
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report –Network Utilities

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The Network Utility Chapter addresses the following issues:</p> <ul style="list-style-type: none"> Network utilities provide fundamental services that are critical for economic, cultural, and social wellbeing and for people's health and safety. It is important that these benefits, and the functional and operational need of networks utilities are recognised and provided for. Some network utilities have a greater effect in some zones than others. These effects include health and safety as well as character and amenity. How this is recognised in the District Plan is an important issue. There are some locations in the District that are very vulnerable to change. For example, outstanding natural features, and areas of outstanding natural character within the coastal environment. A number of these areas and features are also of significance to Māori. The characteristics and values associated with these places need to be protected. There are also Sites and Areas of Significance to Māori (SASMs) buildings, and sites of heritage importance that are also vulnerable to change and development including by network utilities may not be appropriate 	<p>Section 5 RMA Infrastructure consists of the physical structures and networks that support and provide essential services to the communities of the District. The efficient use and management of infrastructure as a physical resource is critical to the District's economic productivity, environmental outcomes and wellbeing of the community. The benefits of infrastructure to the functioning of the District are therefore substantial.</p> <p>Connected and reliable infrastructure as sought by NU-O1 and NU-O4 is vital to the functioning of the District. It enables people and communities to provide for their social, economic and cultural wellbeing in accordance with section 5(2) of the RMA.</p> <p>The efficient development, maintenance and operation of the physical resources of infrastructure is fundamental to both present and future communities. In this respect, NU-O1 achieves Section 5(2)(a) of the RMA.</p> <p>Reliable and well-functioning infrastructure is vital to the functioning of the District as sought by NU-O1. It enables people and communities to provide for their social, economic and cultural wellbeing in accordance with section 5(2) of the RMA. An example is the electric distribution network which enables people to stay warm and cook, and therefore stay healthy.</p> <p>The integration and co-ordination of infrastructure with land uses (as reflected in NU-O1(4) and NU-O4 in particular) will enable people and communities to provide for their social, economic and cultural wellbeing in accordance with section 5(2) of the RMA. These objectives ensure that the network is appropriate (both existing and future) to service the current and future land uses.</p> <p>NU-O2 supports section 5(2) of the RMA which promotes and supports the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing. Infrastructure and in particular large above-ground structures can have adverse effects, and this is recognised by NU-O2.</p> <p>Section 6 RMA Section 6 matters are required to be recognised and provided for within plans. Section 6 matters are largely reflected in NU-O2 which seeks to avoid, remedy or mitigate the adverse effects of network utilities on the environment, whilst recognising the positive effects and functional and operational needs of network utilities. The following section 6 matters have been identified as being relevant to this topic:</p> <p>Section 6(a) the preservation of the natural character the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</p> <p>Network utilities may have an operational or functional need to be located within or partially within the coastal environment or the margins of waterbodies. This matter sets direction that the</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS on Highly Productive Land 2022 <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>The NPS and NES for Electricity Transmission and the NES for Telecommunication Facilities is particularly relevant to this topic.</p> <p>The NPS and NES for Electricity Transmission relates to the national grid. The objective of NPS for Electricity Transmission is:</p> <ul style="list-style-type: none"> To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while: managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network. <p>Policy 1 states decision makers under the RMA must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The policy gives examples of the types of benefits including maintained or improved security of supply, efficient transfer of energy through reduced transmission losses, the facilitation of the use and development of new electricity generation, and enhanced supply of electricity through the removal of points of congestion. Objective NU-O3 and Policy NU-P1, NU-P2 implement Policy 1 of the NPS. Policies 2 to 9 relate to managing the environmental effects of transmission and are of particular relevance to this topic. Key directions in the policies are the need to provide for the effective operation, maintenance, upgrading and development of transmission and the need to recognise technical and operational requirements of the network. Policy 7 says in urban environments adverse effects on amenity should be minimised and adverse effects on town centres, areas of high recreational and amenity and sensitive activities are to be avoided. Policy 