

26 UTILITIES, MINERALS EXPLORATION AND ENERGY DEVELOPMENT

26.1 INTRODUCTION

- 26.1.1 Utilities, minerals exploration and energy development are only subject to the rules, standards and conditions set out in this chapter. [Chapter 27](#) (Subdivision) shall apply, and all other rules shall apply where specifically stated in this Chapter.

26.2 RESOURCE MANAGEMENT ISSUE

- 26.2.1 The need for people in the Wairoa District to have ready access to utilities in order to provide for their social and economic well-being and health and safety, whilst ensuring any adverse effects are avoided, remedied or mitigated.

26.3 OBJECTIVE

- 26.3.1 To enable utilities to establish and operate in a safe, efficient and effective manner whilst ensuring that adverse effects on the environment are avoided, remedied or mitigated.
- 26.3.2 To manage adverse effects of mineral exploration, energy development, generation and distribution facilities in a manner that sustains the District's natural, physical resources.

26.4 POLICIES

- 26.4.1 Ensure that, as far as practicable, utilities, and minerals exploration and energy developments are located in a manner consistent with the character and amenity values of an area.
- 26.4.2 Manage the use and development of land in such a way that buildings and structures are sited and designed so as not to compromise the operational and design requirements of, and access rights to, network utility facilities.
- 26.4.3 Ensure that new and existing utilities, and minerals exploration and energy developments are operated to enable people and the community to provide for their social, economic and cultural well being and for their health and safety, in a way that safeguards the life supporting capacity of the District's water resources and ecosystems and that avoids, remedies or mitigates any adverse effects on the environment.
- 26.4.4 Ensure that the provision of utilities, and minerals exploration and energy developments generally is done in a way that safeguards the life supporting capacity of the District's air, water, soils and ecosystems and avoids, remedies or mitigates any adverse effects on the environment, particularly:
- Significant indigenous vegetation and/or significant habitats of indigenous fauna as defined in [Chapter 31](#), and threatened plants and animals ([Schedule 6](#));
 - The natural character of lakes, rivers, and wetlands and their margins, particularly those in [Schedule 5](#);
 - Reserves in [Schedule 3](#);
 - Heritage resources listed in [Schedule 1](#) – Historic Buildings, Sites, Waahi Tapu and Notable Trees;

- Amenity values of the surrounding area;
- Transportation routes and facilities; and
- Human health and safety.

26.5 RULES

Permitted Activities

26.5.1 The following activities are permitted provided they are able to comply with all the relevant standards and conditions for permitted activities:

- (1) The operation, maintenance, minor upgrading, or removal of any lawfully established utilities.

This includes the removal or alteration of vegetation within an area that is not defined as an area of '[significant indigenous vegetation and/or significant habitat of indigenous fauna](#)' (as defined in Chapter 31 – Definitions, and [Schedule 4](#)). It also includes tree '[trimming](#)' and '[selective removal](#)' of vegetation where this is to prevent a safety hazard or to ensure continued delivery of a service, including within an area of '[significant indigenous vegetation and/or significant habitat of indigenous fauna](#)' as defined in Chapter 31, and of notable trees identified in [Schedule 1](#);

- (2) Lines as defined by Section 1(1A) of the Telecommunications Act 1987, including wires, cables, support structures, cabinets, exchanges and containers ancillary to the activity;
- (3) Transformers and lines for conveying electricity at a voltage up to and including 110kV with a capacity up to and including 100MVA per circuit;
- (4) Pipes for distribution (but not transmission) of natural or manufactured gas at a gauge pressure not exceeding 2000 kilopascals and necessary incidental equipment, including household connections and compressor stations;
- (5) Pipes for the conveyance or drainage of water or sewage, and necessary incidental equipment including household, commercial and industrial connections, water and irrigation races, drains, channels, and pipes and necessary incidental equipment;
- (6) Lighthouses, navigational aids, and beacons;
- (7) The erection and operation of masts, poles, towers and similar structures, including any attached antennas and the attachment of antennas on buildings;
- (8) Petroleum exploration survey, meaning the activity to define a potential petroleum resource, and includes geological and geophysical prospecting, including seismic survey; and
- (9) Temporary structures associated with exploratory drilling activities, including worker accommodation.

Controlled Activities

26.5.2 Pipeline operations, meaning the construction and installation of underground pipes for bulk distribution or transmission of natural or manufactured gas, petroleum, or geothermal energy, and ancillary works, not provided for in [Section 26.5.1\(4\)](#) above.

26.5.3 Site preparation works associated with petroleum exploration and related activities, drilling activities, including well testing, flaring of hydrocarbons for safety and resource evaluation purposes and well clean-up where such activities on any one site do not exceed 90 days duration.

Note: No site preparation for well drilling shall be commenced until a plan has been prepared for the District Council's consideration, showing the proposed site layout, vehicle access and egress and on-site manoeuvring.

- 26.5.4 Production testing of hydrocarbon resources of up to 120 days duration, within the Rural Zone.
- 26.5.5 Matters over which the Council has reserved control in respect of the activities listed as Rules 26.5.2 (petroleum exploration), 26.5.3 (drilling), and 26.5.4 (production testing), are those relevant matters specified in Section 30.11 of this Plan.

