there could be an adverse effect on landscape values, in order that the Council can consider the potential effects of any proposal and impose specific conditions if appropriate. Good resource management outcomes have usually been achieved in terms of mitigating adverse effects to landscape values over the review period. This has largely occurred as a result of good will and discussion between various utility providers and Council staff, which has been initiated because many applications required a resource consent. In several instances the colour and placement of utilities has been altered as a result of negotiation during the consent process between the applicant, the Lakes Environmental Planner and Landscape

Architect (examples are RM090398, RM090308 and RM081273) which were all for new utilities on hilltops). The visual amenity of the environment has been maintained in most instances.

Often applications for new telecommunication utilities require consent to breach Site Standard 17.2.5(ii) relating to landscaping, which in many cases is ineffective at screening these types of utilities. First many masts are too high to be effectively screened by landscaping and secondly their location on exposed, high hills can compromise the alpine character of these areas. The current Site Standards apply to every type of utility, from sewage pump stations to telecommunication masts and as part of the review; consideration could be given to having Site Standards that apply to specific types of utilities.

Policy 3.5 seeks to “*encourage utility operators to adopt monitoring systems to ensure the effects of utilities and their operation is regularly evaluated to avoid or mitigate adverse effects, including the removal of unnecessary equipment (including buildings and masts).*” Council does not monitor whether or not this is carried out by utility operators and this topic could be listed for discussion with the operators during the District Plan review.

As noted previously, the District Plan currently does not contain an objective on public health issues associated with utilities. Some utilities can have adverse effects, such as odour, noise, or electricity and radio frequency fields. The public are becoming more concerned over time about potential adverse health effects of various types of utilities. Scientific knowledge of the long-term public health effects of telecommunication and electricity utilities in particular is incomplete. The current District Plan like many others in New Zealand does not take a precautionary approach on this matter. Public health issues may need to be addressed during the District Plan review.



Concluding Remarks

The objectives and policies relating to utilities within the district are generally considered to be appropriate and only minor amendment to these is required. The rules relating to water and waste management utilities are working reasonably well and little amendment to these is also required, with the proviso that the requirements for water utilities in the Designation part of the District Plan could be both simplified and provide greater flexibility for water utilities that are designated as such to be carried out as a permitted activity, subject to the rules listed.

The District Plan rules relating to telecommunication utilities are inconsistent and complicated. The District Plan review provides an opportunity to address these complexities in consultation with the stakeholders and public.

It is anticipated that with the continued development of the district there will be a considerable amount of new utility development over the next ten years. Some of the current utility sites are nearing their capacity and there will be a need to establish new sites that can appropriately meet resource management objectives.

The current District Plan provisions relating to utilities could be simplified by having one section that contains all the utility provisions including information about utility designations and temporary utilities, and by removing objectives, policies and rules on utilities from Section 15, and instead in this Section, cross-reference to the Utility Section.

The Utility Section would also be less confusing if it contained tables which clearly state the activity status for different types of utilities within different zones. Some identification of suitable utility sites and a lower activity status for these would provide guidance and give more certainty to utility operators. Clear distinction in the Site Standards between utility buildings and masts / transmission lines would also assist.

District Plan Review Issues

The District Plan Review should address the following:

- Review the District Plan provisions that relate to utilities, including those in Sections 15 and 19 to simplify the objectives and policies; and also ensure information about the role of designations in the utilities section is clear.
- Simplify the rules relating to utilities, perhaps through the use of tables, to clarify what consent status is applicable to different types of utilities in different parts of the district, and ensure that there is consistency in the rules in areas that are zoned similarly.
- Reconsider what size limits and landscaping is appropriate for different utility types and clearly provide for this in the rules.
- Include provisions to enable consideration of the public health and safety effects, and cumulative effects of utilities.

A summary of the suggested issues for discussion during the District Plan review is contained in Appendix 1, attached.



A summary of feedback from some key utility stakeholders in the district, including operators lodging recent applications for telecommunication, electricity, water and waste management utilities is attached, as Appendix 2.

