

3.14. PUBLIC WORKS AND NETWORK UTILITIES

3.14.1. OVERVIEW

Under previous legislation, public works and the works of network utility operators were generally permitted as of right. Such works now have to be provided for within the District Plan and are to be considered along with all other types of land uses on the basis of the effects they may have on the environment.

Provision can be made for these works either by the designation procedure (where the utility operator has requiring authority status) or by the rules in the District Plan. This section does not deal with the transportation network (see Section 3.3 of this Plan).

It should also be noted that public works and network utilities that were lawfully established before this plan was notified, and are not currently protected by designation, are in fact protected by Section 10 of the Act which provides for existing uses.

3.14.2. THE ISSUES

The following are considered to be the significant resource management issues facing the Clutha District in respect of public works and network utilities.

- **The development and continued maintenance of public works and network utilities are an important component in providing for the social, economic, and cultural well-being and health and safety of the people of the District.**

Explanation

Public works and network utilities provide services that are essential to the functioning and well being of the District's communities. These works provide such services as electricity, telecommunications, water and sewerage reticulation to not only households, but to commercial and industrial activities also.

- **The construction and operation of public works and utility networks can have a significant environmental effect, particularly in terms of visual impact.**

Explanation

The scenery and natural beauty of many parts of the District is considered a significant resource. The development of network utilities could have a major impact on this resource particularly in the Coastal Resource Area.

3.14.3. OBJECTIVES AND POLICIES

OBJECTIVE PWN.1

To provide for the development and operation of network utilities within the District while minimising, as far as practicable, the adverse effects those activities can have on the amenity values of the District.

POLICY PWN.1

To ensure that the adverse effects public works and network utilities can have on the amenity values of the District, in particular outstanding natural features and landscapes, are avoided, remedied or mitigated.

Explanation

Effects arise from structures built to distribute services such as electricity, water, telecommunication and sewerage reticulation. The most significant effects are the visual impacts associated with electricity and telecommunications transmission and land disturbance due to water, sewerage and stormwater reticulation. In some instances, noise can be generated and there may be localised effects such as flood lighting of sites. There is also a risk to public safety through the potential hazard of falling lines etc. These are the principal effects which the District Plan seeks to control through appropriate policies, rules and assessment criteria.

(Refer Rules PWN.1 to 7)

POLICY PWN.2

To reduce the adverse visual effects of public works by encouraging the use of network utility "corridors" and the co-siting of telecommunication equipment.

Explanation

The main effect of telecommunication equipment and network utilities such as electricity transmission is the visual impact on the landscape. By co-siting equipment, this effect is centralised and reduced. Not only does this apply to above ground services but it can also apply to below ground services.

There are circumstances, however, where this may not be practicable. For example, due to height requirements and transmission requirements of certain telecommunication facilities it may not always be feasible to co-site.

(Refer Method PWN.1).

POLICY PWN.3

To provide for structures essential to public safety.

Explanation

Navigational aids lighthouses and the like, are essentially safety devices and are generally site specific. Their dimensions, codings and colours are generally controlled by other legislation.

(Refer Rule PWN.1)

3.14.4. RULES

RULE PWN.1 PERMITTED ACTIVITIES THROUGHOUT THE DISTRICT;

Except as provided for in Rule PWN.6 page 193, the following are permitted activities throughout the District;

