

## SECTION ~~45~~16 - UTILITIES

### Introduction

Utilities provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic wellbeing, health and safety. There are various categories of utilities and a number of providers. They are physical resources which are used to generate energy, provide water and electricity, sewage reticulation, roads, railway lines, airports, telecommunications, radiocommunications and waste disposal.

The main providers of utilities are the Council, the Crown, Regional Councils, Transit New Zealand and State Owned Enterprises. However, recent developments have seen a number of trading enterprises and private companies enter the utilities sector. Traditional providers of utilities no longer enjoy a monopoly.

Utilities of national significance found within Mackenzie District include the Pukaki High Dam, Tekapo A and B and Ohau A power stations which generate energy for supply to the national grid. These power stations and their associated canals, reservoirs and control structures are utilities of national importance supplying a significant proportion of New Zealand's energy needs. Allied to the production of energy are the electricity substations, switchyards and other facilities of the National Grid (including its telecommunication network) which are used for the transmission of electricity. Other utilities of national significance within Mackenzie District include State Highway 8, 79 and 80 and microwave VHF stations required for telecommunication and radiocommunication purposes.

Within the District, the Council is a major provider of utilities and services supplying water, sewage reticulation, waste disposal and roads. Of the other organisations, some are included within the meaning of a Network Utility Operator as defined under Section 166 of the Act, for example Opuha Dam Limited which operates the Opuha dam for irrigation, river enhancement and electricity generation. Others not covered by the Act include the provision of flood and lakeside protection works and some electricity generation works and facilities.

Not all utilities are provided for the benefit of the wider community, for example individuals may have aerials on their properties for telecommunication purposes, such as television aerials or for radio communications (ham radio operators).

### Legislative Context

A number of the organisations that provide and operate utilities have status as requiring authorities under the Act and are able to provide for their utility by designation. Requiring authorities include a Minister of the Crown, a local authority or an approved Network Utility Operator undertaking one of the range of activities listed above.

Where a utility is provided for by way of designation, the General and Zone rules of the Plan do not apply to that activity. However, there may be specific conditions in the Plan relating to the operation or design of the work or project which will have the effect of rules. Once a site is designated it may not be used for any other activity (including permitted activities within the underlying zone) without the consent of the requiring authority.

## Issues

The following are the resource management issues relevant to the installation of public utilities throughout the Mackenzie District. The Objectives and Policies which address these issues then follow.

### Issue 1 - Visual Impact and Location

The provision of utilities often involves the erection of structures. One of the most significant effects created by these structures is their visual impact on the character of an area or a landscape. Utilities may include buildings, poles, overhead wires, pylons or pipes. The visual impact of these structures will be related to their size, the frequency with which they occur within the locality and their scale in comparison with the character of a particular environment. Some utilities involve few structures and have little visual impact, such as irrigation channels or planting for flood protection.

### Issue 2 - Effect on Amenities

A number of utilities have other potentially adverse effects. These effects may include noise from the operation of a utility or smell from a particular process, e.g. landfill site or oxidation ponds. It is possible that adverse effects may occur at the time of construction or installation of the utility, throughout its operation or during maintenance works. For example the digging of trenches for work on underground services, earthworks involved in construction of a road or dust generated by heavy vehicles.

Some areas of the District will have higher levels of amenity than others. Certain utilities may not therefore be appropriate in those locations due to the nature of their effects. For example, residential areas and areas containing outstanding natural features would be vulnerable to the intrusion of large buildings or pylons. Areas with outstanding natural features, significant indigenous vegetation or habitats also need to be protected from inappropriate use and development with utilities. In some instances locational factors, including strict operational and technical requirements, will determine the exact position of a utility. As a general principle service authorities will be encouraged to locate utilities in areas with characteristics similar to the utility or in a manner which will have few adverse effects on the environment.

Utilities are however essential for the welfare of a community and their environmental impacts must be balanced against the essential role of these utilities in providing for the health, safety and well being of people living, working or visiting the District.

There is the potential for the providers of utilities to establish their own monitoring systems which will cover the operation of the network or facility and the effects likely to arise under normal and abnormal operating conditions in a comprehensive manner. Such monitoring systems are most likely to be established by organisations responsible for a network of utilities of large singular developments such as power stations.

