10. Designations and Network Utilities

Explanatory statement

Infrastructure and network utilities are essential components for the effective and efficient functioning of the District. These components include water and wastewater reticulation; electricity transmission and generation; roading and associated linkages; rail networks; distribution networks; telecommunication networks and associated equipment (including privately owned aerials, antennas and cabinets); gas networks; solid waste disposal facilities and schools.

Infrastructure and network utilities are provided for within the District by way of Permitted Activities, through obtaining appropriate resource consents, or in regards to a network utility operator, by way of designation. This Section comprises issues, objectives, policies, rules and assessment criteria to be used for both guidance and assessment in respect of the establishment, operation, maintenance and upgrading of such activities. The Section will also assist Council in assessing any notices of requirement submitted for new infrastructure and network utilities, as well as for the assessment of outline plans of works for activities on designated sites.

The provisions within this Section apply to infrastructure, network utilities and designations throughout the District. However, due to their complexity, other sections of the Plan may also contain provisions of relevance. For example, roads are not only referred to in this section, but also in Sections 4B and 12 relating to transportation and subdivision.

Infrastructure and network utilities

In managing the effects of infrastructure and network utilities, recognition should be given to the essential role that these components play in the functioning of the District, and for the services they provide. With regard to electricity transmission, a National Policy Statement is operative that reinforces the national significance of transmission infrastructure.

It is recognised that the nature of some infrastructure and network utilities can result in detraction of amenity for an area, and in some cases has the potential to impinge upon public health and safety. Accordingly it needs to be acknowledged that the avoidance of adverse effects associated with infrastructure and network utilities will not always be possible. In some circumstances the effects of infrastructure and network utilities are addressed by other instruments e.g. relevant health and safety requirements, traffic safety measures and/or recognised National Environmental Standards. Where environmental effects are not fully addressed by other instruments, the District Plan provides a resource management framework for balancing competing demands and conflicting requirements.

Designations

Under the RMA, public works and some private utility and infrastructure projects can be provided for by way of designation. Certain organisations are able to serve a notice of requirement on a territorial local authority in respect of land required to be designated for such works. These organisations have the status of a “requiring authority” under the RMA.

A notice of requirement follows a similar process to that of an application for resource consent and if confirmed is included in the District Plan as a designation. The effect of designating land is to authorise the use of that land for a particular work/s (e.g. school, police station, electricity substation, infrastructural services).

For activities that will not be in accordance with the designation of a particular site, or in the event that the designation is uplifted or lapses, the usual District Plan provisions relating to the land apply.

10.1 Significant issues

1. Infrastructure and network utilities provide systems and services essential to the maintenance and enhancement of the well-being and quality of life for communities within the District. Failure to facilitate adequate provision of these systems and services can result in the desired level of well-being and quality of life not being achieved.

2. The affordable servicing of piecemeal growth can be both problematic and costly. A lack of cohesion between land use, planned infrastructure and equitable sources of funding can put pressure on the District's communities, leading to unexpected funding or servicing shortfalls.

3. The Western Bay of Plenty District shares a long boundary with Tauranga City. It is important to acknowledge the importance of the infrastructural and network utility linkages crossing the boundary between these two districts and to ensure the appropriate safeguarding of such assets.

4. The development, operation, maintenance and upgrading of infrastructure and network utilities have the potential to adversely affect and degrade landscapes, streetscapes and other amenity values particularly through visual intrusion and the generation of offensive odour, dust, noise and vibration.

5. Communities and residents use telecommunications on a day-to-day basis in a variety of forms and for a variety of purposes. The ability to continue to provide an acceptable telecommunication service level is however reliant on advancements and improvements in the telecommunication industry. As this can occur within a short timeframe in response to increased demand and technological advances, it is important that new or alternative methods for implementation be given appropriate consideration in the resource management framework provided by the District Plan.

6. The location, establishment and operation of land use activities in the vicinity of infrastructure and network utilities may lead to reverse sensitivity effects that have the potential to impact upon the effective and efficient operation of such infrastructure and network utilities.

7. The development, operation and maintenance and upgrading of infrastructure and network utilities has the potential to adversely affect the heath and safety of the community.

8. The operation and development of necessary transmission infrastructure may conflict with the protection of specific amenity, heritage, ecological or landscape values.

9. The Kaimai hydroelectric power scheme generates a significant portion of the District's electricity requirements. There is the potential for the sustainable management of the Wairoa River resource to be threatened by the sometimes competing interests of electricity generation, recreational use and values of significance to Maori.

10. Solid waste disposal facilities can generate adverse environmental effects.

11. The functionality of flood control stopbanks, canals and drains may be compromised by adverse effects of other activities.