Appendix 1: District Plan Review – Issues Requiring Further Investigation

SECTION OF DISTRICT PLAN	ISSUE	RECOMMENDED FOR PUBLIC CONSULTATION
Overview of Section	Although many utility applications are processed under Part VIII of the RM Act, the Section makes no reference to this.	Consider re-writing the Section to include the topics of both designations and utilities, in a similar manner as has been done in some other District Plans.
Overview of Section	This states that the Section has precedence over other District Plan sections, but this is not the case if the utility is covered in Appendix 1: Designations.	Clarify the role of designations in Section 17.
Issues, Objectives and Policies	These do not include adequate reference to issues such as gas transmission, lighting, roads and airports.	Include these issues in the Section, and / or include references to the other parts of the District Plan that deal with these matters.
Issues, Objectives and Policies	Section 15 also includes objectives and policies relating to utilities.	Have all the utility objectives and policies in the Utility Section only and cross-reference to them in Section 15.
Issues, Objectives and Policies	These do not include consideration of public health and safety with regard to issues such as odour, electricity and radio-frequency fields.	Include issues, objectives and policies on health and safety issues.
Rules Generally	These do not refer to gas transmission or lighting.	Consider whether rules on these issues need to be included.
Triggers for activity status for telecommunication utilities	The triggers for the activity status are confusing and contain inconsistencies. Examples include the varying heights for masts in different zones, and that many utilities are non-complying activities in the Remarkables Park zone.	Consider revising the activity status to simplify when a consent is required and have consistency over parts of the District that are zoned similarly. A table may be appropriate that lists the height requirements for masts in different zones. Reconsideration of the appropriate heights for different zones is also required.
Triggers for activity status for Telecommunication utilities	The Section does not distinguish correctly between panel and microwave antenna which causes confusion.	Consider whether the size of antenna is an appropriate trigger for activity status and if so what the requirements should be. Clarify if antenna measurements are used, whether they apply to round or rectangular antenna.
Triggers for activity status for Telecommunication utilities	Some applications are only triggered by the landscaping site standard, which is not appropriate for masts.	Consider removing the landscaping requirement for masts over a certain height, as landscaping will not obscure high masts.

Triggers for activity status for Telecommunication utilities	There has been inconsistency in processing, with applications for the same thing listed as restricted discretionary or discretionary, depending on whom processed the application.	Clarify when an application is to be processed as a restricted discretionary versus discretionary activity.
References to 'KV' throughout the Section	Section refers to 'kV' incorrectly as 'KV'.	Fix this error.
Rules relating to utility buildings	Utility buildings over 10m ² are permitted activities in the Rural General zone but if less than 10m ² are controlled activities.	Under Rule 17.2.3.3(ii)(iii) consider whether to add '(e) <i>The Rural General Zone</i> '
Site Standards	The same Site Standards apply to very different types of utilities, such as sewage pump stations and masts.	Consider having different Site Standards for different types of utilities, perhaps one set for utility buildings and one set covering masts and transmission lines.
Site Standards	There are currently no Site Standards to ensure public health effects are not adversely affected.	Add Site Standards on public health issues.
Site Standard on colour	Unpainted masts can comply with the Site Standard.	Require masts to be painted and specify what colour ranges are appropriate in different circumstances to increase certainty for operators.
Site Standard on landscaping	The current Site Standard on landscaping does not always promote the best environmental outcome.	Consider each main type of utility and what landscaping solutions would promote the best environmental outcomes.
Assessment Criteria	The current Assessment Criteria provide no guidance for assessing the cumulative effects of a number of utilities on the same site.	Consider adding a new Assessment Criteria to consider cumulative effects of several utilities in the same location.
Assessment Criteria	The current Assessment Criteria do not enable the removal of utility equipment to be considered.	Consider adding a new Assessment Criteria to consider the removal of utility equipment that is no longer required.
Temporary Utilities	The Section does not include reference to the rules relating to temporary utilities contained in Section 19.	Include the rules relating to temporary utilities in Section 17, or cross-reference to them in this Section.

APPENDIX 2: Interviews with Key Stakeholders

Some of the key utility stakeholders in the district, including operators lodging recent applications for telecommunication, electricity, water and waste management utilities were consulted for their feedback on how the Utilities Section is working and what changes they would like to have considered during the review process. A summary of their feedback is set out below.