Discretionary Activities

- 26.5.6 All activities that are not permitted or controlled activities, or do not meet the performance standards or conditions for permitted activities.

26.6 STANDARDS/CONDITIONS FOR PERMITTED ACTIVITIES

- 26.6.1 All new structures, or antennas with a diameter greater than 1.5 metres or panel area greater than 2.5m², shall meet the following setbacks:

Zones	Overall Height Less than 10m	Overall Height Greater than 10m
<ul style="list-style-type: none"> ♦ <u>Conservation</u> ♦ <u>Coastal</u> ♦ <u>Rural</u> 	- <u>15m all boundaries</u>	- <u>15m all boundaries</u>
<ul style="list-style-type: none"> ♦ <u>Settlement</u> ♦ <u>Residential</u> 	<ul style="list-style-type: none"> - <u>3m front and rear boundaries</u> - <u>1.5m side boundaries</u> 	- <u>5m all boundaries</u>
<ul style="list-style-type: none"> ♦ <u>Town Centre</u> 	<ul style="list-style-type: none"> - <u>3m rear boundaries</u> - <u>1.5m side boundaries adjoining Residential Zone</u> 	<ul style="list-style-type: none"> - <u>3m rear boundaries</u> - <u>5m all boundaries adjoining Residential Zone</u>
<ul style="list-style-type: none"> ♦ <u>Industrial</u> 	<ul style="list-style-type: none"> - <u>5m front boundaries</u> - <u>1.5m side boundaries adjoining Residential Zone</u> 	<ul style="list-style-type: none"> - <u>5m front boundaries</u> - <u>5m all boundaries adjoining Residential Zone</u>

No setbacks will be required for activities erected in accordance with [Section 26.5.1\(2\)](#) and [26.5.1 \(3\)](#).

- 26.6.2 Noise levels shall not exceed those specified for the respective zone (Note: refer also [Chapter 21](#) – Noise Measurement).
- 26.6.3 Vehicle access and parking shall be provided to the standards required in [Chapter 24](#) - Access and Parking.
- 26.6.4 All external lighting, associated with the activity, except where the source is located on a road or road reserve, shall not exceed those specified standards set out for the respective zone.
- 26.6.5 Where any underground work is installed or maintained the ground shall be restored to its original condition as far as practicable.
- 26.6.6 The maximum floor area of new buildings associated with utilities, and minerals exploration and energy developments, shall not exceed 30m².

- 26.6.7 Use of explosives shall not be commenced until every household within 1 kilometre of the site or sites at which explosives may be used, has been notified of the time at which the activity will occur and the likely duration of the work.
- 26.6.8 Masts, poles, towers and similar structures erected in accordance with [Section 26.5.1\(7\)](#) shall not exceed:
- i) the permitted activity height standard of the underlying zone by more than 5 metres, or where the structure is to be attached to a building existing as at 12 August 1999, 5 metres above the height of that building at that date, whichever is the greater; and
 - ii) the maximum diameter of any antenna shall not exceed 3.0 metres.
- 26.6.9 Activities permitted under [Section 26.5.1\(2\)](#) shall not exceed 20 metres in height.
- 26.6.10 All utilities, and minerals exploration and energy developments, shall only comply with the standards in the respective zone relating to advertising signs and natural hazards. New utilities, and the expansion and upgrading (excluding minor upgrading) of existing utilities, shall also comply with the district wide rules relating to cultural heritage ([Chapter 22](#)) and indigenous vegetation and habitats of indigenous fauna ([Chapter 23](#)).
- 26.6.11 All utilities shall comply with NZS 2772.1:1999 – Radiofrequency Fields, Part 1 (Maximum Exposure Levels – 3kJz-300GHz), and with NZS 6609.2:1990 – Radiofrequency Radiation, Part 2 (Principles and Methods of Measurement – 300kHz to 100GHz).

26.7 ANTICIPATED ENVIRONMENTAL RESULTS

- 26.7.1 Utilities, and minerals exploration and energy developments, that provide for the social and economic well being of the community and their health and safety, whilst not compromising the sustainable management of the district's natural and physical resources.

26.8 PRINCIPAL REASONS

- 26.8.1 Utilities, and minerals exploration and energy developments, are essential to servicing the Wairoa District and wider region.
- 26.8.2 The essential nature of utilities, and minerals exploration and energy developments, requires them to be provided for within the District Plan in such a way as to enable them to function, to be maintained and upgraded, and in some cases extended, without undue restriction, provided any adverse effects can be avoided, remedied or mitigated.
- 26.8.3 The above rules have been developed to generally enable utilities, and minerals exploration and energy developments, to operate without the need for consent, but to require consent where the adverse effects may be more than minor. This will enable Council to consider health, safety, amenity, and other values, and whether adverse effects on these values can be avoided, remedied or mitigated.

Cross References:

Part B – Resource Management Strategy
 Part C – Land Management Zones and Rules
 Part E – Applying for Resource Consent
 Planning Maps