

Operative Ashburton District Plan

- Rural B Zone
- Map R62
- Designations D53 and D65 RDR and MHIS infrastructure
- A49 – Lower Rangitata River identified as site of Significant Nature Conservation Value
- G21 – Geoconservation Area
- The Rangitata River is identified as a Statutory Acknowledgement area under Section 55 of the Ngai Tahu Claims Settlement Act 1998

Summary

The Proposal is unable to meet the permitted standards relating to the total volume of earthworks (**3.9.13**) and disposition of clean fill for the construction of the fish bypass outlet (**3.9.15**) for the Rural Zone and as such is considered as a **Restricted Discretionary Activity** in accordance with **Rule 3.8.4**.

The Proposal results in the construction of structures attached to the bank of the Rangitata River (fish bypass outlet) and is therefore a **Discretionary Activity** in accordance with **Rule 3.8.5 e**).

The Proposal results in the deposition of more than 200m³ of clean fill and the deposition of rocks associated with the construction and armouring of the fish bypass outlet and is therefore considered as a **Non Complying Activity** in accordance with **Rule 3.8.6**.

The proposed upgrade to the canal utility structures are unable comply with the Rural Zone earthworks standards, including more than 50m³ of earthworks within a geoconservation area, and as such are considered a **Discretionary Activity** in accordance with **Rule 14.7.4 e**).

The construction of the fish bypass return on the bed of the Rangitata River and within the 20 metre setback is considered a **Discretionary Activity** in accordance with **Rule 14.7.4 e**).

Note: This assessment of the Proposal has been completed against all of the applicable Ashburton District Plan provisions. It is noted that the introduction to Section 14 Utilities, Energy and Designations states:

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

Whilst initial discussions with Ashburton District Council have indicated that Council's application of this guidance note for similar applications has resulted in no consideration of the Rural Zone provisions, this assessment has adopted a conservative approach to its interpretation and as such provided full consideration of all of the provisions, including the Rural Zone, for completeness.

Section 14: Utilities, Energy and Designations		
Rule	Compliance	Comment
14.7 – Rules - Utilities ¹		
14.7.4 e)	Discretionary Activity	Rule 14.7.4 e) prescribes a Discretionary Activity status to any Utility Activity that is located on land located within the bed of any water body or within 20m of any river or stream.
		Comments The fish return is located within both the bed of the Rangitata River and the 20m setback.
14.8 – Site Standards		
14.8.1 - All Lines, including Telecommunication Lines, and Transformers	N/A	a) All new lines shall be located underground within Residential, Open Space B or Business Zones and within the Residential and Commercial Areas of the Aquatic Park Zone. Except that new lines may be located above ground within Residential, Open Space B or Business Zones,

Utility - means facilities, structures and works necessary for, incidental to, and associated with, providing the following:

- the generation and transmission of energy;
- transportation networks and navigational aids;
- the storage, treatment and conveyance of water, stormwater and sewage;
- the disposal of waste;
- radiocommunications and telecommunications;
- the protection of the community from natural hazards;
- monitoring and observation of weather;
- undertaking a project or work described as a “network utility operation” by regulations made under the Resource Management Act.