8 says in rural environments adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities should be avoided. These NPS policies are given effect to by NU-P20, P21 and P22. The activity</p>	<p>Waikato Regional Policy Statement Issue 1.4 managing the built environment highlights the following matters to address:</p> <ul style="list-style-type: none"> Increasing conflict with, and demands for new infrastructure; The need to use existing infrastructure efficiently and to maintain and enhance that infrastructure; The contribution of regionally significant industry and primary production to economic, social and cultural wellbeing, and the need for those industries to access natural and physical resources, having regard to catchment specific situations; and Increased need for the future provision of infrastructure to respond to resource demands from within and outside the region and the need to enable efficient installation of that infrastructure. <p>It should be noted that the definition of regionally significant infrastructure includes a significant number of activities that are considered in this topic including pipelines for the distribution and transmission of natural and manufactured gas, telecommunications infrastructure, electricity transmission infrastructure, significant transport corridors, flood and drainage infrastructure managed by Waikato Regional Council.</p> <p>Objective 3.5 provides key forward direction on matters related to electricity transmission including operation, maintenance, development and upgrading in a way that:</p> <ul style="list-style-type: none"> Recognises and provides for its national significance. Recognises and provides for the national, regional and local benefits of electricity transmission. Recognises the technical and operational constraints of the electricity transmission network. Recognises the contribution of existing and future electricity transmission to regional and national needs and security of supply. <p>Objective 3.12 also provides key forward direction in setting out how the built environment is to be managed which includes by:</p> <ul style="list-style-type: none"> Recognising and protecting the value and long term benefits of regionally significant infrastructure. Minimising land use conflicts including the potential for reverse sensitivity. <p>Of direct relevance to this topic is Objective 3.7 on the coastal environment which includes the requirement to preserve natural character and avoid conflict between land uses and values. Objective 3.9 is also of direct relevance which seeks for the relationship of tangata whenua with the environment to be recognised and provided for including the role of tangata whenua as kaitiaki. Objectives 3.18 Historic and Cultural Heritage, Objective 3.19 Ecological integrity and indigenous biodiversity, Objective 3.20 Outstanding natural features and landscapes, Objective 3.21 Amenity, Objective 3.22 Natural Character, Objective 3.23 Public access, and Objective 3.24 Natural Hazards are all of relevance. This is because this chapter / topic covers how network utilities affect all natural, physical and cultural resources and features of the District.</p> <p>Policy 4.4 is of particular relevance to this topic. The Policy states when natural and physical resources are being managed provision is made for the continued operation and development of regionally significant</p>	<p>The Waikato Tainui Environmental Management Plan (WTEMP) seeks that all resource management use and activity in the Waikato Tainui Rohe is consistent with Te Ture Wahimana – The Vision and Strategy for the Waikato River. The importance of the vision and strategy is reflected in the strategic section of the Plan. Rule NU-R40 also manages structures close to waterbodies while providing for those structures / buildings needing to be close to a waterbody such as intake structures. The streams and rivers that form part of the Upper Waipa River (feeds into the Waikato River) have a higher standard for compliance. (The rule applies where the watercourse is 2m rather than 3m wide) in recognition of the significance of the Waikato River Vision and Strategy. Setbacks for structures from wetlands is controlled by the Resource Management National Environmental Standards for Freshwater Regulations.</p> <p>Part 26 of WTEMP contains the policy direction in the WTEMP for Infrastructure. Waikato Tainui seeks for infrastructure, development, upgrade and maintenance to occur in partnership with Waikato Tainui. In order to achieve this Waikato Tainui are wanting to be engaged at the very early stages of a project. Objective 26.3.2 and its associated policy seeks to ensure infrastructure development, upgrade and maintenance manages adverse effects including social, cultural, spiritual and environmental. The policy provides direction that adverse effects are to be avoided on: Māori land, waahi tapu and other sites of significance; oceans, river, lakes and wetlands that would hinder achieving the objectives and policies in the water management chapter and the fisheries and cultural chapters of the WTEMP; and areas of significant indigenous vegetation or habitats of taonga species, customary activities or fisheries, natural hazards, culturally and/or spiritually significant landscapes and viewshafts. There are separate chapters within the WTEMP that provide direction on what Waikato Tainui are seeking in relation to avoiding adverse effects on these sites / features and overlays</p> <p>In general, the provisions in this chapter have regard to these directions by setting different standards depending on the degree of effect and the ability of the site or feature to absorb/ and or be resilient to the effect. In some situations, it is only possible to achieve these directions through the resource consent assessment process. The only exception to this is for the operation, maintenance and removal of existing network utilities and existing ancillary access tracks. Resource consent is required in NU-R3 for removal of existing underground network utilities within a site and area of significance to Māori, a significant archaeological area and an outstanding natural feature.</p>