10.2 Objectives and policies

10.2.1 Objectives

1. The efficient development, operation, maintenance and upgrading of infrastructure and network utilities so as to efficiently and effectively meet the current and foreseeable needs of the District.

2. The protection of water supply sources particularly for municipal use by both the Western Bay of Plenty District and Tauranga City.

3. The effective and efficient provision of infrastructure and network utilities across territorial local authority boundaries.

4. Fulfillment of the technical and operational requirements of different infrastructure and network utilities whilst minimising the actual or potential adverse environmental effects of such activities.

5. The establishment and management of land use activities in a way that avoids, remedies or mitigates potential reverse sensitivity effects that may impact on the safe, effective and efficient operation of infrastructure and network utilities.

6. Avoidance or minimisation of adverse effects and risks from the development, operation, maintenance and upgrading of infrastructure and network utilities, on the health and safety of the community.

7. The sustainable utilisation of the District's natural resources for electricity generation and associated critical infrastructure whilst ensuring that any adverse effects are avoided, remedied or mitigated.

8. Minimisation of waste generation and the provision of appropriate disposal methods.

9. The efficient and effective functioning of flood protection devices.

10.2.2 Policies

1. Infrastructure and network utility development should be sequenced in a way that integrates with the long-term planning and funding mechanisms of local authorities, central government agencies, and network utility providers and operators.

2. The current operation of and future opportunities for the development, operation, maintenance and upgrading of existing transmission corridors should be protected.

3. Where infrastructure or network utilities have a functional need for a particular location, such facilities should, as far as practicable, be located and designed so as to minimise impact on:

   (i) the landscape, streetscape, cultural values of an area;

   (ii) nearby properties, and

   (iii) other established infrastructure and network utilities.

4. Assessment of resource consent applications should have regard to the operational and technical requirements of infrastructure and network utilities.

5. Where technically and practically feasible, the potential adverse visual effects from aerials, antennas, dishes, masts and ancillary equipment should be avoided, remedied or mitigated by encouraging these components to be located on or attached to existing buildings and structures or in other similarly unobtrusive positions.

6. Infrastructure and network utilities should be developed, operated, maintained and upgraded to avoid, remedy or minimise the generation and/or emission of nuisance effects such as noise, light, vibration, odour or hazardous substances and other potential reverse sensitivity effects.

10.3 Activity table for infrastructure and network utilities

	Activity	Surface of Water	Identified Significant Features	Residential, Future Urban and Rural Residential Zone	Commercial Zone	Industrial Zone	Rural Zone	All Terrain Park Zone (ATP)	Public Reserves	Formed Roads
(a)	Electrical lines for conveying electricity at a voltage up to and including 110kv and with a design capacity up to and including 100MVA per circuit and associated telecommunication lines including their support poles and aerials up to 1m high, telecommunication lines and cables (new lines; extension in length of lines; upgrading by increasing capacity of cable).									
	● new lines, extension in length of lines, overhead	-	D	D	D	D	P	P	D	*
	* formed roads within Residential, Future Urban, Rural Residential, Commercial and Industrial Zones such facilities to be Discretionary;									
	* formed roads In Rural Zones such facilities are permitted.									
	● new lines, extension in length of lines underground.	-	D[1]	P	P	P	P	P	P	P
	1 Note: Refer to 10.4.1 (g)									
	● upgrading by increasing voltage or capacity of existing lines overhead and underground.	-	D	P	P	P	P	P	P	P
(b)	Underground Infrastructure and Network Utilities (new lines; extension in length of lines; upgrading by increasing capacity of cable) in compliance with Rule 10.4.1 (n) (ii)	-	P*	P	P	P	P	P	P	P
(c)	Temporary overhead electrical and telecommunication lines to construction sites or short term recreational venues subject to Council being formally notified of the route, voltage/type of telecommunications link and date by which it will be removed.	-	D	P	P	P	P	P	P	P
(d)	Overhead electrical lines including support pylons and structures (new lines; extension in length of lines) for conveying electricity at a voltage in excess of 110kV and telecommunication lines forming part of the same facility.	-	X	D	D	D	D	D	D	D
(e)	Upgrading of existing overhead electrical lines for conveying electricity at a voltage in excess of 110kV by increasing the voltage of existing cables or capacity of cable using the same support structures.	-	D	P	P	P	P	P	P	P
(f)	Card Phone and Coin Phone Boxes.	-	D	P	P	P	P	P	P	P
(g)	Single transformers and associated switching gear conveying electricity at a voltage up to and including 110kV not exceeding a gross floor area of 6m^2 and a height of 2m.	-	D	P	P	P	P	P	P	P
(h)	New transformers, substations and switching stations conveying electricity at a voltage up to and including 66kV and ancillary buildings not exceeding 30m^2 gross floor area.	-	D	D	P	P	D	P	X	X