		<p>and within the Residential and Commercial Areas of the Aquatic Park Zone, provided that no additional poles or other support structures are erected.</p> <p>b) All poles and/or towers that no longer support wires/lines, and which are no longer required for any other purpose, shall be removed within 1 month of lines being replaced, removed or placed underground.</p> <p>c) In those zones where lines are to be located underground in accordance with Site Standard 14.8.1 above, all transformers shall be located at ground level.</p> <p>Except that: Transformers not exceeding 150kVA may be pole-mounted, where they are located on poles supporting existing above ground lines.</p>
		<p>Comments N/A. The Proposal does not include any lines or transformers.</p>
14.8.3 – Setbacks	N/A	<p>Sets out setback provisions as follows:</p> <p>a) Any support structure for lines within Rural Zones shall be setback a minimum distance of 15m from any intersection; measured parallel from the centreline of the carriageways, at the point where the roads intersect.</p> <p>b) All telecommunication, radiocommunication and/or meteorological facilities within a Rural or Business Zone over 10m in height shall be setback a minimum distance of 5.5m from a Residential, or Open Space Zone boundary.</p> <p>c) Utility buildings more than 10m² in ground floor area and/or over 2m in height shall be setback from the road boundary by a distance of not less than half the height of the structure, or 2m, whichever is the greater. Except that: In Business Zones and the Commercial Area of the Aquatic Park Zone utility buildings may be setback from the road boundary in accordance with the relevant Site Standard applying to the Zone or Commercial Area concerned.</p> <p>d) In Residential, Open Space B, Aquatic Park, and Rural Zones, utility buildings more than 10m² in ground floor area and/or 2m in height shall be setback from internal boundaries by a distance of not less than half the height of the structure, or 2m, whichever is the greater.</p> <p>e) Dams, water reservoirs, and storage ponds shall be setback 1 metre from the road boundary except that at intersections, they shall be setback 3 metres.</p>
		<p>Comments</p> <p>a) N/A – the Proposal does not include support structures for lines.</p> <p>b) N/A – the Proposal does not include telecommunication, radiocommunication and/or meteorological facilities.</p> <p>c) N/A – the proposal does not include utility buildings.</p> <p>d) N/A – the proposal does not include any utility buildings.</p> <p>e) N/A</p>

14.8.5 – Utility Building Scale	N/A	Utility buildings and buildings ancillary to utilities in all zones shall not exceed a gross floor area of 50m ² , or a height of 3.5m.
		Comments N/A. No permanent utility buildings are proposed.
14.8.8 – Landscaping	N/A	a) Sites containing buildings more than 10m ² in ground floor area and/or over 3m in height shall provide a landscaped area within the setback with a minimum width of 2m along road boundaries and along internal boundaries within or adjoining Residential, Open Space Zones and within or adjoining the Residential and Recreational Areas of the Aquatic Park Zone. b) Depots containing no buildings shall provide a landscaped area in accordance with the rules of Business D zone, with a minimum depth of 3m along road boundaries.
		Comments a) N/A. The proposal does not include buildings. b) N/A. The proposal does not include depot areas.
14.8.9 – Flood Risk	N/A	The Site is not located within an area of identified flood risk.
Section 3: Rural Zones		
Rule	Compliance	Comment
3.8 – Rules – Rural Zone		
3.8.4 – Restricted Discretionary Activities	Restricted Discretionary Activity	The Proposal requires resource consent as a Restricted Discretionary Activity for non-compliance with the following Site Standards: <ul style="list-style-type: none"> 3.9.13 – Earthworks 3.9.15 – Deposition of Clean Fill
3.8.5 e) – Activities on the Surface of Water Bodies	Discretionary Activity	The Proposal requires resource consent as a Discretionary Activity for the construction of structures (fish bypass outlet) that are attached to the bank of the Rangitata River.
3.8.6 Non-Complying Activities e) Deposition of demolition material or clean fill; except where listed as a Permitted Activity.	Non-Complying Activity	The Proposal requires resource consent as a Non-Complying Activity as it will result in the deposition of more than 200m ³ of clean fill during the construction and armouring of the fish by-pass return.
3.9 – Site Standards		