Table 1

ISSUE	SUMMARY OF STAKEHOLDERS COMMENTS RELATING TO SECTION 17
Trigger giving consent status for telecommunication masts	<p>One operator proposes that the Plan should be altered to provide a greater level of restriction on mast diameter in general to ensure Council has discretion, particularly in sensitive areas. They also suggest removing 1.2m – 2.4m dimensions for microwave dishes from the controlled activity status for sensitive zones; and that all antenna above 1.2m in diameter be discretionary activities.</p> <p>Another operator advises that the network utilities section of the district plan is convoluted and hard to follow. They suggest that permitted standards should be listed as follows “the following are permitted network utilities throughout the district, “telecommunication masts and associated antennas not greater than Xm in height in the Rural zone”. They comment that operators should not have to constantly change sections to find out what height is permitted; and that other District Plans often use tables, which make finding permitted activity dimensions much easier to follow.</p>
Telecommunication mast heights	<p>One operator stated that the height controls are some of the most restrictive in the country, especially when compared against the permitted standards within the National Environmental Standards for Telecommunication Facilities within the road reserve. They commented that a permitted height standard of 5m in residential zones and 8m height in general rural zone is unrealistic, as it would be a very rare circumstance for such a facility to ever be established. They state that a summary of the permitted height and width controls for a cross section of Councils in NZ indicates that the controls vary significantly from those in the Queenstown Lakes District Plan; and suggest that a realistic height standard is 20m (permitted) in general rural and industrial zones. They advise that in order for a shorter mast to cover certain areas at a lower height it needs to be located in an elevated position (such as on hills and ridgelines) making the facilities more visually intrusive.</p>

	<p>In short “small masts mean more masts”; a shorter mast covers less distance and thus there needs to be more of them to cover the same distance. They suggest 10m is a realistic height in residential zones (especially when compared to the National Environmental Standard). They conclude that other controls such as height in relation to boundary and setbacks can be used to mitigate visual effects from masts, especially in residential areas.</p> <p>Another operator states that the height provisions are complex, being based mainly on zone height plus an additional height allowance. To determine status, more than one rule must be referred to, in addition to the underlying zone rules. Further, they state that the height rules are not well targeted, particularly with respect to outstanding landscapes. Greater flexibility in rural areas that are not listed as outstanding landscapes could be considered. They commented that an 8m height limit is unrealistically low and that the rule on height in the Site Standards does not make sense. As a start position, they state the following heights are generally sought on a nation-wide basis (local conditions would refine these):</p> <ul style="list-style-type: none"> • Residential – zone height +3m • Industrial – 20-25m • Commercial/suburban commercial – 10-15m • Rural (non-landscape) – 20-36m
Separation of masts from residential development	<p>An operator suggested that there should be a minimum boundary offset of masts from neighbouring residential units. They advise that there are two options. These are to have a minimum separation distance of 30m from any residential unit (or any consented part of, in terms of what determines a residential unit e.g. garage, sheds, etc) Or have a minimum separation distance from a proposed mast of height plus 50%. A generic separation of 30m is probably better considering it is unlikely that masts greater than 20m will be erected in the district close to residential units.... Unless of course they are, in which case use: 30m minimum distance for mast up to 20m in height and if mast is greater than 20m in height then minimum separation distance = mast height (including antennas, lightning strike rods etc) + 50% e.g. 25m mast is 25m + 12.5m = 37.5m distance.</p>
Site Standard on setback from site boundaries for masts	<p>One operator commented that this Site Standard is poorly targeted; in that it requires setbacks for almost all masts (they are all over 6m high), and stated “This generally achieves very little in terms of mitigation of visual effects”.</p>
Site Standard on colour of telecommunication masts	<p>One operator has responded “The site standards are generally poorly drafted and probably do not achieve the intended outcome, particularly if the design complies with all other rules. With regard to colour – this rule is very uncertain as a performance standard. Firstly, in terms of urban sites, it provides almost no guidance as almost all colours are present in an urban landscape. Secondly, for rural areas, one of the features of the QLDC area is the amount of seasonal variation – sites can often be green in spring, brown in</p>

