

National Electricity and Gas Transmission

Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report –National Electricity and Gas Transmission

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The National Electricity and Gas Transmission Chapter addresses the following issues:</p> <ul style="list-style-type: none"> The national electricity and gas transmission networks provide a critical function in distributing energy to New Zealand. Development near these networks can compromise operation, maintenance, and upgrade. There is increased risk to people's health and safety the closer you get to these networks. The appropriate management of activities close to these networks is important. Activities near the electricity and gas transmission lines can affect the integrity of the network. 	<p>Section 5 RMA The National Grid and gas transmission network consists of the physical structures and networks that support and provide essential electricity and gas to the communities of the district and beyond. The recognition and protection of the National Grid and gas transmission network as a physical resource is critical to the District's economic productivity, environmental outcomes and wellbeing of the community. The benefits of this infrastructure to the functioning of the district are therefore substantial. A secure and reliable electricity and gas supply is vital to the functioning of the District. It enables people and communities to provide for their social, economic and cultural wellbeing.</p> <p>The recognition and protection of the National Grid and gas transmission network is fundamental to both present and future communities. In this respect the Objectives achieve this part of Section 5 (s5(2)(a)) sustain the potential of natural and physical resources to meet needs of future generations). It also achieves Section 5(2) which seeks to enable people and communities to provide for their social, economic and cultural well-being.</p> <p>While the National Grid and gas transmission network can have significant local, regional and national benefits, it is recognised that the nature of the nationally significant infrastructure generates adverse environmental effects. These effects may result from activities involved in establishing the infrastructure or be associated with the maintenance and operation of the infrastructure. Such activities may adversely affect landscape values, ecological resources, indigenous vegetation, amenity, streetscape, and public health and safety.</p> <p>There is also the potential for some activities undertaken in the vicinity of the National Grid and gas transmission network that led to adverse reverse sensitivity effects on the lawful operation of existing infrastructure. Protecting the National Grid and gas transmission network from other activities ensures the health and safety of people and communities in accordance with Section 5(2) of the Act. Activities such as building too close to the transmission lines can cause flashovers and endanger the occupants of the building. In addition, the National Grid generates electric and magnetic fields which can affect people's health and safety.</p> <p>This Objective is consistent with and achieves section 5(2)(c) of the RMA.</p> <p>Section 6 RMA Section 6 matters are required to be recognised and provided for within plans. The following Section 6 matters are considered relevant to this topic:</p> <p>Section 6(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:</p> <p>This matter provides for the relationship of Māori and their culture and traditions with their lands and sites and other taonga. The plan has identified sites and areas of significance to Māori (SASM). 4 SASMs are</p>	<p>There are 6 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 for Electricity Transmission is particularly relevant to this topic.</p> <p>Policies 10 to 12 of the NPS for Electricity Transmission are of relevance. Policy 10 seeks the avoidance of reverse sensitivity effects to the extent that it is reasonably possible in order to ensure the operation, maintenance, upgrading of the electricity transmission network is not compromised. Policy 11 requires local authorities to consult with the national grid operators to identify an appropriate buffer corridor within which sensitive activities will generally not be provided for. Policy 12 requires local authorities to identify the electricity transmission network on their relevant planning maps whether or not the network is designated.</p> <p>Through the development of the district plan Council staff have consulted with the national grid operator, including providing draft copies of the relevant provisions. Through this process the requirements of the NPS have been worked through in a collaborative manner. The requirements include a national grid corridor including a national grid yard and a national grid subdivision corridor.</p> <p>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 National Policy Statement 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 same case the Court also discussed Policy 10 of NPSET and found that it requires decision makers to manage activities on electricity transmission networks.</p>	<p>Waikato Regional Policy Statement Issue 1.3 Providing for Energy Demand highlights the following matters to address:</p> <ul style="list-style-type: none"> Potential for conflict between activities to meet energy demand and other land or water uses including natural values Security of supply <p>Issue 1.4 Managing the built environment highlights the following matters to address:</p> <ul style="list-style-type: none"> Increasing conflicts with, and demands for, new infrastructure The need to use existing infrastructure efficiently and to maintain and enhance that infrastructure 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 pipelines for the transmission of gas and the national electricity grid.</p> <p>Objective 3.5 provides key forward direction on these issues. The objective sets the direction that electricity generation and transmission is operated, maintained, developed and upgraded in a way that:</p> <ul style="list-style-type: none"> Recognises and provides for the national significance of electricity transmission and renewable electricity generation activities. Recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation Recognises the technical and operational constraints of the electricity transmission network and electricity generation activities. Recognises the contribution of existing and future electricity transmission and electricity generation activities 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>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 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>The Waikato Tainui Environmental Management Plan is not relevant to this topic as the National Grid and Gas Transmission Pipeline are not located within the part of the district where Waikato Tainui's interests lie.</p>