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	<p>preservation of the natural character of the coastal environment and the margins of water bodies must be recognised and provided for. In the Waitomo District there are areas of outstanding and high and very high natural character within the coastal environment these areas within the coastal environment are more vulnerable to change and as such their preservation is important. In the Waitomo District there is also a rare coastal lakes and significant areas of coastal wetlands. These areas are also important to preserve. However, there is also a need to recognise the functional requirements of some networks, for instance water intakes which need to be located within the margins of lakes and rivers.</p> <p><u>Section 6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.</u> This matter provides for the protection of outstanding natural features and landscapes. The Waitomo District has a number of outstanding natural features and landscapes. Some of the outstanding natural features (SCHED 8) in particular, are fragile and are not resilient to change and are unique in the New Zealand context. These areas require a higher level of protection to maintain their values. What is appropriate / inappropriate within these locations is a matter the District Plan needs to provide direction on.</p> <p><u>Section 6(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> This matter provides for the protection of significant indigenous vegetation and significant habitats of indigenous fauna. As part of the preparation of the District Plan significant natural areas within the District and their values have been identified. In some cases, there are existing network utilities located within significant natural areas. The ongoing operation and maintenance of these utilities including access tracks is important. How these areas are to be protected whilst providing for ongoing operation and maintenance of these utilities is a matter the District Plan needs to provide guidance on as well as new network utilities wanting to establish within identified SNAs.</p> <p><u>Section 6(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers</u> This matter provides for the maintenance and enhancement of public access to the coast and to waterbodies. Depending on their location network utilities do have the potential to change existing access and or provide new accesses. This is a matter that needs to be considered in the District Plan.</p> <p><u>Section 6(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</u> This matter provides for the relationship of Māori and their culture and traditions with their lands and sites and other taonga. As part of preparing the plan Council staff have worked with mana whenua to identify sites and their values. In most situations mana whenua have advised the site needs to be provided with a high level of protection / activity status in the District Plan to recognise and provide for</p>	<p>status for new overhead lines (NU-R19) have been set taking into account the policy direction in the NPS.</p> <p>The National Environmental Standards for Electricity Transmission Activities Regulations 2009 (NESETA) contain the activity status and standards for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line in the national grid, including maintaining access tracks, earthworks and associated activities. These regulations are directly referenced in NU-R1. The rule makes it clear that this activity is not subject to any other activity in the District Plan. New overhead lines and structures are not covered by NESETA and therefore Rule NU-R19 applies.</p> <p>The National Environmental Standards for Telecommunication Facilities (NESTF) 2016 contains specific regulations for some telecommunication activities in specified locations. Where the relevant standards in NESTF are met, the activity is permitted. Where the activity is not permitted under NESTF, it is the role of the District Plan to specify what activity status and / or conditions are required to be met this includes where the activity is located within a scheduled site/feature or overlay. An example of this is Regulation 50, which requires regulated activities in identified outstanding natural features or outstanding natural landscapes to be assessed against the relevant landscape rules in the District Plan. It is also the role of the District Plan to consider the appropriate activity status and rules for telecommunication activities that are not regulated by NESTF. In general, the following activities are regulated by NESTF: telecommunication cabinets in roads, antennas on existing and new poles in the road reserve, new poles and antennas in the Rural Zone, along with a few other activities such as small cell units on existing structures and telecommunication lines underground, on the ground and overhead. Rule NU-R2 specifies the activity status where a proposed activity does not comply with NESTF.