	Activity	Surface of Water	Identified Significant Features	Residential, Future Urban and Rural Residential Zone	Commercial Zone	Industrial Zone	Rural Zone	All Terrain Park Zone (ATP)	Public Reserves	Formed Roads
(i)	Maintenance and upgrading to existing or legally established transformers, substations and switching stations conveying electricity at a voltage up to and including 66kV and ancillary buildings not exceeding 30m^2 gross floor area.	-	C	C	P	P	P	P	P	P
(j)	New Substations and Switching Stations conveying electricity at a voltage including and in excess of 110kv with a design capacity up to and including 100 MVA per circuit and ancillary buildings not exceeding 50m^2 gross floor area.	-	X	D	P	P	D	P	X	X
(k)	Maintenance or upgrading Substations and Switching Stations conveying electricity at a voltage including and in excess of 110kv with a design capacity up to and including 100 MVA per circuit and ancillary buildings not exceeding 50m^2 gross floor area.	-	P	P	P	P	P	P	P	P
(l)	Electrical Depots for maintenance, upgrading, alteration, construction or security of lines or pylons provided they are situated within a substation property.	-	X	X	D	P	D	P	X	X
(m)	Radio, telecommunication and Council depots and workshops.	-	X	X	D	P	X	P	X	X
(n)	Telephone exchanges.	-	X	RD	P	P	P	P	X	X
(o)	Radio, telecommunication masts and microwave towers up to and including 20m in height and 1.35m in diameter together with associated: • antennas/dishes not exceeding 5m in diameter; • aerials and lightning rods not exceeding 6m in height and 75mm in diameter; • weather radar, guy wires, wooden / ~~or~~ steel support poles provided that the total height of the mast and associated equipment shall have a maximum height of 20m and the mast shall have a maximum diameter of 1.35m. • Buildings not exceeding 30m^2 of gross floor area.	-	D	D	P	P	P	P	D	D*
(p)	Radio, telecommunication masts and microwave towers over 20m in height and/or a mast greater than 1.35m in diameter, together with associated: • antennas/dishes not exceeding 5m in diameter; • aerials and lightning rods not exceeding 6m in height and 75mm in diameter; • weather radar, guy wires, wooden/steel support poles; • Buildings that exceed 30m^2 of gross floor area.	-	D	D	D	D	D	D	D	D

	Activity	Surface of Water	Identified Significant Features	Residential, Future Urban and Rural Residential Zone	Commercial Zone	Industrial Zone	Rural Zone	All Terrain Park Zone (ATP)	Public Reserves	Formed Roads
(q)	When attached to a building or structure, and will comply with the maximum height of the zone for which it will be located, the following are provided for: • Radio and telecommunication aerials up to 4m in height; • dishes not exceeding 1.8m in diameter for Residential/Future Urban and Rural Residential Zones, and 5m in diameter for all other zones; • antennas not exceeding 1.2m^2 in area for Residential/Future Urban and Rural Residential, and not exceeding 2m^2 in all other zones.	-	D	P	P	P	P	P	RD	RD
(r)	Telecommunication and radiocommunication facilities (including aerials, antennas, dish antennas and associated mounts) attached to buildings / structures can exceed the maximum height limit of the zone for which it will be located provided it is contained within the following dimensions: • Residential Zones - 2m high x 1m wide x 1m long ie. 2m^3 in volume • All other zones – 5m high x 1m wide x 1m long ie. 5m^3 in volume	-	P	P	P	P	P	P	P	P
(s)	Radio and telecommunication ancillary equipment shelters up to 3m in height and 4m^2 gross floor area.	-	D	P	P	P	P	P	P	P
(t)	Subscriber terminals / antennas on private property up to a dimension of 1.0m^3 in volume.	-	P	P	P	P	P	P	P	P
(u)	Any infrastructure or network utility activity that complies with a relevant National Environmental Standard, and will also comply with the relevant provisions of the District Plan is a Permitted Activity and a Certificate of Compliance can be issued.	-	P	P	P	P	P	P	P	P
(v)	Underground pipelines conveying water, stormwater, wastewater and associated pumpstations (with above ground dimensions less than 50m^2 gross floor area) and gas distribution pipelines at a pressure not exceeding 2000 kilopascals including aerial crossings of bridges, structures or streams and ancillary equipment including regulator stations but not compressor stations (note Construction Rule)	-	C	P	P	P	P	P	P	P
(w)	Underground gas transmission pipelines at a pressure that does exceed 2000 kilopascals including aerial crossings of bridges, structures or streams and ancillary equipment including compressor compounds with compressor houses.	-	D	D	D	D	D	D	D	D
(x)	Trig Stations.	-	C	P	P	P	P	P	P	D
(y)	Water and irrigation races, open drains, channels and necessary incidental equipment. Stormwater drains and drainage channels and necessary incidental equipment.	-	X	P	P	P	P	P	RD	P