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	<p>located within the identified corridors. The gas transmission network in one area goes through a site zoned Māori Purpose Zone. The rules proposed within the corridor may limit the use of these sites.</p> <p>Section 7 RMA Section 7 lists a range of other matters that particular regard is required to be given to.</p> <p>Section 7(b) the efficient use and development of natural and physical resources.</p> <p>This matter includes consideration of the efficient use of land. In respect of this topic, it includes ensuring the provisions are focused on addressing matters/issues where there is increased risk.</p> <p>Section 8 RMA In achieving the purpose of the RMA, the principles of the Treaty of Waitangi are required to be taken into account. For this reason, provision has been made within this chapter to undertake activities within SASMs that might otherwise require consent, within the electricity transmission and gas transmission corridors such as burials. Agreements between mana whenua and network utility operators may be the best way of working through these matters for these specific sites.</p>	<p>In para 85 the Court said, “A mandatory requirement to ensure that a matter of national significance is not compromised, is in my judgement, a relatively strong directive”. In this Case the Court is providing clear direction of the importance of managing activities that are sensitive to the electricity transmission network.</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 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 location of the national electricity network and the national gas transmission line does intersect with a site zoned Māori Purpose Zone and 4 identified Sites and Areas of Significance to Māori (SASMs).</p>	<p>Policy 6.1 relates to both Objective 3.5 and Objective 3.12. The Policy seeks for development to occur in a planned and co-ordinated manner of particular relevance to this topic is the need to have regard to the development principles in 6A (Implementation Method 6.1.1) and in particular principle h) which states new development should be directed away from a number of industries and activities including energy and transmission corridors. Principle o) is similar and states new development should not result in incompatible adjacent land uses. Implementation Method 6.1.2 is also of direct relevance to this topic which states local authorities should have particular regard to the potential for reverse sensitivity when preparing or reviewing district plans and assessing resource consents. Policy 6.6 is also of particular 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 6.6.2 is of particular relevance to this topic as it outlines a transmission corridor approach including recognising the benefits of the national electricity grid, the identification of key transmission corridors in the district plan and for provisions that protect the corridor and the electricity transmission network from inappropriate activities including sensitive activities. A similar approach is outlined in implementation method 6.5 and 6.6.</p> <p>The provisions in the Plan do seek to implement a transmission corridors management approach both the for the national electricity grid and the gas transmission pipeline. Buildings and activities that are sensitive to these uses are managed through the provisions. The provisions have been developed in consultation with the asset owners.</p> <p>Manawatu-Whanganui One Plan The existing national electricity network and gas transmission lines which are not located within the Manawatu-Wanganui Regional Council area within the Waitomo District.</p>	
<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 S74(2A)).</p> <p>A summary of the provisions in the Maniapoto Environment Management Plan (MEMP) 2018 relevant to the Energy chapter are as follows:</p> <p>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</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 section 36 of the Electricity Act 1992.</p> <p>Of relevance is the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001. Also of relevance is the Electricity (Hazards from Trees) Regulations 2003. The NZECP</p>

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			<p>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 generation and seeks to ensure electricity generation and transmission and distribution benefits Maniapoto and protects the mauri of the environment. In achieving this outcome Maniapoto seek to promote the use of renewable energy and energy saving measures.</p>	<p>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 transmission corridor approach as required by the NPS.</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: 4 Who and How Many Affected, Geographic Scale of Effects: 3 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>In a few locations the gas transmission pipeline and the national grid affect identified SASMs and in the case of the gas transmission pipeline will affect a site identified as Māori Purpose Zone. The provisions of this chapter will affect what can be undertaken and developed on these sites. For this reason, specific provision has been made for some activities within these locations such as burials and Māori cultural and customary uses.</p> <p>The provisions in the National Electricity and Gas Transmission chapter take into account the provisions of the MEMP.</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. SD-04: Marae and papakāinga are recognised as an essential cultural and spiritual component of Māori traditions, society and economy and are enabled to provide a range of activities that meet the needs of mana whenua. 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 areas affected are well defined and resources consents are triggered when issues can be worked through.</p>				