</p> <p>The National Planning Standards also provide key direction for this topic. The requirement for Network Utilities to include all sections of the Plan within the one Chapter effectively creates a standalone chapter within the Plan for Network Utilities. This direction has been followed to the degree possible with some Chapters of the Plan still applying. This is made clear in the text on how to apply the rules before Table 1.</p> <p><u>Relevant case law considered</u> Relevant case law considered Council has reviewed relevant Environment Court cases this topic and specifically:</p> <ul style="list-style-type: none"> • Transpower New Zealand Ltd v Auckland Council [2017] NZHC • Tauranga Environmental Protection Society Inc v Tauranga City Council NZHC 1201 [2021] <p>The key outcome from the 2017 case is there is no basis on which to give priority to one NPS over another. In its decision the Court said what is required is to have regard to the relevant provisions of all relevant policy statements. This direction is important for Waitomo District, and the coastal environment in particular.</p> <p>In the Tauranga Environmental Protection Society case the High Court overturned the Environment Court's decision and decided that whether a proposal has a significant adverse effect on area of cultural significance</p>	<p>industry and primary production. The policy states this outcome is to be achieved by recognising the value of and long term benefits of regionally significant industry to economic, social and cultural wellbeing. At the same time, the policy is seeking for the adverse effects of regionally significant infrastructure to be avoided, remedied, or mitigated. Implementation Method 4.4.1 says district plan provision should provide for regionally significant industry and primary production by identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry. Also of relevance is the direction that district plans should recognise the potential for regionally significant industry to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for reverse sensitivity effects.</p> <p>Policy 6.6 is of relevance to this topic and states in managing the built environment particular regard is to be given to:</p> <ul style="list-style-type: none"> • The effectiveness and efficiency of existing and planned regionally significant infrastructure is protected; and • The benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission and municipal water supply; and • The locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network. <p>Implementation methods 6.6.1 directs relates to this topic as it requires plans to include plan provisions in a manner that recognises development can adversely affect people and communities. The method also requires plans to enable the ongoing operation, maintenance, upgrading and development of municipal water infrastructure in particular so as to provide for the reasonably foreseeable needs of current and future generations. The way in which the chapter achieves this is by having higher levels to achieve where people live in close proximity to each other, for example in Residential Zone.</p> <p>The policies and implementation related to objectives 3.7 to 3.24 are also relevant to this topic. This is because this topic includes most of the plan provisions as they relate to network utilities. At a high level the relevant directions from the RPS that apply to network utilities are as follows:</p> <ul style="list-style-type: none"> • The coastal environment should be managed as an integrated unit; • The special context of the coastal environment is to be recognised, including the recognition that it has particular values and issues of regional and national significance. • Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga • Manage subdivision, use and development to give recognition to historic and cultural heritage from inappropriate subdivision, use and development. • Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types including working towards no 	
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	<p>the relationship between Māori and their site or area of significance, SASMs and their values, waahi tapu areas and a cultural alert layer. How the relationship between Māori and the identified sites and areas is recognised and provided for, is a matter that needs to be worked through with mana whenua on a case by case basis. There may be other sites that have not been identified. Early consultation with mana whenua is also promoted to ensure this matter is recognised and provided for.</p> <p><u>Section 7 RMA</u> Section 7 lists a range of other matters that particular regard is required to be given to. Section 7 matters are largely reflected in NU-O2 which seeks to avoid, remedy or mitigate the adverse effects of network utilities on the environment, whilst recognising the positive effects and functional and operational needs of network utilities.</p> <p><u>Section 7(b) the efficient use and development of natural and physical resources</u> This matter includes consideration of the efficient use and development of land and physical resources including network utilities. In respect of network utilities, it includes consideration of the efficient use of existing capacity within network utilities, particular as it applies to the three waters, and also the efficient use of existing physical resources ie such as existing networks. NU-O2 seeks to provide effective and efficient network utilities and therefore achieves section 7(b).