	<p>summer and white in winter – this make “blending” with the surrounding environment difficult.”</p> <p>Another has stated that all masts and equipment should be painted uniformly in the same recessive colour unless specified by Council. They advise that currently there is a loophole in the District Plan as masts can meet the permitted activity rule by leaving masts in their raw galvanized finish which is often quite varied in its appearance and non-uniform. They commented that after about 3-5 years it does dull and contrasts with the grey of the antennas. They suggest this loophole be closed and that all masts should be required to be painted. They advise that there may need to be reference to this requirement in the controlled and discretionary criteria.</p>
Rules relating to electricity utilities	<p>It was suggested that lines and poles on private property should be listed as a permitted activity, with few if any site and zone standards. The reason for this was because such electrical facilities can only be placed on private property with agreement from the property owner. Before commencing any such negotiations, the operator must satisfy itself that the lines and poles on private property is the most effective and efficient outcome. The operator stated that if there are arbitrary rules on the issue in the District Plan this can frustrate the agreement process with the property owners, and that the Electricity Act 1992 covers the process, so there is no need for there to be duplication of this through the District Plan.</p> <p>The Electricity Act 1992 has statutory requirements relating to the maintenance of minimum height clearances. The operator commented that this has a more appropriate process for dealing with this issue, rather than imposing arbitrary height controls for electrical facilities in the District Plan.</p>
Objectives and policies relating to water utilities	<p>These were considered to be appropriate.</p>
Generic set of rules for water utilities	<p>It was suggested that a generic set of rules that apply to all water utilities be considered. For example, all sewage pump stations could be a permitted activity provided that they met certain requirements; including having an above ground building footprint of less than 20m² and a height limit of 3m. Rules on colour and screening could also be included. Similarly a generic set of rules could also be set for water supply reservoirs to make their management easier, with a consent only required if the rules cannot be met. It is suggested that all the Council water utilities be identified in Appendix 1, with standard conditions applicable to each utility type, for example ‘rules applicable to all sewage pump stations’, ‘rules applicable to all water supply reservoirs’, etc. Consent is then only required if the standard rules cannot be met.</p>

Landscaping of water utilities	<p>For water utilities a site standard or other rule requiring screening was considered appropriate but it was suggested that the word “landscaping” be avoided, as often earthworks / mounding and/or one or two trees or shrubs for example, may be enough to screen a small utility. The comment was made that there is a need to avoid excessive costs to the public for works on small water utilities, and that where appropriate it would be better for the call on what landscaping is required to be made in-house or by Lakes Environmental without a formal consent being required.</p> <p>It is noted that with regard to water reservoirs, if they are concrete, then it is preferred that they are not painted, as this quickly peels and looks unattractive. The concrete is more in keeping with their appearance.</p>
Waste management utilities	The current District Plan provisions are working well and should be retained. ‘Waste management facilities’ should continue to require discretionary activity consent.

Table 2

ISSUE	SUMMARY OF STAKEHOLDERS COMMENTS RELATING TO OTHER DISTRICT PLAN SECTIONS
Water utilities and proposed new development	Some subdivisions (recent example is at Quail Rise) have been allowed to proceed with sewer and stormwater pipes going through the middle of sections, which then have the new landowners wanting to build over top of them. This is inappropriate. If the pipes are put in first then the subdivision plan needs to be designed around the pipes, with all pipes being within 3m of side boundaries. No pipes should be located against rear boundaries as these will not be able to be accessed when buildings are then built on the sites. Perhaps the Subdivision Section needs to deal with this issue.
Water utility designations	Amend the Designation Section to be consistent with the comments for water utilities outlined in Table 1 above.
Waste management utilities and new development	Consultation on the Waste Minimisation Strategy highlighted that the District Plan needs to contain stricter rules to require private developers to include provisions for waste storage and recycling in both new buildings and new subdivisions; and to divert waste from landfills. Refurbishment of existing buildings is also required in some instances.

APPENDIX 3: District Plan Provisions Relating to Utilities

Definition of Utility (page D-12)

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.”

1. Issues (pages 17-1 to 17-2)

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.

3. Objectives and Policies (pages 17-2 to 17-7)

Objective 1 - Co-ordination of Utilities

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

Policies:

1.1 To ensure possible areas for new development:

- (i) are readily able to be serviced;*
- (ii) are located in selected areas where the Council will meet the costs of major works (to be recovered from developers as development proceeds);*
- (iii) are located in other areas, provided the full costs of upgrading reticulation systems attributable to that development are met and paid for by the developer, and an efficient pattern of development is promoted.*

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

1.3 To ensure the costs of servicing development are:

- (i) met by the developer directly or through contributions made to Council at the time of development or the issuing of titles; or*
- (ii) initially met by Council but recovered as development proceeds; or (iii) indirectly paid for by the wider public through rating.*

1.4 To ensure the proper management of solid waste by:

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

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

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

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

Objective 2 - Efficient Use and Establishment of Utilities

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

Policies:

2.1 To recognise the need for maintenance or upgrading of a utility to ensure its on-going use and efficiency.

2.2 To take economic costs into account when considering the alternative locations, sites or methods for the establishment or alteration of a utility.

2.3 To take into account the strategic needs of a utility when considering possible alternative locations for establishment.