<p>OBJECTIVE(S) s32(1)(a)</p>
<p>Relevance – The proposed objectives directly address the issues. The objectives also reflect section 7(b) of the RMA in that they will promote the efficient use and development of the national electricity grid and the national gas transmission line, being physical resources that are of critical importance to New Zealand. Objective NEGT-O1 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 an activity that is located on or close to the national grid or the national gas transmission pipeline and associated above ground infrastructure. The objective is clear the infrastructure is very significant, and because of this it needs to be protected from other activities. The objectives are also useful in that they implement higher order policy documents including the NPS on Electricity Transmission and the Waikato RPS both of which require a transmission corridor approach</p> <p>Reasonableness – The objectives do not create unjustifiably high costs for the community, much higher costs would accrue if supply was disrupted from an inappropriate activity being carried out that will put the infrastructure at risk. In some circumstances there will be costs to landowners because of the way land close to the national grid and or the national gas transmission pipeline can be used.</p> <p>Achievability – The objectives are achievable as the Council has the function to control the use of land and is directed to control activities close to electricity transmission lines under the NPS for Electricity Transmission. While there is no NPS for Gas Transmission the pipeline performs a similar function in distributing electricity in a network not only between districts but also between regions. 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 protect the national grid and the gas transmission line from activities that could adversely affect its operation. The efficient operation of these assets is critical for people and communities economic and social wellbeing and for their health and safety. In doing so it will promote the sustainable use of resources for future generations (section 5(2)(a)); and Will give effect to the NPS for Electricity Transmission; and Will have particular regard to the ‘other matters’ section 7(b) in particular; and 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 proposed provisions will promote the efficient use of existing critical physical resources being the national electricity grid and the national gas transmission pipeline. The existing plan provisions do not achieve this. The proposed provisions will also reduce the potential for reverse sensitivity effects. Reduced chance of flashovers. <p><u>Economic</u></p> <ul style="list-style-type: none"> Will reduce the potential for disruption of supply. Disruption of electricity supply has significant economic costs to all sectors of society. Clearly specifies activities, like cultivation and repair of roads and farm tracks and non-habitable buildings in certain locations that are permitted. This makes it clear to readers of the Plan when a consent is required and when it is not. Increased ease of access for inspection, operation and maintenance for the network provider. Increased security of the towers and supporting structures by limiting earthworks in close proximity. <p><u>Social and Cultural</u></p> <ul style="list-style-type: none"> The provisions will have health and safety benefits to people and communities as sensitive activities will be appropriately separated. Protects buildings and structures from flashovers. Public safety is better maintained. An increased level of amenity for those living in close proximity to lines. Raises public awareness of the location of high voltage lines. <p>Costs Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> The environmental costs could be the inability to use natural and physical resources close to existing electricity and gas transmission infrastructure. The provisions for electricity transmission exclude common farming activities and provide for non-habitable buildings and structures such as yards. In respect of the gas transmission pipeline, cultivation is excluded, residential activities and transmission sensitive activities that require consent. Transmission sensitive activities also require consent, standard rural buildings such as yards and storage sheds would not fall within this definition. <p><u>Economic</u></p> <ul style="list-style-type: none"> For people who have no alternative options of where to locate buildings and or other activities there will be increased costs for resource consents. For earthworks this cost has been managed where people are able to obtain written consent from Transpower NZ. Reduced value of properties in close proximity to the National Grid. Decreases the subdivision potential of properties within the corridor. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> There may be social and cultural costs from these provisions. The costs could relate to people having to amend or alter the location of buildings because of the corridor. These costs need to be weighed against the health and safety benefits of the provisions. Sub-optimal arrangement of a site in terms of location of buildings. In the case of brownfield development, is likely to create unusable “dead space” on sites. The corridors are mainly located in the General Rural Zone and in those locations most rural activities are provided for as long as the integrity of structure is not undermined. In some locations the corridor is over land identified as a SASM and in one place a Māori Purpose Zone. The provisions may affect activities on these sites and at these locations. For this reason, specific provisions have been added to this chapter to ensure activities in these locations are not unduly compromised whilst maintaining the integrity of the corridor. May constrain the development of Māori Freehold or Customary Land where this is in close proximity to the National Grid or the gas transmission network <p>Economic growth and employment opportunities</p> <p>The provisions are not likely to result in economic growth and employment opportunities. There is the potential for economic growth to be adversely affected at a local scale by the recommended approach, particularly if the National Grid or gas transmission lines cross land zoned as Business or Industrial. Sites under or near the lines will not be able to develop to their full potential.</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; Relying solely on NZECP; Amalgamating the provisions with the Network Utilities chapter; 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 relevant NPS. It does not adopt a transmission corridor approach. The ODP provides a cross reference to NZECP and says it should be complied with. Although, some provisions of the NZECP remain relevant, NZECP was principally designed for electricity distribution and not transmission. The NZECP was written before the NPS and does not fully implement the NPS.</p> <p>The option of including the provisions with the Networks Utilities Chapter was initially considered and then discounted. The principal reasons for this are it may lead to administrative difficulties as the provisions would be hidden to readers of the Plan.</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 on Energy and Ensured consistency with higher order policy documents (i.e., NESs and NPSs).
QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)	
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 NPS on Electricity Transmission requires a transmission corridor approach to be developed and implemented within the District Plan.	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)	REASONS FOR PROVISIONS s32(1)(b)(iii)
<p>Section 32(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 give effect to the relevant NPS and the Waikato RPS. The provisions clearly set out the permitted activities with no or minimal effects as well as those which require closer assessment through the consenting process. The package of provisions will be efficient in achieving the objectives.</p>	<p>Section 32(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 NPS 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 7(b). The proposed provisions are considered to be the most effective means of achieving the objective as together they will:

- Implement the NPS on Electricity Transmission;
- Give effect to the Waikato RPS objectives and policies;
- Assist in in implementing Strategic Direction SD30;
- Enable the Council to fulfil its statutory obligations, including section 7(b) and is consistent with its functions under section 31 of the RMA;
- Ensure adverse effects including reverse sensitivity effects on existing nationally significant critical infrastructure is managed by requiring consent for activities that could cause adverse effects; 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.