

22 Utilities

Introduction

In the context of this District Plan the term ‘utilities’ means the systems, services and networks associated with:

- the supply of electricity
- community water supply and drainage
- the transmission and distribution of natural or manufactured gas
- telecommunication and radiocommunication
- navigational aids
- meteorological facilities
- river flow recording facilities.

Utilities are a physical resource that play an integral role in ensuring the successful functioning of the City and in enabling people to provide for their wellbeing, health and safety. Some of these utilities are provided by network utility operators as defined in the Act. Network utility operators can have requiring authority status under the Act. That status enables the operator to provide for utilities by way of designation in the District Plan. The establishment, operation and maintenance or upgrading of utilities not provided for by way of designation are subject to the rules contained within this section.

The Council recognises that some utility operators have statutory authorisation to undertake certain works on roads. However such works are subject to the Resource Management Act 1991 and should comply with relevant provisions of the District Plan.

22.1 Significant Resource Management Issues

Issue 22.1.1

Utilities enable people to provide for their wellbeing, health and safety.

Objective: 22.2.1

Policy: 22.3.1

Explanation

Utilities form part of the network of services forming an integral part of the service infrastructure of the City. The value of this service infrastructure is emphasised by its contribution to the wellbeing, health and safety of people living in the City. Examples of this contribution include the importance of an effective sewerage system to the health of people, and the importance of the role utilities play in Civil Defence operations.

Issue 22.1.2

Utilities may give rise to adverse environmental effects including:

- **adverse effects on the health and safety of people**
- **adverse effects on amenity values.**

Objective: 22.2.2

Policies: 22.3.2 - 22.3.5

Explanation

Utilities may detract from the amenity values of the area in which they are situated and may give rise to adverse effects on the environment. These adverse effects include noise, glare and visual obtrusion. The adverse effects of visual obtrusion are exaggerated by the predominantly utilitarian nature of structures associated with utilities. It is not only the type and location of these structures which can generate adverse visual effects, but also the size, scale and frequency with which they occur in the environment.

The nature of some utilities creates potential for adverse effects on health and safety. While the probability of these effects occurring is low, the associated potential impact is high. This risk is most pronounced when such utilities are located in residential areas.

22.2 Objectives

Objective 22.2.1

Provide for the safe and efficient use and development of utilities within the City.

Issue: 22.1.1

Policies: 18.3.3, 22.3.1

Explanation

While the safe and efficient use and development of utilities is primarily the responsibility of the utility operator, the District Plan seeks to enable operators to fulfil those responsibilities.

Objective 22.2.2

Ensure that any adverse environmental effects of the construction, operation and upgrading of utilities in the City are avoided, remedied or mitigated.

Issue: 22.1.2

Policies: 22.3.2 - 22.3.5

Explanation

This objective seeks to avoid where practicable, or remedy or mitigate the adverse effects of utilities on the environment including effects on health and safety and amenity values.

Principal Reasons for Adopting Objectives

As utilities are an integral part of the service infrastructure of the City it is necessary to make appropriate provision for them in the District Plan. By doing so, the Council is meeting its obligation under section 7 of the Act to have regard to the efficient use and development of natural and physical resources, utilities being part of the latter.

The establishment, operation and upgrading of utilities is generally accepted as an essential component of the functioning of the City's service infrastructure. The adverse effects of those activities and the utilities themselves can detract from amenity values and health and safety.

22.3 Policies

Policy 22.3.1

Allow the construction, operation and upgrading of those utilities which have no more than minor adverse effects.

Objective: 22.2.1

Explanation

Utilities assist in the efficient functioning of the City. Some utilities have only minor adverse effects on the environment in which they are located and are therefore permitted activities.

Policy 22.3.2

Require consideration on a case by case basis of the construction, operation and upgrading of utilities with more than minor adverse effects on the environment.