	Activity	Surface of Water	Identified Significant Features	Residential, Future Urban and Rural Residential Zone	Commercial Zone	Industrial Zone	Rural Zone	All Terrain Park Zone (ATP)	Public Reserves	Formed Roads
(z)	Meteorological enclosures and buildings not exceeding 30m² gross floor area; automatic weather stations and single anemometer masts provided that the anemometer mast does not exceed a height of 10m; voluntary observer sites; associated microwave links.	-	D	P	P	P	P	P	D	X
(aa)	Windmills and wind power generators for bulk power supply.	-	X	X	X	D	D	D	X	-
(ab)	Flood control stopbanks and necessary incidental equipment.	-	D	D	D	D	RD	RD	D	RD
(ac)	Meteorological buildings greater than 30m² gross floor area.	-	X	D	D	D	D	D	X	X
(ad)	Operation and maintenance of existing hydro-electric power schemes.	P	P	X	X	X	P	P	P	X
(ae)	Construction of new hydro-electric power schemes.	D	X	X	X	X	D	D	D	X
(af)	Operation and maintenance of existing roads and State Highways including construction of toll gantries, road widening, cycle lanes, bus lanes, heavy occupancy vehicle lanes.	-	P	P	P	P	P	P	P	P
(ag)	New roads and State Highways, grade separation structures and flyovers within existing road reserves.	-	D	D	D	D	D	D	X	D
(ah)	New park and ride facilities.	-	D	-	P	P	D	-	X	D
(ai)	Operation and maintenance of existing railway networks.	-	P	P	P	P	P	-	P	P
(aj)	New railway networks and ancillary equipment.	-	X	D	D	P	D	D	X	-
(ak)	Solid Waste Management and Disposal sites including the disposal of hazardous substances (private and public) and Refuse Transfer Stations.	-	X	D	D	D	D	D	D	-
(al)	Relocatable recycling drop-off centres less than 10m² in area	-	D	P	P	P	P	P	P	P
(am)	Relocatable recycling drop-off centres greater than 10m² in area	-	X	D	P	P	D	P	D	D
(an)	Lighthouses, navigational aids and beacons subject to the approval of the Maritime Safety Authority and/or Bay of Plenty Regional Council.	P	D	P	P	P	P	P	D	-P
(ao)	Airports.	-	X	X	X	X	D	X	X	X
(ap)	Water Reservoirs.	-	X	D	D	P	RD		D	X
(aq)	Water supply catchments.	P	D	X	X	X	P	P	P	X
(ar)	Water treatment plants.	-	X	RD	RD	RD	RD	RD	D	-
(as)	Groundwater Bores and ancillary equipment (including maintenance and upgrading of these)	-	RD	P	P	P	P	P	P	P
(at)	Sewage treatment plants exclusive of septic tanks.	X	X	D	D	D	D	D	X	X
(au)	Helipads.	-	X	X	D	D	D	D	X	-
(av)	Geothermal, natural gas, biomass and coal-fired generators of electricity facilities.	X	X	X	X	D	D	D	X	X

	Activity	Surface of Water	Identified Significant Features	Residential, Future Urban and Rural Residential Zone	Commercial Zone	Industrial Zone	Rural Zone	All Terrain Park Zone (ATP)	Public Reserves	Formed Roads
(aw)	The operation and maintenance of network utilities in existence at 2 July 1994 and any subsequent works or utilities authorised by Rule 10.3 (this rule) or by a resource consent or designation (including tree trimming necessary to protect electrical and telecommunication lines).	P	P	P	P	P	P	P	P	P
(ax)	The installation/placement, maintenance and testing of Council installed extreme adverse weather and tsunamogenic event devices.	P	P	P	P	P	P	P	P	P
(ay)	Traffic-control signals, devices and structures (including speed camera equipment), road and traffic signs.	C	C	C	C	P	C	P	C	P[a]

P = Permitted
C = Controlled
RD = Restricted Discretionary
D = Discretionary
X = Non-complying

Unless otherwise provided for within the Plan, the erection of signs within public roads is controlled by Council or New Zealand Land Transport Agency bylaws or the Traffic Regulations 1976, Transport Act 1962 or Land Transport Act 1993.