</p> <p><u>Section 7(ba) The efficiency of the end use of energy</u> In respect of network utilities this matter includes the efficiency of transport networks such as, a connected street layout increases efficiency of traffic movements. In addition, it also includes electricity networks, particularly where the route increases efficiency and rescues transmission losses.</p> <p><u>Section 7(c) the maintenance and enhancement of amenity values.</u> The buildings and structures associated with network utilities vary some of which are underground and do not as such impact on amenity whilst others are above ground and, in some case, can be of a different nature and scale than those buildings or structures anticipated within a zone / area. In most cases, however, network utilities become part of the environment that people live, work and recreate within. The degree of effect depends on the location and surrounding land uses. This is a matter that this District Plan will need to provide direction on.</p> <p><u>Section 7 (f) maintenance and enhancement of the quality of the environment.</u> Refer to commentary under section 7(c).</p> <p><u>Section 8 RMA</u> Whether or not there are section 8 matters relevant to this topic will be largely dependent on the location of the network utility. The importance of recognising and providing for the identified SASMs is clear within this Chapter.</p>	<p>and on Māori values of an ONFL it is not open for the Court to decide it would not. This case is relevant within this topic because of the importance of considering the impact from network utilities on SASMs.</p>	<p>net loss of indigenous biodiversity at a regional scale</p> <ul style="list-style-type: none"> • Regional and district plans are required to maintain or enhance indigenous biodiversity. • Regional and district plans are required to include permitted activities where they will have minor adverse effects in relation to the maintenance or protection of indigenous biodiversity including by the maintenance, operation and upgrading of lawfully established infrastructure, regionally significant infrastructure and lawfully established activities using natural and physical resources of regional or national importance. • Identified features and characteristics of outstanding natural features and landscapes are protected from adverse effects, including cumulative effects. • Activities within the coastal environment, wetlands, lakes and their margins are appropriate in relation to the level of natural character. Where natural character is pristine or outstanding, activities should avoid adverse effects on natural character. Within district plans councils are required to recognise that different levels of natural character exist and map or otherwise identify areas of high and outstanding natural character in the coastal environment. • Areas of amenity value are also required to be identified and the values associated with areas are required to be maintained and enhanced. • Public access to and along the coastal marine area, lakes and rivers will be maintained and enhanced <p>The provisions in this chapter implement these directions by setting different standards depending on the degree of effect and the ability of the site or feature to absorb/ and or be resilient to the effect. In some situations, it is only possible to achieve these directions through the resource consent assessment process.</p> <p>Manawatu-Whanganui One Plan Chapter 3: Infrastructure, Energy, Waste, hazardous Substances and Contaminated Land is relevant. Objective 3-1 seeks to recognise the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading. Under Policy 3-1 infrastructure/network utilities of regional or national importance are listed. The list includes a lot of activities that are network utilities and would fall within this topic. The list is like the definition of regionally significant infrastructure in the Waikato Regional Policy Statement. This list includes the national electricity grid and electricity distribution and transmission networks, pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas, roads, telecommunications and radio communalisations, public or community sewage treatment plants and associated reticulation and disposal systems, public water supply, and public and community drainage systems. Consistency across territorial and regionally boundaries to the extent possible is also required to be achieved. Policy 3-3 relates to managing the adverse effects of infrastructure. The policy provides direction in managing adverse environmental effects. In summary, this includes, recognising and providing for the operation, maintenance and upgrading of activities once they have been established, allowing for minor adverse</p>	
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<p>OPERATIVE WAITOMO DISTRICT PLAN</p>			<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>