2.4 To make specific provisions for certain activities within the District, which are land extensive and/or which have specific locational needs, to ensure the presence and function of the utility is recognised.

- 2.5 To encourage the co-location of facilities where operationally and technically feasible.
- 2.6 To have regard to the importance of a utility when determining whether the establishment of a proposed utility will promote the sustainable management of natural and physical resources.
- 2.7 To encourage development in areas which are already serviced and have the capacity for additional development and takes into account economic costs; or in new locations where the development has regard to efficiencies through consolidation of activity.
- 2.8 To promote waste reduction and recycling.
- 2.9 To achieve sustainability of the District's water supplies by:
- encouraging water conservation,
 - ensuring development is able to be serviced by the water supply system,
 - assessing the impact of development on water quality and quantity.

Objective 3 - Environmental Impacts

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

Policies:

- 3.1 To avoid, remedy or mitigate the adverse environmental effects created by the operation of utilities through the application of performance standards to separate incompatible activities, maintain visual amenity and the quality of the environment.
- 3.2 To make specific provision for certain utilities which are land extensive and/or which have specific locational needs, ensuring the type and scale of development avoids, remedies or mitigates adverse effects on the environment.
- 3.3 To require utilities, which have variable effects or which may have adverse effects if located in some localities, to obtain resource consents in order that the Council can consider the potential effects of the proposal and impose specific conditions if appropriate.
- 3.4 To protect areas identified as possessing important natural features or significant habitats of indigenous fauna from utilities which are visually and environmentally incompatible.
- 3.5 To encourage utility operators to adopt monitoring systems to ensure the effects of utilities and their operation is regularly evaluated to avoid or mitigate adverse effects, including the removal of unnecessary equipment (including buildings and masts).
- 3.6 To require the undergrounding of services in new areas of development where technically feasible.
- 3.7 To encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.
- 3.8 To ensure utilities are located in positions which retain visibility at intersections.
- 3.9 To take account of economic and operational needs in assessing the location and external appearance of utilities.
- 3.10 To protect the amenity, drainage and recreational value of lakes and rivers from the adverse impacts of incompatible activities.

4. Rules (pages 17-9- 17-12)

17.2.3.1 Permitted Activities

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

17.2.3.2 Controlled Activities

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

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

i Lines and Supporting Structures - except minor upgrading

A conductor line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110KV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications in all zones. This rule shall not apply to minor upgrading.

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

“Minor Upgrading” means maintenance, replacement and upgrading of existing conductors or lines and support structures provided they are of a similar character, intensity and scale to the existing conductors or line and support structures and shall include the following:

- (a) Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 1 metre of the base of the support pole being replaced;
- (b) Addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural General zone;
- (c) The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period, except in the Rural General Zone;
- (d) Replacement of conductors or lines provided they do not exceed 30mm in diameter or the bundling together of any wire, cable or similar conductor provided that the bundle does not exceed 30mm in diameter;
- (e) Re-sagging of existing lines;
- (f) Replacement of insulators provided they are less or similar in length;
- (g) Addition of lightning rods, earth-peaks and earth-wires;

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

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

iii Buildings

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

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.

17.2.3.3 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as a Non-Complying Activity in rule 17.2.3.4:

i Lines and Support Structures - except minor upgrading

Any line or support structure where it involves:

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

ii Telecommunication, Navigation, and Meteorological Facilities

Any telecommunication, navigation or meteorological facility where it involves:

- (a) Erecting any mast, or erecting any antenna greater than 1.2m in diameter in:
 - (i) Any part of the District which has an altitude greater than 1070m above sea level;
 - (ii) Any areas identified on the District Plan Maps as being of Significant Nature Conservation Value and being contained in Appendix 5;
 - (iii) The Residential Arrowtown Historic Management Zone.

(b) Erecting antenna greater than 2.4m in diameter or 3m in length, 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 and/or 4m in length, 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 and erecting a mast which is over 10m in height.

(f) 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.

iii Buildings

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

(a) Any part of the District which has an altitude greater than 1070m above sea level;

(b) Any areas identified on the District Plan Maps as being of Significant Nature Conservation Value and being contained in Appendix 5;

(c) The Residential Arrowtown Historic Management Zone.

(d) The Remarkables Park Zone.

iv Flood Protection Works

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

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

v Waste Management Facilities

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

17.2.3.4 Non-Complying Activities

The following shall be Non-Complying Activities:

(i) In the Remarkables Park Zone, all lattice towers or overhead lines or support structures for overhead lines for any purpose (except any poles solely for the purpose of street lighting); or any mast for any purpose; or any antenna greater than 1.2m in diameter (except omni-directional or ‘whip’ antenna which should not exceed 4 metres in length).