3.9.1 – Residential Site Density	N/A	Residential density.
		N/A. The Proposal does not include residential activities.
3.9.2 – Site Coverage	N/A	Maximum percentage/area of the net area of any site covered by buildings and impervious surfaces shall be: Rural A 10% of net site area or 2000m ² , whichever is the lesser Rural B and C 5% of net site area.
		Comments N/A. There are no buildings proposed.
3.9.11 – Indigenous Vegetation Clearance	Complies	<p>a) No clearance of indigenous vegetation in the Rural C Zone, Group 2 Areas of Significant Nature Conservation, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes as defined on the Planning Maps shall exceed:</p> <ul style="list-style-type: none"> • 1,000m² in area on any site in any continuous period of 5 years; or • 100m² in area in any continuous period of 2 years, where the indigenous vegetation has a closed canopy over that area and the average maximum height of that canopy is greater than or equal to 3m; or in the case of shrublands 1.5m; or • 100m² in area of matagouri or beech (in one continuous block), in any continuous period of 2 years, where the average maximum height of the canopy of the matagouri is greater than or equal to 1.5m; or • 500m² of Chionochloa spp (tall tussock) in any continuous period of 5 years, except where this occurs as a secondary component within an area of improved pasture. <p>Except that within each area separately identified on the Planning Maps as being of significant nature conservation value (Group 2 areas only), no clearance of Chionochloa spp (tall tussock) shall exceed 100m² in any continuous period of 5 years.</p> <p>This rule shall not apply to the Mt Hutt ski-field area.</p> <p>b) In the Inland Mountain Outstanding Natural Landscapes or any Group 1 Area of Significant Nature Conservation as defined on the Planning Maps there shall be no clearance of indigenous vegetation. Except that this rule shall not apply to the maintenance of existing tracks up to 6 metres in width within Areas of Significant Nature Conservation numbers 17, 25 and 36 in the locations identified in Appendix 3-2 (Maps 1, 2 and 5), including but not limited to earthworks and the clearance of vegetation. Except that within Areas of Significant Nature Conservation numbers 25 and 26 in the location identified in Appendix 3-2 (Map 3), matagouri may be cleared as part of ongoing scrub management for farming purposes as follows:</p> <ul style="list-style-type: none"> • 20,000m² (2 ha) in area where the average maximum height of the canopy is less than 1.5m, in

		<p>any continuous 10 year period; and</p> <ul style="list-style-type: none"> 1,000m² where the average maximum height of the canopy is equal to or greater than 1.5m, in any continuous 10 year period. <p><i>Note: The canopy height is to be determined over each area of 1 hectare where the vegetation is greater than 1 hectare in area, or over the lesser area where the area of vegetation is less than 1 hectare.</i></p> <p><i>Except that within Areas of Significant Nature Conservation numbers 25 and 26 in the location identified in Appendix 3-2 (Map 4), matagouri may be cleared as part of ongoing scrub management for farming purposes as follows:</i></p> <ul style="list-style-type: none"> 70,000m² (7 ha) in area where the average maximum height of the canopy is less than 1.5m, in any continuous 10 year period; and 1,000m² where the average maximum height of the canopy is equal to or greater than 1.5m, in any continuous 10 year period. <p><i>Note: The canopy height is to be determined over each area of 1 hectare where the vegetation is greater than 1 hectare in area, or over the lesser area where the area of vegetation is less than 1 hectare.</i></p> <p>c) <i>In, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream, there shall be no clearance of indigenous vegetation exceeding 100m² in area in any one hectare in any one calendar year, other than the clearance of exotic pest plants.</i></p> <p>d) <i>There shall be no clearance of indigenous vegetation on any sites in the Rural A and B Zones, except where it is planted in a domestic garden or used for shelter purposes.</i></p> <p>Comments</p> <p>a) N/A. The Site and proposed works area is not identified on the Planning Maps as being located within the Rural C Zone, a Group 2 Area of Significant Nature Conservation Value, the Hakatere River Valley or the Front Range Outstanding Natural Landscapes.</p> <p>b) Complies. The proposed works to establish the fish bypass outlet involve construction activities within Significant Nature Conservation Value site number A49 – <i>Lower Rangitata River</i>, which is listed as a Group 1 Area within Table 3-1. There is no indigenous vegetation in the section of the margins of the Rangitata River.</p> <p>c) Complies. The proposed works to establish the fish bypass outlet are located within the Rangitata River. There is no indigenous vegetation in the section of the margins of the Rangitata River.</p> <p>d) Complies. There is no indigenous vegetation in the section of the margins of the Rangitata River.</p>
3.9.12 – Tree Planting	N/A	b) <i>Tree planting in the Rural A and B Zones:</i>