<ul style="list-style-type: none"> In the ODP there is no specific chapter / policy framework that focuses on Energy. The relevant provisions are contained in each zone. If a particular project complies with the effects-based standard in the zone and the relevant general provisions, then it can proceed as a permitted activity. 			<p>The Council is required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority (section 74(2A)).</p> <p>A summary of the provisions in the Maniapoto Environment Management Plan (MEMP) 2018 relevant to the Network Utilities chapter are as follows: Maniapoto seek to avoid adverse effects of infrastructure on the relationship of Maniapoto with significant sites and resources (Objective 22.3.1). In order to achieve this objective Maniapoto seek to participate at the highest levels of decision making for matters that affect significant sites and resources (Policy 22.3.1.1). Policy 22.3.1.1 gives examples of how Maniapoto seek to participate including through establishing co-operative and constructive relationships and that Maniapoto interests are appropriately considered and incorporated in the future planning and development of all infrastructure. Objective 22.3.2 focuses on electricity transmission and generation and seeks to ensure electricity generation and transmission and distribution benefits Maniapoto and protects the mauri of the environment. The MEMP also seeks for best and most practicable environmental standards in public infrastructure for stormwater, wastewater and water supply (Objective 22.3.6). MEMP also seeks to provide telecommunications and ultrafast broadband access to Maniapoto (Objective 22.3.7). Policy 22.3.7.1 seeks for this to be achieved in a manner that avoids negative impacts on Maniapoto values and interests</p> <p>Sections of the MEMP relating to the coast, lakes and rivers, heritage, landscape are also relevant to this topic. Section 17 relates to the Coast and seeks for the</p>	<p>The Electricity Act 1992 is related as it makes provision for electricity operators to enter land to maintain infrastructure. The operators are required to provide written notice. The details to be provided in the notice are outlined in the legislation. Work Safe also issues codes of practice under S36 of the Electricity Act.</p> <p>Of relevance is the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.</p> <p>Also of relevance is the Electricity (Hazards from Trees) Regulations 2003. The NZECP contains detailed information about works including buildings close to electrical lines. It is not possible for local authorities to rely on the NZECP to implement the directions in the NPS. The reasons for this are the NZECP was principally designed for distribution lines as opposed to transmission lines. Furthermore, the NZECP does not implement or require a corridor approach as required by the NPSET.</p>
<p>SCALE & SIGNIFICANCE s32(1)(c)</p>				<p>STRATEGIC DIRECTION</p>
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: 1 Problem / Issue: 2 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 5</p>				<p>The following objective from the Strategic Directions Chapter of the plan is relevant to this topic:</p> <ul style="list-style-type: none"> SD-01: Uphold the partnership principles inherent within Te Tiriti o Waitangi by ensuring mana whenua are enabled to maintain and enhance the well-being (mauri) and health (hauora) of both people and the environment and empowered in the expression and application of kaitiakitanga.

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<p>Degree of Impact on or Interest from Māori: 2 Timing and Duration of Effects: 1 Type of Effect: 3 Degree of Risk or Uncertainty:2</p> <p>Total (out of 40): 18</p>			<p>cultural relationships and values that Maniapoto has with the coast and marine environment to be recognised and provided for. Maniapoto seeks for its interest in coastal and marine areas and activities particularly those relating to historical, spiritual, cultural and traditional values to be recognised and provided for. Activities that cause adverse effects on the mauri of resources and mahinga kai are to be avoided. Access to coastal areas is also sought to be protected and enhanced. In Chapter 19 Maniapoto seek for indigenous biodiversity to be to be maintained, restored, enhances and protected throughout the Maniapoto rohe. Maniapoto also seek for inventories and biodiversity monitoring frameworks to be developed. Chapter 10 relates to cultural heritage, key directions in the MEMP are for Maniapoto to be involved at the highest level of decision making for matters relating to Maniapoto cultural heritage. MEMP seeks for Maniapoto cultural heritage to be protected in district plans from damage, destruction and adverse effects(Policy 10.3.2.1). Resources users (such as utility companies) are encouraged to work with Maniapoto to protect waahi tapu and other significant sites. Maniapoto also seeks for accidental discovery protocols to be in place to appropriately manage the accidental discovery of waahi tapu and other taonga. Site management protocols are also sought to be in place including the employment of appropriately qualified archaeologists and for representatives of Maniapoto to be involved in supervising earthworks and the determination of appropriate tikanga and kawa protocols.</p> <p>The provisions in the Network Utility chapter have regard to the policy directives in the MEMP, by having a more stringent framework for infrastructure within SASM.</p>	<ul style="list-style-type: none"> SD-O2: Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved through active measures to protect and restore the health and well-being of the Upper Waipa Catchment. SD-010: The buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute to the district’s sense of place and identity, are protected. SD-011: The components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural and spiritual values accorded by mana whenua, are recognised and protected. SD-O30: Recognise and provide for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources. <p>UNCERTAINTIES AND RISKS s32(2)(c)</p> <p>The degree of risk and uncertainty is low. The activities are well defined and resources consents are triggered when issues can be worked through because of locational constraints and / or because of the types and scale of activity.</p> <p>The most significant uncertainty is future technological advances which may change the way infrastructure delivered and used.</p>