## Objectives And Policies

### ***Objective 1 - Effect On The Environment***

*Utilities whose functioning and operation avoid, remedy or mitigate adverse effects on their surrounding environment.*

## Policies

- 1 To avoid, remedy or mitigate adverse environmental effects created by the operation of utilities through the application of performance standards to separate incompatible activities, maintain visual amenities, safety, and the quality of the environment.
- 2 To make specific provision for certain utilities within the District, which are land extensive and/or which have specific locational needs, to ensure that the type and scale of development avoids, remedies or mitigates adverse effects on the environment.
- 3 To require utilities which may have adverse effects if located in some localities, to obtain resource consents in order that the Council can consider the potential effects of the proposal and impose specific conditions if appropriate.
- 4 To protect areas identified as possessing important natural features, significant indigenous vegetation or significant habitats of indigenous fauna from utilities which are visually and environmentally incompatible.
- 5 To encourage utility operators to adopt their own monitoring systems to ensure that the effects of utilities and their operation is regularly evaluated to avoid, remedy or mitigate adverse effects on the environment.
- 6 To require the undergrounding of services in new areas of development in the Residential, [Rural-Residential 1 & 2, Ruataniwha Rowing, Special Travellers Accommodation, Business and Pukaki Village Zones](#) and to encourage the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services.
- 7 To take account of economic and operational needs in assessing the location, design and appearance of utilities and encourage the joint use of existing facilities and sites where possible.
- 8 To provide for the establishment, operation, maintenance, enhancement, upgrading and development of electricity generating utilities in the District while ensuring that adverse effects on the environment are avoided, remedied or mitigated.

## Explanation and Reasons

Utilities have a variety of impacts depending on their diverse nature. The impact of utilities is greater in areas used for residential, conservation or recreation purposes. There is little justification for regulating utilities which do not have major impacts. Utilities have quite distinctive and varied characteristics. Large facilities are zoned or scheduled with particular rules according to the scale of effects generated. Environmental effects are also balanced against operational requirements and costs. This approach reflects the need to make provision for those services and developing technologies which consumers and businesses expect.

Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. The policy recognises that overhead lines and structures associated with services can detract from visual amenity and whilst adverse effects of overhead lines and associated structures can be mitigated to a certain degree, for most properties in the Residential, [Rural-Residential 1 & 2, Ruataniwha Rowing, Special Travellers Accommodation, Business and the Pukaki Village Zones](#), provision of new reticulation is required to be by way of underground reticulation. The higher cost of underground reticulation is recognised, and underground reticulation is not required in rural areas where environmental and economic considerations may be differently balanced. Some exceptions to undergrounding of services will exist, such as high voltage lines, as it is not practical to underground these in terms of cost. Also recognised is the need for access for maintenance purposes.

The policy further recognises that for some areas of the District, currently supplied by overhead services, particularly the urban areas, visual amenity could be enhanced by the systematic replacement or upgrading of existing overhead services. Setting back poles and lamp standards from the kerb line, or outside the road reserve, will also often be desirable for both amenity and safety reasons. In addition, a proliferation of infrastructure can be avoided by network utility operators negotiating the joint use of existing facilities and sites, and sharing new infrastructure.

Communication facilities, including towers and dish antennae, can have a visual impact depending on the scale and nature of the structures. The structures associated with radiocommunication include slimline masts which may incorporate mast caps, lightning rods, antennas, aerials and their mounting structure. However, the visual impact of these structures are generally minor due to their slimline nature. Some utilities require larger ancillary buildings or structures (tanks, pumping stations) while others such as telecommunications have tended to become less conspicuous with changing technology.

For many structures or facilities where undergrounding is not an option, control over location, design and appearance is emphasised in the more sensitive environments.

The location of utilities is often dictated by operational requirements which, if consumers expectations are to be met, must be distributed throughout the District and in particular the settlements. Similarly, while alternative provision (for example underground and overhead reticulation of power) is technically possible, the costs to the provider and consumer could be prohibitive.