		<ul style="list-style-type: none"> any new tree shall be planted a minimum of 2.5 metres from any internal boundary adjacent to an existing residential unit on a neighboring property.
		<p>Comments</p> <p>N/A. There is no tree planting associated with the establishment of the fish return structure.</p>
3.9.13 – Earthworks	Does Not Comply	<p>a) Earthworks in the Rural C zone shall not exceed 2000m³ (volume) or 2000m² (area) in any one hectare in any continuous period of 5 years other than the repair and maintenance of operational tracks. This clause shall not apply to the Mt Hutt ski-field area.</p> <p>b) Earthworks in the Rural A and B zones (excluding dig and fill for drainage works), shall not exceed a maximum volume of 5000m³ over an area no greater than 2000m² on any one site per annum.</p> <p>Except that:</p> <ul style="list-style-type: none"> Earthworks shall not be located on slopes with an angle greater than 20° (measured as an average slope angle over any 100m length slope), other than the repair and maintenance of operational tracks. This clause shall not apply to the Mt Hutt ski-field area. Earthworks identified as a geoconservation site shall not exceed 50m³ (volume) or 50m² (area) in any one hectare in any continuous period of 5 years, other than the repair and maintenance of operational tracks No earthworks shall occur in the areas identified on the Planning Maps as being of significant nature conservation value, except that this shall not apply to the maintenance of existing tracks up to 6 metres in width in Areas 17 and 36 in the locations identified in Appendix 3-2, including but not limited to earthworks and the clearance of vegetation, and shall not apply to any existing, permitted or consented Rangitata Diversion Race infrastructure within riverbeds. No earthworks shall occur in, or within 20m of any naturally-occurring wetland; (Except as provided for under Zone Standard 3.10.7) No earthworks shall occur within 100m of any lake, or 20m of any river or stream. <p>Comments</p> <p>a) N/A – the Site is not located within the Rural C Zone.</p> <p>b) Will not comply. The Proposal includes earthworks of up to 60,000 m³ associated with the fish screen and 25,000 m³ associated with the fish return channel. In addition to this, earthworks will be required for the disestablishment of the existing fish bypass return.</p> <p>Additionally, the Proposal includes earthworks associated with construction of the fish bypass outlet within Area of Significant Nature Conservation Value site number A49 – Lower Rangitata River; the Rangitata River, 20 metres</p>

		of the Rangitata River and within Geoconservation Area G21.
3.9.15 – Deposition of Clean Fill ²	Does Not Comply	<p><i>Clean fill shall not be deposited:</i></p> <ul style="list-style-type: none"> • <i>in the areas identified on the Planning Maps or Appendix 3-3 as being a geoconservation site;</i> • <i>in the areas identified on the Planning Maps as being of significant nature conservation value;</i> • <i>within any naturally-occurring wetland;</i> • <i>within 100m of any lake, 20m of any wetland, or 20m of any river or stream.</i> <p>Comments Will not comply. The fish bypass return is proposed to be lined with rock and concrete in order to protect it against erosion. As such 'clean fill' will be deposited within an Area of Significant Nature Conservation Value and the Rangitata River.</p>
3.10 – Zone Standards		
3.10.6 – General Indigenous Vegetation and Tree Planting	Complies	<p>a) <i>In the Rural C zone, above the Altitudinal Land Use Line as shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation except for the clearance of amenity plantings. Except that this rule shall not apply to the Mt Hutt ski-field area.</i></p> <p>b) <i>There shall be no tree planting (other than the planting of indigenous vegetation) on any land above the Altitudinal Land Use Line (other than in the Mt Hutt ski-field) or within an Area of Significant Nature Conservation as identified on the Planning Maps.</i></p> <p>Comments a) N/A – the Site and proposed works area are not located within the Rural C Zone. b) Complies. The Site is not located above the Altitudinal Land Use Line. There will be no tree planting within the Area of Significant Conservation Value.</p>
3.10.8 – Setback from High-Voltage Transmission Lines	N/A	The Planning Maps do not identify a high-voltage transmission line within the Site or proposed work area.
3.10.9 – Lighting	Complies	a) <i>All fixed exterior lighting shall be directed away from adjacent properties, roads, and railways and angled below the horizontal.</i>

² Clean Fill - includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) clay, rock, concrete and bricks