- (i) Except as provided for in Rule PWN.1(iv)(b) below all network utilities in existence at the date of public notification of the proposed Plan, and their operation, maintenance (which includes the trimming of trees where necessary to allow for a continuous safe supply of the utility) and upgrading, provided that the effects of the activity are the same or similar in character, intensity and scale to those prior to any upgrading of facilities (Note any increase in output or power from such facilities does not constitute a change in character, intensity or scale unless there is associated adverse effects)
- (ii) Household connections to gas, water, drainage, sewer pipes, electricity and telecommunication services provided the services are constructed to, and conform with, the standards specified in NZS 4404 1981 Urban Land Subdivision, and are provided underground where the service line is already underground.
- (iii) Public water, drainage and sewer pipes, and necessary incidental equipment (except as provided for in Rule PWN.2).
- (iv) Service lines (including support structures and ancillary equipment and distribution substations up to 22kv) for the conveyance of electricity not exceeding 13 metres in height and dish antenna not greater than 3 metres in diameter provided that this does not apply to
 - (a) service lines reticulating new subdivisions which are discretionary activities, and
 - (b) the replacement and/or upgrading of service lines located in the following areas;
 - Milton - Union Street from the Cross Street intersection to the bridge crossing the Tokomairiro River (north branch)
 - Balclutha - Clyde Street from the bridge crossing the Clutha River to the Caldervan Street intersection.
 - Lawrence - the entire length of Ross Place.
 - Tapanui - Northumberland from the intersection of Maple Street to Kent Street.
 - Waihola - State Highway 1 from the Titri Road intersection to the Castle Street intersection, Owaka - Waikawa/Main Road from the Overden Street intersection to the Stuart Street intersection.

which is a permitted activity provided these lines (excluding distribution substations) are installed underground.

(Note: conditions may be imposed on these activities pursuant to sections 24 and 25 of the Electricity Act 1992)

- (v) Lines (including support structures) as defined in Section 2(1A) of the Telecommunications Act 1987 not exceeding 13 metres in height and dish antenna not greater than 3 metres in diameter provided that such lines servicing new development and/or subdivision within Urban, Transitional and Rural Settlements Resource Areas and areas identified as outstanding natural features and landscapes are laid underground.

(Note: conditions may be imposed on these activities pursuant to section 15A of the Telecommunication Act 1987).

- (vi) Lighthouses, navigational aids, beacons, and other structures whose sole or primary purpose is to provide for public safety.
- (vii) Meteorological activities for the purpose of measuring, collecting and distributing meteorological information. provided that, notwithstanding any other rule in the Plan, the following standards are complied with:
 - maximum height of all structures including masts shall not exceed 12 metres.
 - no building or structure shall be sited closer than 1.5 metres to a site boundary of a residential land use.
 - maximum site areas shall not exceed 500m²
 - maximum floor area of any structure shall not exceed 50m²
- (viii) Telephone exchanges, telecommunication cabinets, telephone booths provided that where the first two activities are not located on road reserve, those areas not occupied by the activity, access or parking shall be planted for amenity purposes designed to achieve screening of facilities at maturity.

Provided that the following standards are complied with;

- (a) any performance standard or rule relevant to any of those activities contained within Section 3 (note in particular Section 3.5 Heritage (page 99) and Section 3.11 Other Environmental Issues (page 173)) or the relevant Resource Area of Section 4 (note in particular Rules RRA.13 to 16 (page 210)) of this Plan.
- (b) where the construction or maintenance of a utility involves disturbance to the ground, at the completion of the work, the ground shall be reinstated to the condition that existed prior to commencement of the work,
- (c) parking is provided as follows;
 - where sites are unstaffed no parking shall be required unless the site is serviced regularly and there is no adequate on-street parking available,
 - where sites are staffed, parking, (in accordance with the standards set out in Rule TRAN.6 (page 78) and Figure 5 (page 86)), shall be provided at a rate of one space per person normally working at the site.
- (d) all facilities and utilities comply with the provisions of NZS 6609.1 and 2 1990 Radio frequency Radiation.
- (e) That where equipment or structures not being defined as “existing works” under the Electricity Act 1992 or Telecommunication Act 1987 are made redundant for whatever reason, it shall be removed and the site restored and rehabilitated to the standard of surrounding land.

REASON

These activities are essential to the well-being and functioning of the District's Communities and generally have minimal adverse effects. With respect to existing works under the Electricity Act 1992 landowners can move, reconstruct or replace such works, at their own cost, subject to consent of the owner of such works. Consent to this cannot be unreasonably withheld.

RULE PWN.2 RESTRICTED DISCRETIONARY ACTIVITIES THROUGHOUT THE DISTRICT

The following are restricted discretionary activities throughout the District;

- (i) Commercial and industrial connections to gas, water, drainage and sewer pipes.
- (ii) Pumping stations for public water, drainage and sewer pipes.
- (iii) Any permitted activity which fails to comply with any of the relevant standards

Council shall restrict the exercise of its discretion to the standard of construction and to the effect that such activities may have on amenity values except that with respect to (iii) above, Council shall restrict the exercise of discretion to the matters the activity fails to comply with.