10.4 Activity Performance Standards

10.4.1 General performance standards for infrastructure and network utilities

The following performance standards shall be met by all Permitted and Controlled infrastructure and network utility Activities, and shall be used as a guide for all other activities. Any Permitted or Controlled infrastructure and network utility Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance. Note that compliance with the zone activity performance standards and provisions in all other sections are also relevant for proposals.

(a) Spatial separation and privacy

Specific controls for:

- Electrical Substations and Switching Stations above and including 66kv
- Electrical, Radio, Telecommunication and Council Depots or Workshops,
- Telephone exchanges,
- Radio, Meteorological or Telecommunication buildings greater than 30m^2 gross floor area,
- Gas compressor stations, valve and takeoff stations, sales gates and regulator stations but excluding standard regulator stations with a maximum floor area of 3m^2 and a maximum height of 2m,

- Windmills, wind power generators,
- Community solid waste management sites, sewage treatment plants
- Water reservoirs, hydro electric power stations,
- Geothermal, natural gas, biomass and coal-fired generators of electricity.

(i) Landscape planting shall be developed and maintained around the perimeter of any of the above activities. Landscape planting shall be provided in accordance with Section 4C (Amenity)

(ii) All Yards As per zone rules

(b) **Transportation, Access, Parking and Loading** – See Section 4B

(c) **Noise and Vibration** – See Section 4C.1

(d) **Storage and Disposal of Solid Wastes** – See Section 4C.2

(e) **Lighting and Welding** – See Section 4C.3

(f) **Offensive Odours, Effluent Aerosols and Spray Drift** – See Section 4C.4

(g) **Screening** – See Section 4C.5

(h) **Signs** – See Section 4D

(i) **Natural Environment** - See Section 5.

(j) **Landscape** - See Section 6.

(k) **Cultural and Heritage** - See Section 7.

(l) **Natural Hazards** - See Section 8.

(m) **Hazardous Substances** – See Section 9.

(n) **Construction effects and ground reinstatement**

(i) **General**

- Where the development, operation, maintenance or upgrading of infrastructure or network utilities involves ground disturbance, the ground affected shall be reinstated as far as practicable to the condition existing before the start of the work.

- Where the demolition of infrastructure or network utilities involves disturbance to the ground, the ground shall be reinstated as far as practicable to the condition of the land immediately surrounding where the works have occurred.

(ii) **Within Identified Significant Landscape Features**

- The placement and maintenance of underground infrastructure and network utilities within identified Significant Landscape Features is a Permitted Activity provided that: tree and/or shrub over 2.0m in height are not removed and any disturbed ground and/or vegetation areas are reinstated once the network utility works are installed.

10.4.2 Subdivision and Development

In any zone the minimum standards for subdivision shall not apply in the case of land required for public works and utilities. (See Section 12).

Unless there is proven technical reasons to forego the provision of a reserve, an esplanade reserve will be required in accordance with Council's policy. (See Section 12).

10.5 Matters of control – Controlled Activities

The Council reserves control on the following matters for the purposes of assessing Controlled infrastructure and network utility Activities:

(a) Whether the design and construction of the proposed activity ensures:

- safe and efficient access onto existing and/or proposed roads;
- the ability to create suitable building platforms to accommodate future complying buildings; and
- the ability to adequately manage stormwater.

(b) The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.

(c) The ability to avoid, remedy or mitigate actual or potential effects of the activity on areas or features of cultural, historic, landscape or natural value.

(d) Any potential adverse effects from natural hazards, including flood inundation and/or erosion.

(e) The degree to which the activity is consistent with any relevant plan or strategy.

(f) Council shall give consideration to and may impose conditions on the planting and mounding within the road reserve to mitigate the anticipated adverse visual and audible effects of new arterial roads adjacent to Residential Zones, public reserves, Identified Significant Features, or marae.

(g) The imposition of conditions to avoid, remedy or mitigate adverse effects in accordance with Section 108 of the RMA.

(h) Consideration of criteria within Section 12.4.4.3 for Roads and Access.

10.6 Matters of discretion

10.6.1 Restricted Discretionary Activities

The Council restricts the exercise of its discretion to the following matters for the purposes of assessing Restricted Discretionary infrastructure and network utility Activities:

(a) The degree to which the activity's non-compliance with a relevant performance standard will generate actual or potential off-site effect(s) on the functioning, amenity and character (including visual effects) for nearby and adjoining properties.

(b) The potential for conflict between the proposed activity and other existing activities within the surrounding area.

(c) The extent to which the activity will otherwise be consistent with the relevant performance standards.

(d) The degree to which the activity is consistent with any relevant plan or strategy in an adopted form.

(e) Whether the desired environmental outcome, with a consistent and appropriate standard of infrastructure, is achieved such as through compliance with Council's Development Code or relevant structure plan.