		<p>b) No lighting from any activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property within a Residential Zone, measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>Comments Complies. There is no lighting associated with the Proposal.</p>
3.10.14 – Mineral Extraction and Quarrying	N/A	<p>a) No mineral extraction or quarrying shall be undertaken in:</p> <ul style="list-style-type: none"> • Areas of Significant Nature Conservation Value • Geoconservation sites <p>Comments N/A. The Proposal does not include mineral extraction or quarrying.</p>
Section 11: Noise		
Rule	Compliance	Comment
11.6 - Rules – Noise		
11.6.1 – Permitted Activities	Permitted Activity	<p>Rule 11.6.1 prescribes a Permitted Activity status for activities that comply with the General and Noise Standards within Section 11 and all the relevant Zone and District Wide rules.</p> <p>Comments Once completed, there will be no permanent noise source and as such the Proposal will comply with the identified standards. The construction activities associated with the storage facility are able to comply with the construction noise standards.</p>
11.7 – General Standards		
11.7.1 – Noise Measurement		Noise levels shall be measured and assessed in accordance with NZS6801:2008 Acoustics - Measurement of Environmental Sound, and NZS6802:2008 Acoustics -Environmental Noise.
11.8 – Noise Standards		
11.8.1 – Noise Standards for Zones	Complies	<p>The noise level from activities within any other site shall not exceed the limits set out in Table 11-1 below:</p> <ul style="list-style-type: none"> • When measured at or within the boundary of any site zoned Rural B: <ul style="list-style-type: none"> - Daytime (07:00hrs to 22:00hrs) = 65dB $L_{Aeq}(1\ hr)$ and 85dB $L_{AF, Max}$

		<ul style="list-style-type: none"> - Night-time (any other time) = 45dB $L_{Aeq}(1 \text{ hr})$ and 70dB $L_{AF, Max}$ • When measured at the notional boundary³ of any residential unit on an adjoining site zoned Rural B: <ul style="list-style-type: none"> - Daytime (07:00hrs to 22:00hrs) = 50dB $L_{Aeq}(1 \text{ hr})$ and 75dB $L_{AF, Max}$ - Night-time (any other time) = 40dB $L_{Aeq}(1 \text{ hr})$ and 65dB $L_{AF, Max}$ <p>The following activities are exempt from complying with the above noise levels:</p> <p>b) Construction activities (see below).</p> <p>d) Sports events not involving the use of motor vehicles, powered machinery, amplified music, gunfire, or explosives; and non-commercial private social gatherings (see below).</p>
		<p>Comments</p> <p>Complies. The ongoing operation of the fish screen and fish return will not result in any noise generating activities and as such the proposal is able to comply with the noise provisions.</p>
11.8.3 – Construction Noise	Complies	<p>Construction noise shall comply with NZS 6803:1999 Acoustics – Construction Noise.</p>
		<p>Comments</p> <p>Complies. The proposed construction activities are able to comply with the construction noise provisions of the Plan.</p>
Section 12: Historic Heritage Values and Protected Trees		
Rule	Compliance	Comment
12.7 - Rules – Heritage and Protected Trees		
	N/A	The Site does not contain any identified Heritage Items or Protected Trees.
Section 16: Hazardous Substances		
Rule	Compliance	Comment
16.7 – Rules – Hazardous Substances		
16.7.3 - Discretionary Activities	N/A	Rule 16.7.3 a) prescribes a Discretionary Activity status for the storage of hazardous substances identified in Appendix 16-1, Table 16-1, in quantities exceeding those specified in Column A, but not exceeding those specified in Column B (where specified), of Table 16-2 for the relevant zone.

³ Note 'c)' to Rule 11.8.1:
“When applying the notional boundary provision, the notional boundary is a line 20 metres from any residential unit on any neighbouring site, as defined in NZS6802:2008 Acoustics-Environmental Noise.”

		<p><i>Column 'A' of Table 16-2 prescribes the following quantities for the Rural Zones:</i></p> <ul style="list-style-type: none"> <i>• Petrol = up to (and including) 3,000 litres in above ground tanks;</i> <i>• Diesel = up to (and including) 5,000 litres in above ground tanks;</i> <i>• LPG = up to 7.5 tonnes single-vessel in above ground storage tanks, or up to 12 tonnes single-vessel in underground storage tanks.</i> <p>Comments</p> <p>Complies. The Proposal will not result in the storage of hazardous substances. It is noted that resource consent for the storage and management of hazardous substances associated with the construction of the wider Klondyke storage Proposal has been sought through resource consents application LUC16/0067.</p>
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