Objective: 22.2.2

Explanation

Some utilities create, or have the potential to create, significant adverse effects on the environment. Although these utilities may also be essential to the efficient functioning of the City, the resource consent process or designation process shall be used to ensure that the amenity values of the City and the wellbeing, health and safety of its people are not adversely affected by those activities.

Policy 22.3.3

Encourage the grouping of utilities.

Objective: 22.2.2

Method: 22.4.1

Explanation

To minimise adverse visual effects the Council will encourage, where technically and operationally feasible, the grouping together of new utility structures as an alternative to having utility structures dispersed throughout the environment.

Policy 22.3.4

Encourage location of utilities in corridors.

Objective: 22.2.2

Method: 22.4.1

Explanation

Where utilities are required to have a high frequency of occurrence in the environment, for example pylons, poles and lines for conveying electricity, the Council will encourage the siting of these utilities in corridors, where technically and operationally feasible, to avoid, remedy or mitigate the adverse effects on visual amenity. Often these corridors are most appropriately located along roads.

Policy 22.3.5

Encourage the progressive undergrounding of utilities.

Objective: 22.2.2

Method: 22.4.1

Explanation

Because of their utilitarian nature, utilities located above ground can detract from amenity values. Accordingly Council will encourage the providers of utilities to relocate existing above-ground infrastructure underground, where it is practical to do so.

Principal Reasons for Adopting Policies

The safe and efficient use and development of utilities contributes to people's ability to provide for their wellbeing, health and safety. The contribution made by these utilities is dependent on utility operators being able to develop and use those utilities efficiently. The Council recognises that some utilities have minimal adverse environmental effects. Utilities with no more than minor adverse effects on the environment in which they are located are permitted. Those utilities that create, or have the potential to create, adverse effects on the environment shall be considered by way of the resource consent or designation processes to ensure that such effects will be effectively avoided, remedied or mitigated.

In considering resource consents or requirements for designations, the Council is required to have regard to any actual or potential effects of an activity on the environment. The adverse effects of dispersing utilities throughout the environment are predominantly greater than grouping utilities together. Adverse visual effects have a greater impact in areas of high visual amenity, for example in areas of significant landscape value. Consequently, in these types of areas the Council will give consideration to requiring that utilities be grouped together. To ensure that the adverse visual effects resulting from the establishment and operation of pylons, poles and lines are mitigated, the Council will consider the possibility of locating these utilities in corridors as part of the resource consent or designation processes.

Although many existing utilities will have existing use rights, the Council will encourage the providers of those utilities to carry out progressive undergrounding where practical to mitigate adverse visual effects.

22.4 Methods of Implementation

In addition to rules, the methods to be used to achieve the objectives and policies identified in this section include the following:

Method 22.4.1 Consultation

- (i) Consultation will be carried out with utility operators to encourage the progressive undergrounding of utilities where practical.
- (ii) Consultation will be carried out with utility operators at the early stages of the resource consent or designation process to encourage the grouping of utilities, and to encourage the location of utilities in corridors.

Policies: 22.3.3 - 22.3.5

Principal Reasons for Adopting Methods

Consultation is an effective non-regulatory way in which the Council can facilitate early consideration of adverse effects by utility operators.

22.5 Rules *[Amended by Consent Order 15/01/03]*

For utilities associated with new subdivisions, refer to the Subdivision Section. Refer to the District Plan Maps for reference to other provisions which may affect the construction, operation and upgrading of utilities on a particular site.

Except as otherwise provided within Rule 22.5.2, the following Utility rules are not subject to the District Plan zone rules. However these Utility rules are subject to Sections 4, 5, and 13 to 21 (other than Rules 22.5.2(ii)(e)(i) to 22.5.2(ii)(e)(vii) relating to the upgrading, maintenance and replacement of existing lines which are only subject to Sections 4, 5, and 17 to 21).