(f) Imposition of conditions in accordance with Section 108 of the RMA to avoid, remedy or mitigate adverse environmental effects arising from the activity's non-compliance with the relevant performance standard.

10.6.2 Discretionary Activities

The following criteria identify the more significant effects that may arise from activities and the matters for evaluation to determine whether those effects should be avoided, remedied or mitigated.

Consideration may be given to whether in the circumstances of the case, there is sufficient justification and necessity for the activity, notwithstanding that the effects may be more than minor.

When assessing Discretionary Activities the following list of assessment criteria is not exclusive as other effects can be considered during assessment.

(a) Visual effect

The visual effects of works will be assessed in terms of the likely effect on:

(i) The surrounding environment and landscape with particular consideration of Residential, Future Urban and Rural-Residential Zones, dwellings in Rural Zones, public reserves, Identified Significant Features or marae in the vicinity of the proposed facility.

(ii) Ridge lines and view planes from public places, (including roads) and the general landscape character.

(iii) Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values.

In making the assessment of visual impact regard will be had to:

- the scale of the activity;
- height, cross sectional area, colour and texture of any proposed structures;
- distance of proposed structures to site boundaries;
- site location in terms of the general locality, topography, geographical features, adjoining land uses, ie. landscape character, rural houses;
- proposed planting, fencing and other landscaping treatments;
- proposed signs;
- civil aviation, height, colour and design requirements;
- the intensity of lighting when viewed from a distance should not be out of character with the environment in which the installation is situated;
- lights should be directed and positioned as far as practicable so as to prevent spill of light adversely affecting the use and enjoyment of adjoining properties;
- the opportunity for co-siting of facilities.

(b) Noise effect

The Council shall ensure that existing activities are not adversely affected by the proposed activity. In determining appropriate noise levels, Council shall have regard to the noise environment of the locality in which it is proposed to site the facility and the practicality of reducing noise from the utility components.

With regard to airports, Council shall have regard to the New Zealand Standard 6805:1992.

Council shall also have regard to the "Guidelines for the Management of Road Traffic Noise - State Highway Improvements" by the New Zealand Transport Agency.

(c) Stormwater and wastewater effects

The installation shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or any stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after having regard to the Building Code and the Bay of Plenty Regional Council regarding discharge consents and the sensitivity of the receiving environment (requires liaison with Regional Council).

(d) Traffic effects

Council shall consider:

(i) Traffic volumes, traffic mix relative to the existing and future traffic patterns, access, parking and loading on-site.

(ii) Hours of operation relative to the existing and future neighbouring amenity.

(iii) Construction traffic volumes, traffic mix, hours of operation.

(e) Social and heritage effects

Council shall consider:

(i) The likely impact of the anticipated development, operation, maintenance and upgrading activities on the social and heritage values of the nearby area, including those in residential and rural areas, marae, public reserves and Identified Significant Features, (particularly the functioning of community and recreational facilities in the vicinity of the proposed facility).

(ii) The impacts on farming activities and public and private airfields.

(iii) The tangata whenua's opinion if Maori land titles are being alienated.

(f) Wind effects

The Council shall consider the effect of the structures on the micro wind climate of the neighbourhood, particularly those that will be adjacent to dwellings used for residential purposes, marae and recreational facilities.

(g) Risk management

The Council may require a statement providing an assessment of the probability of risks associated with the development, operation, maintenance and upgrading of the proposed activity.

The statement shall advise on the risk associated with, but not restricted to:

(i) the use of hazardous substances in the facility and proof that the New Zealand Fire Service and the Regional Council have been advised.

(ii) the technology used in the provision of the service e.g. high voltage electricity, radio-active material.

(iii) risk of rupture, breakage, collapse, failure, movement etc of components of the facility as it relates to the design and maintenance of the facility and the effect of natural hazards on the facility.

and the measures inherent in the proposal which will avoid, remedy or mitigate the potential for that effect to occur.

(h) Odour effects

Council shall consider the effect of and the probability of offensive odours from the development, operation, maintenance and upgrading of facilities and in particular the operation of sewage treatment facilities and solid waste disposal sites.

(i) Alternative location or methods

In assessing applications where it is likely that the activity will result in significant adverse effects on the environment, the application shall in the statement of effects, describe the potential effects of alternative locations or methods to that proposed. The practicality and economics of alternative options versus that proposed will be relevant when considering the assessment.