Facilities such as cellular telecommunications need to be located throughout the District to serve residential as well as commercial users. The provision of high voltage power distribution may also be unavoidable in built up areas in some cases. Accordingly, the Plan does not preclude such facilities, but will require account to be taken of location and design to mitigate rather than avoid adverse effects.

There are a number of larger scale utilities within the District and to protect the adjoining activities and the ongoing operation of the utilities various degrees of control will be implemented, particularly when these utilities seek to re-establish in or near more sensitive rural or residential environments.

**Objective 2 - Enabling The Establishment, Use And Maintenance Of Utilities**

*The establishment, efficient use and maintenance of utilities, necessary for the well-being of the community.*

**Policies**

- 1 To recognise the need for maintenance or upgrading of a utility to ensure its on-going use and efficiency.
- 2 To take economic costs into account when considering the alternative locations or sites for establishment or alteration of a utility.
- 3 To take into account the strategic needs of a utility when considering possible alternative locations for establishment.
- 4 To make specific provision for certain activities within the District, which are land extensive

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and/or which have specific locational needs, to ensure that the presence and function of the utility is recognised.

- 5 To encourage the co-location of telecommunication and radiocommunication facilities where operationally feasible when Council consent is required for their establishment.
- 6 To give due regard to the importance of a utility when assessing the establishment of a proposed utility or the suitability of a neighbouring activity.
- 7 To encourage development in areas which are already serviced and have the capacity for additional development, taking into account economic costs.
- 8 To achieve sustainability of the District's water supplies by:
  - ensuring that development is able to be serviced by the water supply system;
  - assessing the impact of development on water quality and quantity.

### Explanation and Reasons

Due to the importance of the role of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, it is important that the Plan acknowledges the need for the establishment and on-going functioning, maintenance and upgrading of the utilities. In addition, some utilities have specific locational needs that need to be accommodated for their operation. Co-location may reduce capital investment and also environmental effects.

It is also appropriate to protect their operation of utilities from incompatible activities on adjacent sites. In some cases the community will need to balance its need for the utility against likely environmental effects and the cost of mitigating measures.

To minimise the costs of providing services, development and redevelopment of areas which are already serviced and have capacity for additional development is encouraged. However, this must be balanced against other considerations, such as the type, character and density of living areas sought by the community and the style and density of development in the town centres. Where new areas of the District are to be developed, the economic costs of servicing an area are to be assessed including the demand on resources (e.g. the water resource). This will promote efficient use of services, sustainable management of resources and minimise costs to the community. Better utilisation of services within existing and new built up areas of activity is a factor encouraging a consolidation strategy for urban growth.

### Implementation Methods

- 1 Through the provision of rules in the District Plan to:
  - i permit the erection of utility structures, their operation and maintenance;
  - ii set performance standards on the design, location and operation of utilities to avoid any adverse effects on the surrounding environment;
  - iii control the scale and type of development of utilities.
- 2 Through the inclusion of schedules within the District Plan to recognise particular utilities and to provide them with their own operational control, subject to defined performance standards.
- 3 Through the Annual Budget process to direct funds and resources towards providing services in specified areas.
- 4 Through Special Purpose Zonings which provide for specific utilities, e.g. Opuha Dam

Zone.

### **Environmental Results Anticipated**

- Maintenance of the amenity values of the District, particularly in residential, rural-residential, business and open space and recreational areas.
- Provision of utilities consistent with the nature of the local environment, operational needs, and the cost and scale of facilities.
- Protection of the functioning of utilities.
- New development in areas where utilities can supply resources on a sustainable basis.
- Maintenance of high quality and availability of groundwater supplies.
- Development of areas more able to be serviced with consequent economies in use and provision.
- Adequate disposal of solid wastes, sewerage and stormwater in a manner which protects water resources and amenities.
- Maintained and enhanced public health.
- Degree of risk to community from flooding minimised through the protection of flood control measures.

## UTILITIES RULES

The rules contained in this part of section ~~45-16~~ take precedence over any other rules that may apply to utilities in the District Plan, unless specifically stated to the contrary.