Any application for resource consent under this rule will generally not be notified or require the written consent of affected people.

REASON

Design, and where appropriate location, of these facilities will be controlled to ensure no adverse effects result from their installation.

RULE PWN.3 DISCRETIONARY ACTIVITIES THROUGHOUT THE DISTRICT

- (i) Pylons, poles and other support structures in excess of 20 metres in height, including lines, ancillary structures and telecommunication facilities for the purposes of transmitting electricity are discretionary activities throughout the District.
- (ii) All other activities not identified in this Plan as being permitted, controlled, or restricted discretionary activities.

Assessment Criteria - Not part of this rule

In considering applications made under this rule Council, in addition to those matters set out in section 104 of the Act, will also consider the following when assessing the application:

- the works visual impact and the mitigation of these effects; in particular effects on outstanding natural features and landscapes
- the effects of any earthworks and vegetation clearance that may be required
- the operational needs of the utility including roading
- the public need for the facility

REASON

These activities can have significant environmental impacts (particularly visually) and a full consideration of effects is needed.

RULE PWN.4 INDUSTRIAL AND RURAL RESOURCE AREAS

A. PERMITTED ACTIVITIES

Except as provided for in Rule PWN.4(c) the following are permitted activities in the Industrial and Rural Resource Areas;

- (i) Telecommunication masts not exceeding 25 metres in height, ancillary structures, antennae, microwave dishes not exceeding 5 metres in diameter.
- (ii) Structures and associated lines for conveyance of electricity not exceeding 20 metres in height
- (iii) Substations exceeding 22KV except as provided for in Rule PWN.4(c) provided that where they adjoin or face across a road, any land occupied for residential, commercial, health, educational or recreation activity in which case they shall be considered as a discretionary activity.

Provided that the following standards are complied with;

- (a) any performance standard relevant to any of these activities contained in Section 3 (note in particular Section 3.4 Heritage (page 99) and 3.11 Other Environmental Issues (page 173)) and Section 4.1 Rural Resource Area or Section 4.4 Industrial Resource Area, which ever is relevant,
- (b) For above ground structures, (excluding lines and support structures for lines):
 - i. Those areas not occupied by structures or used for the operation of the facility, access, or parking shall be planted for amenity purposes.
 - ii. In addition to (i) above for substations a minimum 5m strip of amenity treatment shall be provided around the outside of the group of facilities which together comprise a substation. Amenity treatment shall include trees or shrubs designed to achieve substantial screening of the equipment (excluding pylons, poles, or termination structures) at maturity while not comprising electricity security and/or safety.
- (c) where the construction or maintenance of a utility involves disturbance to the ground, at the completion of the work, the ground shall be reinstated to the condition that existed prior to commencement of the work,
- (d) parking is provided as follows;
 - where sites are unstaffed no parking shall be required unless the site is serviced regularly and there is no adequate on-street parking available,
 - where sites are staffed, parking, (in accordance with the standards set out in Rule TRAN.6 (page 78) and Figure 5 (page 86)), shall be provided at a rate of one space per person normally working at the site.

- (e) all facilities and utilities comply with the provisions of NZS 6609.1 and 2 1990 Radio frequency Radiation.
- (f) That where equipment or structures not being defined as “existing works” under the Electricity Act 1992 or Telecommunication Act 1987 are made redundant for whatever reason, it shall be removed and the site restored and rehabilitated to the standard of surrounding land

B. RESTRICTED DISCRETIONARY ACTIVITIES

Telecommunication masts exceeding 25 metres in height, ancillary structures, antennae, microwave dishes exceeding 5 metres in diameter are restricted discretionary activities in the Industrial and Rural Resource Areas. Council shall restrict the exercise of its discretion to effects on amenity values of the particular locality.

Any application for resource consent under this rule shall generally not require notification or written consent of affected people.

