

17.2 Utilities Rules

17.2.1 Purpose

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

Large-scale utilities such as sewage treatment facilities are provided for with specialised rules through designation.

The Plan rules differentiate between four types of activities: lines and support structures; masts and antenna; utility buildings; and flood protection works & waste management facilities.

The Plan specifies controlled discretionary and non-complying activities along with site standards relating to setbacks, landscaping height and colour. Line and support structures are exempt from the site standards due to the potential effects being adequately addressed by detailed controlled, discretionary and non-complying activity standards.

Line and support structures relate predominantly to electricity and telecommunication provision. Within rules the term conductor and line are used intermittently. Within both the electricity and telecommunications industries line is a reference to the whole system (support structures, conductors, lines, insulators etc) while the line or conductor is the transmitting component (cable).

While the Plan promotes the undergrounding of new lines, particularly at the time of subdivision, it is not always feasible and in these instances the Council has reserved control over the potential visual effects. Where there is existing infrastructure in place, the Plan seeks to enable maintenance, replacement and upgrading activities that have minimal effect on the environment. The purpose of the “minor upgrading” exemption from the line and support

structure rules is to enable activities that are similar in character, intensity and scale and provide, within defined parameters, a degree of flexibility. Within urban zones some flexibility has been provided for additional service or “drop” poles which are often necessary to provide services as the density of development and customer demand for additional services increases. A maximum diameter has been set for replacement lines and conductors to ensure their thickness is not increased to a degree that they would be visually intrusive. As more power is put through a line it heats the conductors causing the conductors to sag resulting in it needing to be re-tensioned. Re-sagging of conductors is necessary in order to maintain the safety clearance distance for lines. Earth peaks are added to the top of structures for earth-wires that provide lightning protection; alternatively lightning rods can be used. These examples of minor upgrading work are necessary for the efficient operation of the networks.

The purpose of masts and antenna associated with telecommunication, navigation and meteorological facilities is to enable transmissions to be sent and received. Antennas vary in size and shape and accordingly have varying degree of visual impact. The Plan seeks to control antenna based on their diameter and length. Omni directional (or whip) antenna are permitted to be longer than other types of antenna as they are slim and have less visual impact than other types of transmitting devices.

Given the variety of building heights within the zones, mast heights vary in order to achieve clear lines of sight. To ensure that masts are proportional to other structures the rules refer as a base line to the zone building heights. In zones with a predominance of single storied buildings the Council has reserved control in respect of masts greater than building height. Where larger scale buildings are anticipated in the zone greater flexibility has been provided for with masts permitted up to 5m above the maximum building height.

Associated with utilities operations there is often the need to erect buildings.

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.

The fourth grouping of activities are flood protection works and waste management facilities that are subject to a discretionary assessment.

17.2.2 General Provisions

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

17.2.3 Activities

17.2.3.1 Permitted Activities

Any **utility** which is not defined as a Controlled or Discretionary 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:

- (a) 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.**
- (b) fill works undertaken within Activity Area 1f of the Shotover Country Special Zone in compliance with Rules 12.30.3.2.iv, 12.30.5.2.xvii and 15.2.10.3.i.

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.

17.3 Resource Consents - Assessment Matters - Utilities

17.3.1 General

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

17.3.2 Assessment Matters

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

- (i) The extent to which the following effects are likely to occur:
 - degrade the quality of the landscape by increasing the apparent level of modification and/or reducing its visual coherence;
 - conflict with landform and vegetation patterns;
 - encroach upon and degrade the visual and landscape amenity of shorelines and skylines.
- (ii) The extent of the visual impact of the utility from any adjoining Residential, Rural-Residential, Rural-Lifestyle, Township, Town Centre, Corner Shopping Centre, 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 takata whenua with particular regard to be had to those issues set out in part 4.3 of this District Plan.
- (x) The potential for co-siting telecommunication and navigation facilities and the extent to which the provider of the utility has investigated this.
- (xi) The degree to which glare may affect the enjoyment, character or amenity of the surrounding environment or the safety of adjoining roadways and the effect of measures to mitigate any such adverse effect.
- (xii) In Areas of Significant Indigenous Vegetation:
- The degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed utility and the extent to which the utility threatens the indigenous plants or animals on the site. In particular:
- (a) The status of a particular species, whether it is rare, vulnerable or endangered in the District, Region, or nationally.
 - (b) The general rate of decline of a particular species in the District, Region or nationally.
 - (c) The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally.
 - (d) The range or diversity of species in a particular plant or animal community.
 - (e) The importance of an area providing habitat to animals.
- (xiii) The extent to which the utility will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.

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