Where an activity relates to the operation, maintenance, upgrading, relocation or removal of an existing National Grid transmission line as at 14 January 2010, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 apply. *[Inserted by Plan Change 11, 11/10/10]*

Rule 22.5.1 Permitted Activities

The construction, operation and upgrading of the following utilities are permitted activities provided that they comply with the conditions in Rule 22.5.2:

- (i) Substations.
- (ii) Lines and any necessary incidental equipment associated with the transmission and distribution of electricity and with telecommunications.
- (iii) Pipes and any necessary incidental equipment for the supply and distribution of water and the drainage of sewage and stormwater.
- (iv) Irrigation races and open drains for the conveyance of stormwater provided that they are not located in a residential zone.
- (v) Pipes for the transmission or distribution of natural or manufactured gas and any necessary incidental equipment.
- (vi) Gas pressure regulating stations receiving or distributing gas.
- (vii) Navigational aids.
- (viii) River flow recording facilities.
- (ix) Masts, aerials, and antennas associated with radiocommunication and telecommunication.
- (x) Meteorological facilities.
- (xi) Buildings accessory to the above that are not situated on road reserve.
- (xii) Telephone booths.

Rule 22.5.2 Conditions Attaching to Permitted Activities

- (i) **Substations permitted by Rule 22.5.1(i):**

Substations that are located above ground shall be:

- (a) No greater than 4 m² in area and 2 m in height if ground mounted; or.
- (b) Mounted on a single pole and no greater than 0.3 m³ in volume.

- (ii) **Lines for telecommunication and the conveyance of electricity permitted by Rule 22.5.1(ii):**
- (a) Above-ground lines shall not carry a voltage greater than 110 kV or, where there are existing lines on existing support structures which exceed 110 kV, new lines shall not exceed the voltage of the existing lines. The diameter of any above-ground line or bundle of lines shall not exceed 30mm except: as provided for in Rules 22.5.2(ii)(e)(ii) or 22.5.2(ii)(e)(x) below; or where there are existing electricity transmission lines on existing support structures which exceed a diameter of 30mm, the diameter of any new above-ground electricity transmission line or bundle of lines shall not exceed the diameter of existing lines.
 - (b) In all zones except Rural and Rural Residential Zones all lines shall be either located underground, connected to existing support structures or connected to structures permitted in Rule 22.5.2(ii)(e) below.
 - (c) All incidental equipment located above ground shall be:
 - (i) No greater than 0.4 m³ in volume if ground mounted; or
 - (ii) Mounted on a single pole and no greater than 0.3 m³ in volume.
 - (d) Where a line crosses a navigable water body, the line at its lowest point shall have a minimum clearance of 10 m above the level connecting the highest points of the bed of the water body.
 - (e) Upgrading, maintenance and replacement of existing lines shall be permitted provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. Without limiting the scope of rule 22.5.2(ii)(e), and for the avoidance of doubt, the following activities are permitted:
 - (i) the replacement of support structure cross arms;
 - (ii) the reconductoring or replacement of the line;
 - (iii) the resagging of conductors or lines;
 - (iv) the addition of longer or more efficient insulators or mountings;
 - (v) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;
 - (vi) the clearance and trimming of vegetation necessary to maintain security of electricity supply and telecommunication;
 - (vii) pole replacement;
 - (viii) the provision of additional service connection poles within, but not extending, areas where existing services are above ground;
 - (ix) where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arm;
 - (x) the substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40mm.
- (iii) **Pipes and any necessary incidental equipment for the supply and distribution of water and the drainage of sewage or stormwater permitted by Rule 22.5.1(iii) & (iv):**
- (a) All pipes shall be located underground.
 - (b) All incidental equipment greater than 2.5 m x 1.5 m in area and 2 m in height shall be located underground.