## STATUS OF ACTIVITIES

### 1.1 Permitted Activities

The following activities shall be **Permitted Activities** throughout the District, except as provided for as **Controlled Activities** under Rule 1.3 below, and subject to compliance with all the **Standards** in 1.2 (unless otherwise stated) below:

- 1.1.a i Telecommunications and radiocommunications facilities, which shall include aerials and antennas;
  - ii Lines for conveying electricity at a voltage up to and including 110KV with a capacity up to and including 100MVA per circuit;
  - iii Lines as defined by Section 2(1A) of the Telecommunications Act 1987; and
  - iv Associated support structures including towers, masts and poles;
- 1.1.b Utility buildings and buildings ancillary to utilities in all zones up to 50m<sup>2</sup> Gross Floor Area; (For the purpose of this rule, a building shall not include overhead lines and support structures.)
- 1.1.c Depots on sites within the Business Zones, except on sites adjoining or facing across a road from Residential Zones.
- 1.1.d Underground pipe networks for the conveyance and drainage of water or sewage, and any ancillary underground equipment.
- 1.1.e Reservoirs containing less than 22,700 litres, wells and supply intakes for the reticulation or provision of public water supply.
- 1.1.f Irrigation and stock water races, open drains and channels and any incidental equipment.
- 1.1.g Telephone call boxes.
- 1.1.h Navigational aids and beacons.
- 1.1.i River protection works.

- 1.1.j The maintenance, replacement or upgrading of the following utilities where:
- i. maintenance and replacement shall mean any work or activity necessary to continue the operation and/or functioning of an existing utility and shall also provide for the replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose; and
  - ii. upgrading means an increase in the carrying capacity, or security, of the line (e.g. such as adding additional circuits, reconductoring of the line with higher capacity conductors, resagging of conductors, the addition of longer or more efficient insulators, the addition of earthwires which may contain telecommunications lines, earthpeaks and lightning rods) utilising the existing support structures or structures of a similar scale and character. A change in voltage will only be included when there is no physical change to the line, (e.g. where a line has been constructed to operate at a certain voltage but has been operating at a lesser voltage).
- existing lines above ground for conveying electricity at all voltages and capacities and existing lines as defined by Section 2(1A) of the Telecommunications Act 1987.
  - existing telecommunication and radiocommunication facilities.
  - existing buildings and depots.
  - existing weather radar, automatic weather stations and water level recorders.
  - existing river protection works.
  - Navigational aids and beacons.
  - The Meridian Energy Limited Tekapo Intake Structure
  - The Meridian Energy Limited Tekapo Intake Control and Communications Shed
  - The Meridian Energy Limited Tekapo Control Gate Structure
  - The Meridian Energy Limited Tekapo Tunnel Structure
- 1.1.k Roads and bridges on existing road reserves, including all maintenance activities associated with roads and bridges.

## 1.2 Standards

- 1.2.a All new lines (except for extensions to existing overhead telecommunication lines involving no more than three additional support structures or new overhead telecommunications lines on existing support structures) shall be located underground in the Residential, Rural-Residential 1 & 2, Ruataniwha Rowing, Special Travellers Accommodation, Business or Pukaki Village Zones.
- 1.2.b Any support structure for lines within Rural Zones and Rural-Residential 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.
- 1.2.c No facility or support structure for telecommunication, radiocommunication and/or meteorological facilities shall exceed the following applicable maximum height (refer definition) above ground level:
- 11m in Residential, and Pukaki Village Zone.
  - 20m in Rural, Rural-Residential or Business Zones.

The maximum applicable height may be exceeded by lightning rods, antennas, and their associated mounting structures, where these do not exceed:

- the maximum applicable height by 3.5m, and

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- either 1m<sup>2</sup> in area on any one side or 1.2m in diameter.
- 1.2.d No dish antennae shall exceed 1.2m diameter in the Residential Zone, or 3m diameter in any other zone.
- 1.2.e No building shall exceed 50m<sup>2</sup> in gross floor area and/or 4m in height within Residential, Rural-Residential 1 & 2, and Pukaki Village Zones or on sites adjoining or facing across a road from a Residential, Rural-Residential 1 & 2 or Pukaki Village Zone.
- 1.2.f Buildings more than 10m<sup>2</sup> in ground floor area and/or over 3.5m in height shall be setback from the road boundary by a distance of not less than half the height of the structure.
- 1.2.g In Residential zones and the Pukaki Village Zone, buildings more than 10m<sup>2</sup> in ground floor area and/or 3.5m in height shall be setback from internal boundaries by a distance of not less than half the height of the structure.
- 1.2.h All outdoor storage shall be screened from public view by landscaping or solid fencing or a combination to at least 1.8m in height.
- 1.2.i No activity shall result in greater than a 3 lux spill (horizontal and vertical) of light onto any adjoining property within a Residential zone, Rural-Residential or Pukaki Village Zone, measured inside the boundary of the adjoining property.
- 1.2.j Sites containing buildings more than 10m<sup>2</sup> in ground floor area and/or over 2m 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 Zones and the Pukaki Village Zone.
- 1.2.k Depots containing no buildings shall provide a landscaped area with a minimum depth of 3m along road boundaries.
- 1.2.l i No underground lines (except for underground telecommunications lines within 5 metres of a formed road) shall be located:
- Within Sites of Natural Significance identified on the Planning Maps.
- ii No above ground lines shall be located:
- In any Lakeside Protection Area identified on the Planning Maps.
  - On any land above 900 metres in altitude.
  - In any Scenic Viewing Area identified on the Planning Maps.
  - Within any Sites of Natural Significance identified on the Planning Maps.
- This rule shall not apply to:
- Extensions to existing overhead telecommunication lines involving no more than three additional support structures.
  - New overhead telecommunication lines on existing support structures.
- iii No utility buildings or structures shall be located:
- In Sites of Natural Significance identified on the Planning Maps.
  - In any Lakeside Protection Area identified on the Planning Maps.
  - In any Scenic Viewing Area identified on the Planning Maps.
  - Within 50m of a wetland, or 20m of a river.
  - On any land above 900 metres in altitude.

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This rule shall not apply to:

- Underground telecommunication lines located within 5 metres of a formed road.
  - Extensions to existing overhead telecommunication lines involving no more than three additional support structures.
  - The addition of new overhead telecommunication lines on existing support structures for overhead lines.
  - Subaqueous telecommunication lines in, on, under or over the beds of rivers and lakes.
  - Utility buildings up to 9m<sup>2</sup> in ground floor area and 2.5m in height located immediately adjacent to telecommunication lines and/or immediately adjacent to the base of associated support structures.
- iv No irrigation and stock water races, open drains and channels, or any incidental equipment shall be located:
- In any Site of Natural Significance identified on the Planning Maps.
- v No earthworks or tracking shall exceed 20m<sup>3</sup> or 50m<sup>2</sup> per hectare in any continuous period of 5 years within:
- Any Site of Natural Significance identified on the Planning Maps.
  - Any Lakeside Protection Area identified on the Planning Maps.
  - Any Scenic Viewing Area identified on the Planning Maps.
  - On any land above 900 metres in altitude.
  - Within 50 metres of a wetland, or 20 metres of a river.

Rule 1.2.l shall not apply to activities or structures for which a resource consent from the Canterbury Regional Council has been obtained.

1.2.m The maintenance, replacement and upgrading of utilities listed under 1.1.j above shall be exempt from the above Site Standards.

### 1.3 Controlled Activities

The following shall be **Controlled Activities** throughout the District subject to compliance with all the standards below:

- a Automatic weather stations, weather recording devices and facilities for the distribution of meteorological information;

#### **Matters Subject to Council Control**

- Siting and design
- Colour and methods of construction
- Associated earthworks
- Landscape plantings

## 1.4 Restricted Discretionary Activities

Radiocommunication facilities comprising buildings no greater than 3m in any dimension and/or single, stand alone non-lattice masts/poles 7m above ground level and/or associated antenna on land above 900m in altitude, with the exercise of Council's discretion limited to:

- site
- design
- colour
- method of construction
- earthworks
- site restoration

This Plan expressly permits consideration of an application under Rule 1.4 without public notification and without the need to obtain the written approval of affected parties.

For the purposes of guidance, Section 94(5) of the Act provides that the Council may, if it considers special circumstances exist, require an application to be publicly notified.