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<p>OBJECTIVE(S) s32(1)(a)</p>
<p>Relevance – The proposed objectives directly address the issues. In particular, the objectives recognise the benefits to people and communities of having effective, resilient, efficient and safe network utilities whilst needing to manage potential for adverse environmental effects. The objectives also reflect section 6(a) to section 6(e) of the RMA as well as section 7(b), 7(ba),7(c), 7(f) and 8 of the RMA. Objective NU-O3 is also directly relevant to the NPS on Electricity Transmission.</p> <p>Usefulness – The objectives provide clarity as to what is to be achieved under section 104 when considering a resource consent application for a network utility. The objectives clearly show the outcomes to be achieved for any notice of requirement or designation (section 171(1)(a)). The objectives are also useful in that they implement higher order policy documents including the NPS on Electricity Transmission, the Waikato RPS and the Horizons One Plan all of which require a transmission corridor approach.</p> <p>Reasonableness – The objectives do not create unjustifiably high costs for the community, they seek to provide for network utilities and recognise their importance and significance whilst managing adverse effects. The provisions guide how adverse effects are to be managed. It is reasonable for the objectives to recognise that the benefits of network utilities often extend beyond district boundaries and can be of significance regionally and nationally.</p> <p>Achievability –The objectives are achievable, as the Council has the statutory function to control the effects of land use (section 31(1)(a)). Additionally, section 171(1)(a) states a territorial authority must consider a plan or proposed plan when they are making a recommendation on a notice of requirement. The provisions specify how the objectives are to be achieved.</p> <p>Are the objectives the most appropriate way to achieve the Purpose of the Act? The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> Will appropriately recognise the benefits of network utilities whilst managing adverse effects. Network utilities are critically important for people and communities economic and social wellbeing and for their health and safety (s5(2)). Utility networks that are easily accessible and resilient are critical for future generations (S5(2)(a)); and Will give effect to the NPS for Electricity Transmission; Appropriately recognises the NES for Electricity Transmission Activities and the NES for Telecommunications; Will recognise and provide for section 6(a), 6(b) to 6(e); Will have particular regard to “Other matters’ specified in section 7(b), 7(ba), 7(c), 7(f); Is within the jurisdiction of the Council and can be achieved within the exercise of its functions; and The objectives address the key resource management issues identified above.

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PROVISIONS s32(1)(b)	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	ALTERNATIVES s32(1)(b)(i)
<p>Benefits Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> The provisions provide for the consideration of adverse effects on the special and unique features of the District (such as outstanding natural features and areas of outstanding natural character within the coastal environment). These features and overlays have been identified on the Planning Maps. The provisions provide for varied levels of permitted effects, based on the amenity levels and character anticipated in the zone and / or precinct. These varied levels of effect provide for network utilities at an appropriate scale for the environment they are located in. <p><u>Economic</u></p> <ul style="list-style-type: none"> The provisions provide certainty as they clearly specify what activities are permitted and what require consent. The ODP does not contain clear provisions for network utilities within roads. This issue has been addressed in the PDP. In general, the PDP adopts a corridor approach for utilities within the road and provides for utilities within the road reserve even within identified overlays. In recognition of the importance of customer connections the PDP makes provisions for additional poles to support overhead lines to connect customers to networks no such provision was made in the ODP and consent was required. Infrastructure is essential for economic and social development. The provisions largely enable the operation, maintenance and development of infrastructure except where it is to be located within an overlay. Reduces the costs of undertaking maintenance by having an enabling approach. <p><u>Social and Cultural</u></p> <ul style="list-style-type: none"> The provisions recognise the importance of the availability of network utilities for developments as well as the importance access to network utilities has for people’s health and safety. Most utilities can develop without the need for resource consent. For example, overhead lines are provided for in most locations. This approach has social benefits as it will assist in making network utilities available for people at a lower cost. The provisions provide for the consideration of effects on scheduled features, overlays and sites including sites and areas of significance to Māori and identified heritage buildings. Infrastructure is needed to support people’s