

### OVERVIEW

Utilities are regarded as physical resources in the Resource Management Act. Utilities make up the infrastructure of the District and include water, telecommunications, electricity and gas transmission systems, sewage and storm water disposal systems, lighting and roads.

Network utility operators are defined in section 166 of the Act and may, in certain circumstances, have requiring authority status under the Act. Requiring authorities can designate particular projects, works or operations which can be included in the District Plan. The designation process is set out at Part VIII of the Act. (Updated May 2009)

Because utilities are essential to the functioning of almost all activities in Banks Peninsula, they are required to be located throughout the District. Also, in order to meet the changing needs of the District as a result of physical changes, population growth, technological innovation and deterioration over time, utilities are constantly being constructed, upgraded, expanded, altered and maintained.

The structures and works associated with utilities have the potential to impact on the environment. Utilities involve physical structures and buildings and works such as earthworks, all of which may have an adverse effect on the part of the District in which they are located. This can be avoided, remedied or mitigated by imposing appropriate conditions, standards and terms.

<b>ISSUE 1</b>	<b>Utilities can generate actual or potential adverse effects on the environment within which they are located.</b>
<b>OBJECTIVE 1</b>	<b>To protect the environment from the actual and potential adverse effects of utilities.</b>

### POLICIES

- 1A** Above-ground utility buildings and structures should not be located on ridgelines or in Conservation Reserves, or on Heritage Items, unless there is no technically feasible alternative.
- 1B** Where above-ground utility buildings and structures are located within the Coastal Protection Areas or Outstanding Natural Features and Landscape Protection Areas they should be sited in such a way and be of a size, height and position, or be screened by planting, so that they do not detract from the intrinsic qualities of those areas.
- 1C** Utilities should be located underground or within existing buildings or structures where this is feasible.

- 1D** The co-siting and sharing of compatible facilities should be encouraged where technically and operationally feasible.
- 1E** Utilities should not require the removal of indigenous vegetation.
- 1F** Earthworks associated with any utility should not detract from any significant landforms.
- 1G** Earthworks associated with any utility should not create or exacerbate any soil erosion or slope instability.
- 1H** Screening by landscaping and other appropriate means should be used to avoid, remedy or mitigate the adverse visual effects of utilities.
- 1I** To avoid, remedy or mitigate actual or potential adverse effects arising from the use, provision, upgrading, repair, or maintenance of transport infrastructure.

**EXPLANATION AND REASONS**

Utilities can involve the establishment of structures or the undertaking of activities such as earthworks. Structures and activities can result in adverse visual affects, the degradation of landscape amenity values, the disturbance of landforms and indigenous vegetation, and the creation or exacerbation of slope instability and soil erosion. The extent of such adverse effects depends on the nature, scale and location of the proposed utility and the sensitivity of the receiving environment. However, matters of technical or operational feasibility may influence the location and design of utility structures.

<b>ISSUE 2</b>	<b>Large scale utility projects, works or operations may be more appropriately undertaken in terms of a designation in the Plan rather than through a resource consent.</b>
<b>OBJECTIVE 2</b>	<b>To encourage the designation of more significant utilities by network utility operators with requiring authority status.</b>

**POLICY**

- 2A** Utilities of a large scale and capacity, which are not allowed as a permitted or discretionary activity, should be designated.

**EXPLANATION AND REASONS**

The designation procedure in Part VIII of the Act makes provision for public works and network utility operations. Designations are evaluated for the work or project to which they relate and in terms of their impact on the environment.

**METHODS TO ACHIEVE OBJECTIVES AND POLICIES**

District Plan rules allowing utilities as permitted, restricted discretionary and discretionary activities where they comply with conditions, standards and terms aimed at avoiding, remedying or mitigating actual or potential adverse effects on the environment.

Note: These rules do not apply to the holder of an existing privilege under the Crown Minerals Act, for example Liquigas, provided that the holder is acting within the terms of the privilege.

**RULES (Updated May 2009)**

These rules on utilities replace any zone rules which may otherwise apply to utilities in zones through which utilities pass, or within which they are sited unless specifically stated to the contrary in this chapter.

**1. Permitted Activities**

- a) All utilities are permitted activities in all areas of the District where they meet the conditions for permitted activities except in Rule 2, unless otherwise specified as a Controlled, Restricted Discretionary, or Discretionary Activity in this chapter.

**2. Conditions for Permitted Activities (Updated May 2009)**

**2.1 Earthworks**

- a) The earthworks conditions for permitted activities in the relevant Zone shall apply, except for those identified in b) and c) below.
- b) Earthworks associated with the establishment of foundations for aboveground telecommunication and radiocommunication facilities.
- c) Earthworks for the undergrounding of utilities involving trenches shall be backfilled the same day as excavation, and final restoration shall be completed within 7 days of the trenching being completed. For large scale trenching work lasting more than 7 days, temporary restoration work shall be completed every 7 days.

**2.2 Height and Size of Buildings and Structures**

- (a) Except for utilities in the Residential Conservation Zone and Town Centre Zone, the height conditions for permitted activities in the relevant Zone shall

apply to all utility structures other than those utility structures listed in b) and c) below.