10.6.3 Sight lines at railway crossings

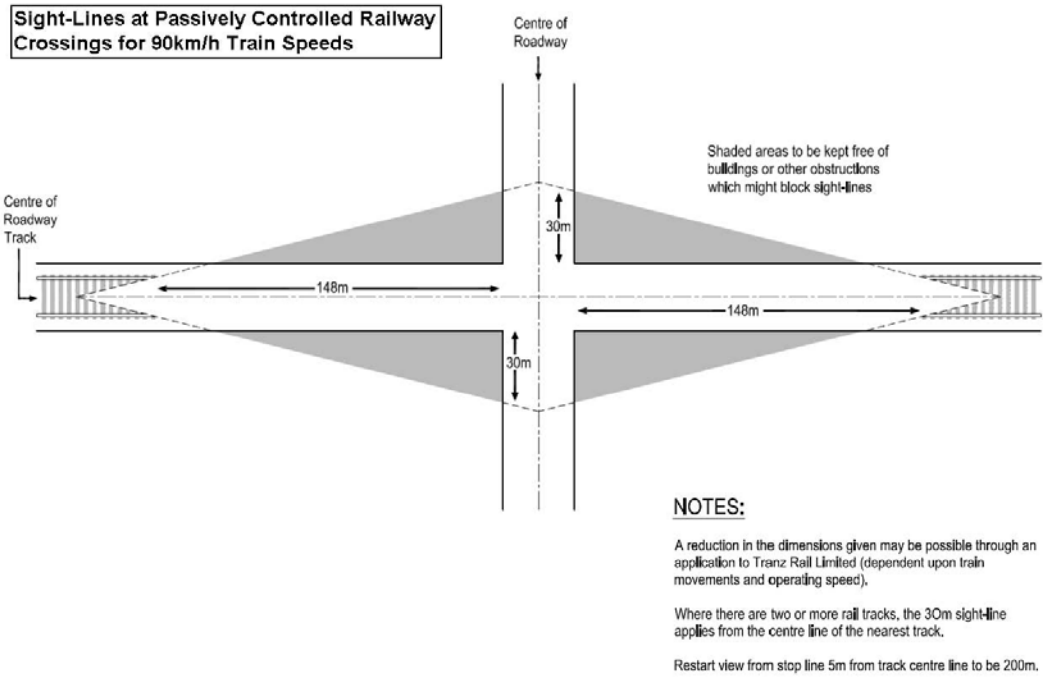
(a) Where a railway and road intersect on the same level, no building or other physical obstruction which might block the sight lines shall be permitted within the area shown on the diagram below.

(b) other sight lines (other than that permitted in (a) above) shall be permitted when:

(i) the written consent of the New Zealand Railways Corporation has been obtained before a building consent is issued.

(ii) the written consent of the New Zealand Railways Corporation is also clearly endorsed on all relevant development plans

Note: Activities permitted under clause (b) above may be subject to conditions agreed between the Council and the New Zealand Railways Corporation.



10.6.4 Tauranga Airport approach path protection

While the airport is physically located within the Tauranga District, the Approach Path Protection area extends into the Western Bay of Plenty District airspace as identified on the District Planning Maps.

(a) **Height restrictions within specified airport approach path**

No building, structure, mast, tree or other object shall penetrate any of the approach slopes, transitional slopes and, an horizontal surface and surrounding sloping plans defined in the zoning specification herewith and illustrated on the District Planning Maps.

Provided that:

where there is any conflict between these height control limits, the lowest height restriction shall prevail.

(b) **Specifications**

(i) Approach slopes

There is an approach slope at the end of each strip. The approach slope rises on a specified gradient from its origin at the strip end and from the level of the lowest part of the formed strip end.

Each approach slope stretches over a specified horizontal distance from the strip and has sides that diverge uniformly outwards at the rate of 15 percent from the end corners of the strip. Each approach slope is symmetrically disposed about the exact centre line of the related strip.

(ii) Main approach slopes

For the purposes of this specification each of the two approach slopes of the main strip arise at a gradient of 1.6 percent, stretching over a horizontal distance of 15,000m and its sides diverge to a width of 4,710m at its outer end.

(iii) Subsidiary approach slopes

Each of the two approach slopes for the subsidiary strips arise at a gradient of 2.5 percent. Each approach slope stretches over a horizontal distance of 3,000m and its sides diverge to a width of 1,050m at its outer end.

(c) **Horizontal surface**

The horizontal surface extends from above each side and from above each end of the main strip outwards for a distance of 4,500m overlaying the ground at an elevation of 45m above the level of the lowest part of the lower end of the main strip.

Each outer boundary line of the horizontal surface is extended so as to join the adjacent extended boundary line by tangential curves having a radius of 2,250m.

Sloping planes extend outwards and upwards from the periphery of the horizontal surface. They extend outwards for a horizontal distance of 1,900m and upwards at a constant gradient to reach a maximum elevation of 120m (above the level of the lowest part of the lower end of the main strip).