C. DISCRETIONARY ACTIVITIES

- (i) Substations exceeding 22KV that adjoin or face across a road, any land occupied for residential, commercial, health, environmental or recreational activities are discretionary activities.
- (ii) Where the activities listed in Rule PWN.4(a) are to be located within those areas identified in Table 13.3 (page 113) they shall be considered as discretionary activities.

REASON

These activities are considered essential services in these areas, the effects of which can be mitigated through landscaping performance standards. With respect to existing works under the Electricity Act 1992 landowners can move, reconstruct or replace such works, at their own cost, subject to consent of the owner of such works. Consent to this cannot be unreasonably withheld.

RULE PWN.5 URBAN, TRANSITIONAL AND RURAL SETTLEMENT RESOURCE AREAS

A. RESTRICTED DISCRETIONARY ACTIVITIES

Telecommunication works (and associated structures and dish antennae from 3 to 5 metres in diameter) and pylons, poles and other support structures for the purposes of transmitting electricity, (not provided for in Rule PWN 1 (iv)) that do not exceed 20 metres (excluding lightning rods and antenna) in height are restricted discretionary activities within the Urban, Transitional and Rural Settlement Resource Areas. Council shall restrict the exercise of its discretion to the provision of yards and the mitigation of adverse effects on amenity values.

Any application for resource consent under this rule shall generally not require notification or written consent of affected people.

B. DISCRETIONARY ACTIVITIES

The following are discretionary activities in the Urban Resource Area;

- (i) Zone Substations exceeding 22kv
- (ii) Telecommunication works exceeding 20 metres in height, ancillary structures, antennae and microwave dishes that exceed 5m² in diameter.

Assessment Criteria - Not part of this rule

In considering any application under this rule Council in addition to those matters set out in Section 104 of the Act will also consider the following:

- the works visual impact on the neighbourhood
- the operational needs of the facility
- alternatives considered.
- the effect of the activity on any adjacent transportation network

REASON

The effects of those activities in (i) can be dealt with adequately by the imposition of conditions. The activities in (ii) can have a significant effect in these areas.

RULE PWN.6 COASTAL RESOURCE AREA

All network utility services and activities not provided for in Rule PWN.1 shall be considered as discretionary activities in the Coastal Resource Area. Provided that all network utility services and activities (including those listed in Rule PWN.1) are discretionary activities in those areas identified as significant areas of natural character on the Planning Maps.

Assessment Criteria - Not part of this rule.

In considering any application under this rule, Council, in addition to those matters set out in section 104 of the Act, will also consider the following when assessing the application:

- the works visual impact and the mitigation of these effects
- any effect on the natural character of the coast, in particular the effects of any earthworks and/or vegetation clearance required
- the operational needs of utility including roading
- the public need for the facility

REASON

This environment is visually and ecologically sensitive and these developments can have a significant effect on these components of the environment. Discretionary status enables Council to consider the full range of options in each case.

RULE PWN.7 SEPARATION DISTANCES FROM OXIDATION PONDS

The following separation distances from oxidation ponds throughout the District shall apply;

- 150 metres from isolated Residential buildings or buildings primarily occupied by people for whatever purpose.
- 300 metres from any Urban Resource Area, Transitional and Rural Settlement Resource Areas.

REASON

Council considers these separation distances are necessary to minimise the adverse effects oxidation ponds can have on residential activities.

RULE PWN.8 DESIGNATIONS

All requirements for designation are shown on the District Planning Maps. The requiring authorities for these designations are listed in Schedule 6.2 (page 279). All further requirements for designation shall be dealt with in accordance with the provisions of the Act.

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3.14.5. OTHER METHODS

METHOD PWN.1

Council shall, where it considers it appropriate, actively encourage network utility operators to

- co-site equipment wherever possible and practicable having regard to the operational efficiency of the facilities concerned.
- utilise existing “transmission corridors” when installing or upgrading utility structures having regard to the operational efficiency of the facilities concerned.
- co-ordinate repair and maintenance work to minimise disruption to the public.

3.14.6. ANTICIPATED ENVIRONMENTAL RESULTS

1. That adverse effects of public works and utilities are avoided, remedied or mitigated to the most practicable extent.