## 1.5 Discretionary Activities

The following activities shall be **Discretionary Activities** throughout the District:

- a Any activity listed as a Permitted Activity which does not comply with any one or more Standards applying to that Activity shall be a Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.
- b Any activity listed as a Permitted Activity which is located within the Lakeside Protection Area.
- c Weather Radar.
- d Lines and support structures for conveying electricity at a voltage exceeding 110KV and a capacity exceeding 100MVA.
- e Any other utility not specifically listed as a Permitted or Discretionary Activity.

## 2 Non-Notified Resource Consents

Resource consents in relation to the following matters shall be non-notified.

Discretionary Activities:        - Setback from Intersections

## RESOURCE CONSENTS - ASSESSMENT MATTERS

3. In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters, as are appropriate to the nature of the utility:
- 3.a The extent to which the utility will cause:
- i the loss of key views or viewpoints;
  - ii the loss of accessibility to key views or viewpoints;
  - iii any obscuring of landforms or natural features;
  - iv the loss of the natural landscape pattern; including the loss of underlying landform pattern;
  - v the loss or obscuring of present vegetation patterns;
  - vi the loss of openness and spaciousness of the landscape, and the apparent naturalness of the landscape.
- 3.b The extent of the visual impact of the utility from an adjoining Residential zoned site and its impact on the amenity and character of the surrounding environment taking into account its design and appearance, bulk and length of wall.
- 3.c The extent of any adverse effect created through a reduced setback from boundaries on the surrounding environment including the potential to affect the privacy and outlook of residents.
- 3.d The degree to which any adverse effect created by a reduced setback may be mitigated through different options for site layout.
- 3.e The extent of the visual impact of the utility where landscaping has been reduced and the extent to which other factors may compensate for any reduction such as:
- a higher quality of planting over a smaller area.
  - an unobtrusive building design
  - the compatibility of materials used for finishing and the colour of the building with the environment.
- 3.f The degree to which the proposed choice of site or route for the utility will affect the environment and the reasons for that choice of site or route.
- 3.g The extent to which alternative sites or routes have been considered, the impact of those alternatives on the environment, and the reasons why the alternatives were discounted.
- 3.h The extent of any additional costs imposed by requiring compliance with any performance standard listed including the cost of placing lines underground or requiring design modifications to a utility.
- 3.i The degree to which the proposed utility may affect the health or safety of the community including positive effects from the operation of the utility. Note: Where appropriate, New Zealand Standards and International Guidelines will be used in the assessment of health and safety effects.
- 3.j The degree to which the proposed utility may affect values held by the tangata whenua.

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- 3.k The potential for co-siting telecommunication and radiocommunication facilities and the extent to which the provider of the utility has investigated this potential.
- 3.l The degree to which glare may affect the enjoyment, character or amenity of the surrounding environment or the safety of adjoining roadways and the effect of measures to mitigate any such adverse effect.
- 3.m In areas of Significant Natural Conservation Value; areas of Landscape Importance, Landscape Protection Areas and the beds and riparian margins of lakes, rivers, streams and wetlands, the relevant assessment matters for activities in the rural zones.
- 3.n With respect to the construction of river protection works:
  - i The extent to which river protection works adversely affect the natural character of the bed of a river and its margin, and any associated natural conservation, public access and recreation values at these locations;
  - ii The extent to which the river protection works could cause flood breakouts downstream of the works;
  - iii The potential loss of assets if the protection works are not afforded;
  - iv The ability of buildings or other assets to be relocated, as an alternative to protection works, including estimated costs of relocation, and the possible destination of a relocated buildings;
  - v The ability of other measures such as vegetation planting being an appropriate alternative.

## 4 Designations

Every designation specified in the Plan shall have the force of a rule as required under S175 of the Act. All designations are listed in Appendix A which specifies the name of the authority responsible for the designation, purpose of the designation, legal description of the land subject to the designation, conditions attached to the requirement to carry out the designation, the life time of the designation and underlying zoning of the site. The rules of the underlying zone shall apply to activities other than those permitted under the designation.

A designated site may only be used in accordance with the designation. The use of the site for any other activity (including permitted activities within the underlying zone) shall require the prior written approval of the requiring authority as required under S176 of the Act.