social connectivity. Electricity contributes to people’s health and safety. Provides flexibility to consider alternative solutions to hard wiring e.g., wireless. Protects culturally significant areas. <p>Costs Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There may be some changes to existing amenity and character as a result of these provisions. For example, the provisions for upgrading enable a number of different activities to take place. Some people may consider these changes are not acceptable. A balance needs to be struck between providing for utilities in an economically efficient manner while maintaining anticipated character and protecting the values of identified features, overlays and precincts. May result in routes or locations with significant environmental effects (e.g., substantially increased earthworks, visual effects, amenity effects). <p><u>Economic</u></p> <ul style="list-style-type: none"> There may be increased economic costs where additional requirements are included to protect the values of a scheduled site, overlay or precinct. In some cases, there will be options to place the utility within the road. In others consent will be required and may or may not be approved. These costs are justified given the values associated with these features and in most cases their recognition as matter of national importance that are required to be recognised and provide for under Section 6 of the Act. Additional costs to infrastructure providers where a resource consent is required. May result in alternative routes or alignments with greater cost. <p><u>Social and Cultural</u></p> <ul style="list-style-type: none"> Social and cultural affects have been considered in the environmental assessment. <p><u>Economic growth and employment opportunities</u></p> <p>The provisions may indirectly result in economic growth and employment as they provide a clear regulatory framework for network utility providers. Reliable infrastructure is necessary to support economic development but may not in and of itself result in additional employment opportunities or economic growth.</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> The proposed provisions; and The status quo. <p>The ODP provisions are not considered to be efficient or effective in achieving the objectives. The ODP does not implement the National Planning Standards. In particular, a number of general provisions also apply to network utilities. In the PDP most of the general provisions that apply have been incorporated within the Chapter. Furthermore, the PDP provisions provide clarity as to the approach taken for network utilities within the road corridor.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> Reviewed other relevant district plan provisions; and Discussed the draft provisions with representatives from utility companies and reviewed the relevant higher order policy documents to ensure consistency. <p>A template was provided by the utility companies, which has been used to inform district plans. Where appropriate, staff have adopted provisions from this template to ensure consistency and best practice is achieved.</p>
QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)	
<p>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic. Furthermore, the approach to be carried out for a number of the provisions is regulated by NPS’s and NES’s.</p>	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)	REASONS FOR PROVISIONS s32(1)(b)(iii)
<p>s32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u></p> <p>The proposed provisions have considerably more benefits, they implement the requirements of the relevant NPS’s, NES’s and RPS’s. The provisions clearly set out the permitted activities as well as those which require closer assessment through the consenting process. The inclusion of most of the provisions that affect network utilities in one place in the PDP will also be administratively efficient.</p>	<p>S32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions:</p> <p>The proposed provisions are the most appropriate approach to achieve the objectives of this Chapter. The provisions appropriately give effect to higher order policy documents including the relevant NPSs’ and are consistent with the purpose and principles of the RMA.</p> <p>The recommended policies and rule requirements assessed in this report are the most appropriate to achieve the objectives for the District Plan, having considered other reasonably practicable options and having assessed the efficiency and effectiveness of the provisions.</p>

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Effectiveness

The proposed provisions are the most effective in achieving the objectives as they directly address the resource management issues and the outcomes sought through the objective. The provisions are consistent with the purpose and principles of the RMA, and recognise and provide for section 6(a) to 6(e), and 7(b), 7(ba), 7(c), 7(f) and 8. The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:

- gives effect to the NPS on Electricity Transmission,
- supports the implementation of the NESETA and NESTF;
- give effect to the objectives and policies in the Waikato RPS and the Manawatu-Whanganui One Plan;
- assist in implementing Strategic Direction SD01, SD02, SD10, SD-O11, and SD-O30;
- enable the Council to fulfil its statutory obligations, including the principles of the act, and is consistent with its functions under section 31 of the RMA;
- ensure adverse effects are appropriately managed; and
- enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.