17.2.4 Non-Notification of Applications

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

(i) All applications for Controlled Activities.

17.2.5 Site Standards

i Setback from boundaries

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

ii Landscaping

Landscaping shall be established to mitigate the visual effects of buildings, structures and access, to ensure they are integrated with the surrounding environment when viewed from adjoining sites and public places.

Landscaping shall include planting with trees or shrubs of at least one metre which at maturity reach a height of at least 2m and shall be maintained or replaced.

iii Height

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

iv Colour

Any visible part of utility shall be finished with low reflective colours derived from the background landscape and which blend into the surrounding environment.

5. Implementation Methods (page 17-7)

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.

6. Environmental Results Anticipated (page 17-7)

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

7. Assessment Matters (pages 17-12 – 17-14)

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

(i) The extent to which the following effects are likely to occur:

- degrade the quality of the landscape by increasing the apparent level of modification and/or reducing its visual coherence;
- conflict with landform and vegetation patterns;
- encroach upon and degrade the visual and landscape amenity of shorelines and skylines.

(ii) The extent of the visual impact of the utility from any adjoining Residential, Rural-Residential, Rural-Lifestyle, Township, Town Centre, Corner Shopping Centre, Remarkables Park, Resort or Rural Visitor zoned site or from any public road or public place, and its impact on the amenity values and character of the surrounding environment taking into account its external appearance.

(iii) The extent of any adverse effect created through a reduced setback from boundaries on the surrounding environment including the potential to affect the privacy and outlook of residents.

(iv) The degree to which any adverse effect created by a reduced setback may be mitigated through different options for site layout.

(v) The extent to which the visual impact of the utility can be mitigated by landscaping and the extent to which other factors contribute to integrating utilities with the surrounding environment including:

- a higher quality of planting over a smaller area.
- an unobtrusive building design.
- the compatibility of materials used for finishing and the colour of the building with the environment.
- use of low reflective colours within the range of earth browns, greens, greys and blue greys.

(vi) The degree to which the proposed choice of site or route for the utility will affect the environment and the reason for the choice.

(vii) The extent to which alternative sites or routes have been considered and reasons as to why these have been selected ahead of alternatives.

(viii) The degree to which the proposed utility and its location may affect the health or safety of the community including positive effects from the operation of the utility by ensuring the activity can meet the minimum levels for radio frequency emissions set out in NZS 2772 1:1999 or any subsequent standard.

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

(x) The potential for co-siting telecommunication and navigation facilities and the extent to which the provider of the utility has investigated this.

(xi) The degree to which glare may affect the enjoyment, character or amenity of the surrounding environment or the safety of adjoining roadways and the effect of measures to mitigate any such adverse effect.

(xii) In Areas of Significant Indigenous Vegetation:

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

(a) The status of a particular species, whether it is rare, vulnerable or endangered in the District, Region, or nationally.

(b) The general rate of decline of a particular species in the District, Region or nationally.

(c) The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally.

(d) The range or diversity of species in a particular plant or animal community.

(e) The importance of an area providing habitat to animals.

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

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

(xv) With respect to flood protection works:

(a) The extent to which flood protection works adversely affect the natural character of the bed of a river or lake and its margin, and any associated nature conservation and landscape values at these locations;

(b) The extent to which flood protection works would impede public access along or to the river, lake bed or its margins, or adversely affect opportunities for public recreation and enjoyment of these areas;

(c) The potential loss of assets if the protection works are not afforded;

(d) The ability of buildings or other assets to be relocated, as an alternative to protection works; including estimated costs of relocation, and the possible destination of a relocated building;

(e) The ability of other measures such as vegetation planting being an appropriate alternative;

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

(xvi) With respect to relocation of replacement support structures for lines:

(a) Whether the relocation is necessary to improve traffic safety;

(b) The extent to which the relocation enhances outlook from adjoining sites.

8. Temporary Utilities (pages 19-3 to 19-4)

19.2.2.3(i) Permitted Activities:

(e) Any temporary utilities that:

- Are required to provide an emergency service for a period no longer than 3 months, or
- Are ancillary to, and required in respect of, a permitted temporary activity specified in (a), (b) and (d) above; and

- Do not exceed a maximum building height of 10m.

It is also 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.