For the purposes of this Specification, where the ground rises so that it becomes close to or penetrates the horizontal surface or its surrounding sloping planes, then the horizontal surface or surrounding sloping plane may be adjusted at that place in conformity with the natural slope of the ground level in order to provide a clearance of 10m vertically above the natural ground level.

(d) **Transitional slopes**

These extended upwards and outwards from the sides of each approach slope at a gradient of 14.3 percent rising up to an elevation of 45m above the level of the lowest part of the related strip end.

Note: There are no transitional slopes from the sides of the approach slopes above an elevation of 45m above the respective strip end.

Transitional slopes extend upwards and outwards from the side edges of each lighting visibility slope at a gradient of 10 percent and they continue to rise until they intercept a vertical plane containing the side edges of the main approach slope.

Transitional slopes also extend upwards and outwards from the sides of each strip at a gradient of 14.3 percent to intercept the horizontal surface.

10.6.5 Protection of Regional Council flood control stopbanks and drains

(a) **Permitted Activities**

(i) Stock proof fences.
(ii) Farming of grazing animals.
(iii) Flood control measures by territorial or regional councils.

(b) **Discretionary Activities**

(i) Separation for maintenance

The following activities shall have Discretionary Activity status within 12m (horizontal line) of a Regional Council drain (measured from the lip of the drain) or the landward toe of a stopbank, or on a stopbank, or on the berm between a stopbank and a river or drain, or within a 12m radius of a pump station.

- the growing or allowing to grow of any shrub, hedge or tree or part thereof.
- the digging of any drain or excavation that will interfere with access of Regional Council workers, contractors and machines
- the erection of any shelter fence, building or construction.
- the construction of any road or race for the passage of stock or vehicles.

(ii) Stopbanks

(c) The excavation or the digging of any drain within 20m of any stopbank shall be a Discretionary Activity.

10.7 Other methods

10.7.1 Waste minimisation

Council shall support and assist the work of the Regional Council as a service delivery function of Council. The regional co-ordination of waste minimisation and waste reduction is considered to be more comprehensive and effective than individual Council initiatives.

10.7.2 Stormwater control, water supply and wastewater management systems

Relevant consents must also be obtained from the Regional Council.

10.7.3 Contaminant-free stormwater

Council shall ensure the management of stormwater to avoid contamination through the Building Act 2004.

10.7.4 Regional Council management

The following matters shall be controlled by the Regional Council

- Discharges (exclusive of site stormwater which is a Building Act 2004 matter controlled by the District Council).
- Earthworks particularly relating to access and site development.
- Land and Vegetation Disturbance.

10.7.5 Other regulations and codes

Council assumes that all operators will comply with the relevant Regulations and Codes that minimise the risks associated with the operation of each facility. Similarly, it is the responsibility of private landowners to ensure compliance with other regulations, in particular those relating to vegetation in the vicinity of transmission lines.

10.7.6 National Environmental Standards

National environmental standards are regulations issued under Sections 43 and 44 of the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Territorial and regional councils must enforce these standards (or they can enforce stricter standards when the standard provides for this). In this way, national environmental standards ensure consistent minimum standards are maintained throughout all New Zealand's regions and districts. Specific detail on these can be obtained from the Ministry for the Environment (www.mfe.govt.nz).

National environmental standards currently in force as regulations:

- Air Quality Standard;
- Sources of Human Drinking Water Standard;
- Telecommunications Facilities (effective from 9 October 2008).

National environmental standards are at various stages of development, ranging from initiating consultation to being legally drafted:

- Measurement of Water Takes;
- Ecological Flows and Water Levels;
- Electricity Transmission;
- On-site Wastewater Systems.

Ministry for the Environment are also currently scoping the potential for the development of standards to address Contaminated Land

10.8 Designations

Rules: Underlying zoning of designations

Subject to the provisions of the RMA, designated land that is to be used for any activity other than provided for by the designated purpose shall only be used in accordance with the underlying zoning for the land.

The underlying zoning of the designated land shall be the zone immediately adjoining the designation.

Where a designation runs across a number of zones and there is doubt as to the underlying zoning at some point or position of the designation, then the Council will assign the zoning which is predominant in that locality or area.

Designations within the Western Bay of Plenty District are contained within the Schedule of Designations within Appendix 5 of the District Plan and shown on the Planning Maps. Detail and additional information on these designations, and any subsequent designations may be held on Council files.

This detail may include specific conditions on individual designations, and/or specific reference to the Term of the Designation, which establishes the lapse period, if the designation is not given effect to. If no such Term of Designation exists then the statutory provisions (five years from the date the Plan is made operative) shall prevail.

Designations are provided for specifically under the RMA and have assessment criteria that differ from that for other activities.