- (b) For pole structures associated with utilities other than radiocommunication facilities (see (c) below), the maximum permitted height shall be 15 metres. Such pole structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.
- (c) For support structures associated with radiocommunication facilities (e.g. Masts and poles but excluding buildings) the following heights above ground level shall not be exceeded in the Zones listed below in (i), (ii) and (iii). Such support structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.
  - (i) 20 metres for Small Settlement, Papakainga, Residential, Rural-Residential and Akaroa Hillslope Zones (excluding Town Centre and Residential Conservation Zones), providing that the support structure is not located within 30 metres of a residential unit sited within any of the aforementioned zones (including the Town Centre and Residential Conservation Zones) and the support structure and antennas do not have a diameter greater than 0.4m.
  - (ii) 25 metres for Boat Harbour, and Industrial Zones providing that the support structure is not located within 30 metres of a residential unit sited within any of the zones referred to in rule 2.2(c)(i) above and the support structure does not have a diameter greater than 0.5m from a point 6m above ground level.
  - (iii) 30 metres for Rural Amenity Landscape (except Main Ridgelines), providing that:
    - The horizontal dimension of the support structure does not exceed more than 0.5m from a point 6m above ground level, and
    - The support structure shall be located a minimum of 30 vertical metres, measured at right angles from the highest point of the axis of the ridgeline on which it is located.

### 2.3 Yards

- (a) The yard conditions for permitted activities in the relevant Zone shall apply to above ground utility structures over 3 metres in height or 10m<sup>2</sup> in area.
- (b) Rule 2.3(a) shall not apply to the following:
  - (i) Equipment buildings associated with telecommunication facilities and radiocommunication facilities that are less than 3.5m in any horizontal direction in all zones other than the:
    - Town Centre
    - Residential Conservation,
    - Outstanding Natural Landscapes,
    - Coastal Natural Character Landscapes and
    - Main Ridgelines as identified within the Rural Amenity Landscape.
  - (ii) Support structures associated with radiocommunication facilities in all zones, other than in the Rural Amenity Landscapes where any support structure shall be setback 30m from an existing dwelling that

is located on an adjoining site in different ownership to the site on which the utility is proposed.

- (c) In relation to any permanent natural surface water body, no buildings, earthworks or indigenous vegetation clearance associated with utilities shall be undertaken within the setbacks specified in the permitted activity yard standards for all other zones, other than for those utilities listed in (i) and (ii) below.
- (i) Telecommunication facilities and radiocommunication facilities and pole structures for overhead lines, which are no closer than 7.5m from any permanent natural surface water body.
  - (ii) Below ground telecommunication facilities and electricity lines which are not required to be setback from any permanent natural surface water body as long as Rule 2.1(c) is complied with.

#### 2.4 Protected Trees

Any utility structure or activity shall comply with the rules relating to protected trees.

#### 2.5 Tree Clearance

There shall be no clearance of indigenous trees in any Rural Zone or Lakes Zone.

#### 2.6 Overhead Lines

Extension of overhead lines in the Outstanding Natural Character and Coastal Natural Character Landscapes, Conservation Reserves, Residential Conservation and Town Centre Zones are permitted provided any extension of existing overhead lines incorporates a maximum of three new pole supports.

Any extension undertaken shall be deemed to be part of an existing overhead line once the extension has been installed for a 12-month period.

#### 2.7 Hazardous Substances

All utility activities shall meet the standards for Hazardous substances for the relevant zone.

#### 2.8 Screening

Any above ground utility (other than a telecommunication or radiocommunication facility) in the Residential Conservation and Town Centre Zones less than 1.8m in height and 6m<sup>2</sup> in area and which is clearly visible from the adjacent road frontage shall be screened with a 1.8m high solid fence and/or gate except that this rule shall not apply to any above ground utility that is less than 05m<sup>2</sup> in area.

**3. Controlled Activities** (Updated May 2009)

The following utilities are controlled activities:

- a) Any above ground telecommunication or radiocommunication facility in the Residential Conservation and Town Centre Zones (provided this shall not apply to dish antenna not exceeding 1 metre in diameter in the Residential Conservation and Town Centre zones).

In considering an application for a controlled activity, Council may impose conditions in relation to the following matters:

- Siting, design and location
- Colour
- Method of construction
- Earthworks and site restoration

**4. Restricted Discretionary Activities** (Updated May 2009)

Unless provided for as a controlled activity in Rule 3, the following utilities are restricted discretionary activities:

- a) An application must be made for a restricted discretionary activity for any permitted activity which does not comply with one or more of the standards for permitted activities in Rule 2.

**5. Discretionary Activities** (Updated May 2009)

The following utilities are discretionary activities:

- a) Any above ground utility, other than those provided for in Rule 2.6, within Heritage Items, Recreational Reserves and Conservation Reserves Zones and the Outstanding Natural Landscapes, Coastal Natural Character Landscapes and Main Ridgelines as identified within the Rural Amenity Landscape.
- b) Any above ground utility structure, other than a telecommunication or radiocommunication facility and those provided for in Rule 2.6, in the Residential Conservation and Town Centre Zones which exceeds 1.8m in height and 6m<sup>2</sup> in area.

**ASSESSMENT OF APPLICATIONS** (Updated May 2009)

**6. Controlled and Restricted Discretionary Activities**

Assessment of applications for controlled or restricted discretionary activities will be limited to that condition or conditions for permitted activities with which the proposal fails to comply. Applications will be assessed against the relevant objectives and policies for Utilities and the relevant Zone.

**7. Discretionary Activities**

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Utilities Chapter.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the Waste Management Strategy for Banks Peninsula will be used as a guide when considering proposals for waste transfer or disposal.

**ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results are anticipated from the implementation of the objectives and policies relating to utilities:

- Maintenance of the amenity values of the District, particularly in the areas of landscape or natural value, and in the Residential Conservation and Town Centre Zones.
- Provision for utilities which avoid, remedy or mitigate adverse effects on the environment.