- (iv) **Pipes for the transmission or distribution of natural or manufactured gas and any necessary incidental equipment, and gas pressure regulating stations permitted by Rule 22.5.1(v) & (vi):**
 - (a) Pipes, incidental equipment, and gas pressure regulating stations shall be at a gauge pressure not exceeding 2000 kilopascals.
 - (b) All pipes shall be located underground.
 - (c) All incidental equipment and gas pressure regulating stations greater than 4 m² in area and 2 m in height shall be located underground.
- (v) **Navigational aids permitted by Rule 22.5.1(vii):**
 - (a) No navigational aid shall be greater than 2.5 m x 1.5 m in area and 4 m in height.
- (vi) **River flow recording facilities permitted by Rule 22.5.1(viii):**
 - (a) No river flow recording facility shall be greater than 2.5 m x 1.5 m in area above ground, nor shall extend more than 4 m in height above the level of the adjacent river bank, provided that any associated spilling well or recorder housing shall be finished in a colour which blends with the colours of the landscape setting.
- (vii) **Masts permitted by Rule 22.5.1 (ix):**
 - (a) No tubular mast shall be greater than 1.5 m in diameter up to the maximum height for buildings in the zone in which it is located, and no greater than 0.75 m in diameter from that point to the top of the mast. Any calculation of mast diameter shall exclude any head array or aerials or antennas fixed to the outer face of the mast. Any base or foundation structure required for masts is also exempt from any diameter control. Any mast located in the Industrial 1 and Port 2 Zones is exempt from any diameter control.
 - (b) The diameter of any head array (consisting of support structures and an array of aerials and/or antennas) shall not exceed 7 m in all zones with the exception of Residential Zones and the Major Facilities (Mercy Hospital) Zone in which case the diameter of the head array shall not exceed 3.5 m. The diameter of the head array is to be based on a circle concentric with the centreline of the mast. *[Amended by Plan Change 17, 2 September 2013]*
 - (c) No lattice mast shall be greater than 4 m² in cross-sectional area up to half the maximum height for buildings in the zone in which it is located, and no greater than 2.5 m² in cross-sectional area from that point to the top of the mast.
 - (d) No mast shall exceed a height greater than 2 m above the maximum height for buildings in any Residential Zone, the Rural Residential Zone, the Local Activity 1 and 2 Zones, the Port 1 Zone, the Industrial 2 Zone, or the Campus Zone. Within the Major Facilities (Mercy Hospital) Zone, either no mast shall be more than 2m higher than the section of building to which it is attached or no mast shall be more than 11m, whichever is the highest. In calculating height, no account shall be taken of lightning rods, aerials or antennas (except dish antenna). *[Amended by Plan Change 1: 18/7/05 and Plan Change 17, 2 September 2013]*
 - (e) No mast shall exceed a height greater than 5 m above the maximum height for buildings in any Rural Zone, the Central Activity Zone, Harbourside Zone or the Large Scale Retail Zone. In calculating height, no account shall be taken of lightning rods, aerials or antennas (except dish antenna). *[Amended by Plan Change 7, 29/5/2012]*
 - (f) In the Airport, Industrial 1 and Port 2 Zones no height limitation shall apply. *[Amended by Plan Change 3, 1/9/2008]*

[Amended by C134/2001 17/8/01 and erratum 19/12/01]

(viii) Height of Aerials (including Panel Antennas) permitted by Rule 22.5.1(ix):

No aerial (including panel antenna) shall at its highest point, be higher than 1 m above the maximum height for masts for the zone in which it is located, except for omni-directional (or whip) antenna or aerial with a maximum diameter of 100mm which shall at its highest point, be no higher than 4 m above the maximum height for masts for the zone in which it is located. In the Airport, Industrial 1 and Port 2 Zones no height limitation shall apply. *[Amended by Plan Change 3, 1/9/2008]*

(ix) Size of Aerials and Antenna dishes permitted by Rule 22.5.1(ix):

The maximum size for any aerial or antenna shall be:

	Dish Antenna	Aerial (including Panel Antenna)
	Max diameter	Max cross sectional area*
Residential, Local Activity 1 and 2, Industry 2, Major Facilities (Mercy Hospital) and Campus Zones (where the site in the Campus Zone adjoins a Residential Zone): <i>[Amended by Plan Change 1, 18/7/05 and Plan Change 17, 2 September 2013]</i>	1.0 m	1.0m ²
Rural-and Rural Residential Zones and Campus Zones (where the site in the Campus Zone does not adjoin a Residential Zone):	1.2 m	1.2m ²
Central Activity, Harbourside and Large Scale Retail Zones: <i>[Amended by Plan Change 7, 29/5/2012]</i>	1.8 m	1.5m ²
Airport, Industry 1 and Port Zones: <i>[Amended by Plan Change 3, 1/9/2008]</i>	No limit	No limit

* Max cross sectional area of Aerial and Panel Antenna shall be the vertical or horizontal cross section taken through the Aerial and Panel Antenna that presents the greatest area (i.e. the greatest area of a silhouette that would be visible).

(x) Radio frequency emissions from antennas, aerials and any other frequency generating devices:

Radio frequency emissions from aerials, antenna dishes and other communication facilities as measured within any area or location accessible to the public shall comply with AS/NZS 2772.1 1999 or any new standard which is designed to replace this standard.

(xi) Buildings accessory to permitted activities permitted by Rule 22.5.1(xi):

All buildings accessory to permitted activities shall comply with the zone standards and performance standards for accessory buildings for the zone in which they are located or, where there is no provision for accessory buildings within a specific zone, shall comply with the zone standards and performance standards for buildings for the zone in which they are located.

(xii) Taieri Aerodrome take-off and approach fans - height restrictions:

Except that where a site is within the height restriction for Taieri Aerodrome as shown on District Plan Maps 28 and 29, no part of any building or structure shall impinge on that restriction.

Rule 22.5.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity listed in Rule 22.5.1 which does not comply with the conditions in Rule 22.5.2.

Discretion will be restricted to the following:

- the conditions in Rule 22.5.2 with which the activity does not comply
- design and external appearance
- bulk, location and siting of buildings and structures.

Rule 22.5.4 Non-Complying Activities

Any activity not specifically identified as permitted, controlled or discretionary by the rules in this section or the rules of the zone in which the activity is located, or in the rules of Sections 17 to 21 of this Plan, is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan regardless of where those activities are undertaken.

22.6 Assessment of Resource Consent Applications

In assessing any application, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by the following matters:

22.6.1 Sustainability

The objectives and policies of the Sustainability Section.

22.6.2 Manawhenua

The objectives and policies of the Manawhenua Section.

22.6.3 Amenity Values

The impact on amenity values resulting from the utility.

22.6.4 Intensity

The size, scale and frequency of the utility in the environment and its effect on amenity values.

22.6.5 Bulk and Location

The bulk and location of buildings accessory to utilities and their effect on the amenity values of the environment.

22.6.6 Signage

The proposed signage associated with the utility.

22.6.7 Noise

Refer to the Environmental Issues Section.

22.6.8 Glare and Lighting

Refer to the Environmental Issues Section.

22.6.9 Alternative Locations

The possibility of locating the utility elsewhere.

22.6.10 Location

The possibility of:

- (i) Locating the utilities on sites on which other structures are already located.
- (ii) Grouping new structures together.
- (iii) Locating utilities in corridors.

22.6.11 Other Provisions of the Plan

Compliance with other provisions of the District Plan relevant to the zone(s) in which the proposed utility is located.

22.6.12 New Zealand Standard

Compliance with AS/NZS 2772.1 (Interim): 1998 or any new standard which is designed to replace this interim standard.

22.6.13 Location above Navigable Water Body

Whether or not the utility will be located above a navigable water body.

22.6.14 Health and Safety

The potential impact on the health and safety of people.

22.6.15 Cumulative Effects

The actual or potential cumulative effects on the environment

22.6.16 Hazards

Whether or not the application relates to a site that the Council has good cause to suspect may be prone to a natural or technological hazard.

22.7 Anticipated Environmental Results

The anticipated environmental results are:

22.7.1

Provision for the safe and efficient use and development of utilities within the City.

22.7.2

Any adverse effects resulting from the construction, operation, maintenance or upgrading of utilities will be avoided, remedied or mitigated.