FEEDBACK ON PROPOSED NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

To Ministry for the Environment
By email: npsurbandevelopment@mfe.govt.nz / nps-udconsultation@mfe.govt.nz

Name of submitter: Orion New Zealand Limited (Orion)

OVERVIEW

1 Orion New Zealand Limited (Orion) generally supports the Proposed National Policy Statement on Urban Development (NPS-UD) as set out in the Ministry for the Environment’s “Planning for successful cities” discussion document (Discussion Document). There are however a number of matters that Orion is concerned about and would like to provide feedback on, including recognition of strategic infrastructure when providing for intensification and greenfield development, and timing.

2 While the consultation questions provided in the Discussion Document are useful, Orion’s concerns are of a broader nature than the questions posed. Therefore Orion has opted to provide more general feedback on the provisions of the NPS-UD and the Discussion Document.

3 Orion further notes its support of the feedback provided by the Electricity Networks Association (ENA) on the NPS-UD and the Discussion Document.

ORION NEW ZEALAND LIMITED

4 Orion is a community owned entity with two key shareholders – the Christchurch City Council, through its subsidiary Christchurch City Holdings Limited, and the Selwyn District Council.

5 Orion owns and operates the electrical distribution network that provides power to central Canterbury. Orion supplies services to more than 201,000 homes and businesses. Orion’s core purpose is to consistently deliver a safe, resilient and cost effective power supply, and promote the safe and efficient use of electricity.

6 Broadly, the electricity distribution network comprises of a number of assets: underground cables, overhead lines, substations, transformers, kiosks, electricity structures (poles/pylons, earth rods and associated buildings) and access tracks. Orion is responsible for the establishment, operation, maintenance and upgrade of the electricity distribution network.

7 The electricity distribution network, including Orion’s significant electricity distribution lines generally operating at a voltage of 33kV or greater, is significant infrastructure in a local, regional and national sense and is of strategic importance. It is recognised as such in the Canterbury Regional Policy Statement and in the Christchurch District Plan. Orion is also a ‘Lifeline Utility’ under the Civil Defence Emergency Management Act 2002. In addition, the electricity distribution network
plays a critical role in achieving decarbonisation policies and supporting renewable energy use.

**FEEDBACK**

**Strategic infrastructure and reverse sensitivity**

8 Reverse sensitivity issues are a real problem for the continuing operation of strategic infrastructure. Strategic infrastructure needs to be protected from inappropriate development.

9 Land use activities in proximity to Orion’s significant electricity distribution and sub-transmission lines have the potential to affect, and may be affected by, Orion’s electricity distribution operations. Land uses such as residential activities, earthworks or buildings in proximity to significant electricity distribution lines may expose people to safety risks. And buildings, structures, fences and other obstacles can impede Orion’s ability to safely and efficiently access, operate, maintain and upgrade the network.

10 The Christchurch District Plan provides for the protection of Orion’s electricity distribution and sub-transmission lines through a buffer ‘corridor’ where sensitive activities and buildings require resource consent.

11 Reverse sensitivity effects are already a reality for Orion, who incurs significant costs in ensuring its infrastructure is protected through active participation in planning processes. There are many instances of inappropriate land uses establishing close to electricity distribution lines, causing risk to both human health and safety, and to the operation of Orion’s network.

12 Orion understands the importance of providing for urban development and intensification, but considers it is essential that the operations of strategic infrastructure and the need to avoid reverse sensitivity are taken into account by local authorities when planning for, and consenting, urban development. Intensification and greenfield development in particular must be undertaken with these issues in mind.

13 Early engagement with Orion, as an electricity distribution network operator, is also critical at the early planning phases when identifying areas for future development and growth. This is to ensure the efficient installation of electricity utilities and effective integration with the existing network through timely sequencing/staging. Orion supports discussion of integration with infrastructure in the Discussion Document but is concerned that the focus of the Document is on infrastructure such as wastewater connections. The NPS should clearly emphasise the importance of ensuring integration with the electricity network.

14 Orion considers that the NPS-UD should make reference to and provide for the protection of strategic infrastructure and the secure supply of electricity from the potential adverse effects of urban development. This would allow for appropriate constraints on where residential development can occur and will assist authorities in identifying the most appropriate locations for further development and intensification.
Definitions

15 Orion notes that the Discussion Document provides a definition for 'development infrastructure' and ‘other infrastructure’. A number of the objectives and policies, however, do not use this terminology and refer simply to ‘infrastructure’\(^1\) which is not itself individually defined. It is not clear what infrastructure is being referred to in those objectives and policies (i.e. whether it is intended to apply to development infrastructure, other infrastructure, or both). Those provisions must be drafted so that it is clear to decision-makers and users of the NPS what is covered.

16 Further, the definition of ‘other infrastructure’ includes “energy.” What exactly is meant by “energy” is not clear and could on its face encompass a very broad range of infrastructure. Orion suggests that the word “energy” is removed from this definition, or the scope of this word is better clarified.

17 In order to enable the objectives and policies of the NPS-UD to better protect strategic infrastructure from reverse sensitivity effects, Orion considers it necessary to include a separate definition for ‘strategic infrastructure’ in the NPS-UD. Orion suggests the following wording:

\[ \text{Strategic infrastructure means those necessary infrastructure facilities, services and installations which are of greater than local importance (including airports, ports and electricity transmission and distribution networks). It includes infrastructure that is regionally and nationally significant.} \]

18 Further, Orion undertakes similar functions to the infrastructure identified under the ‘development infrastructure’ definition in that electricity transmission and distribution networks directly affect development capacity and are essential to the provision of further development and intensification. Unfortunately, as the definition is drafted with reference to control by local authorities, it is not as simple as adding the words “electricity transmission and distribution networks” to the definition, as many electricity distribution and transmission networks, including Orion’s, are not in fact ‘controlled’ by local authorities. Orion strongly recommends this definition is redrafted to ensure electricity transmission and distribution networks, including Orion’s, are included in the objectives and policies relating to development infrastructure.

Development of Future Development Strategies

19 Orion supports the recognition that reverse sensitivities must be appropriately managed with regard to plan changes for proposed greenfield development (discussed further below).\(^2\) However, that is the only mention of ‘reverse sensitivity’ in the entire Discussion Document. Reverse sensitivity effects do not solely arise as a result of greenfield developments and decision makers should be empowered to consider effects on strategic infrastructure throughout the NPS-UD.

\[^{1}\text{For example O1, P1C, P1D, P1E, P1H, P1I, O2, P6A, P6B, and the greenfield development example policy.}\]

\[^{2}\text{As set out in paragraph (d) of the Example Policy on page 39 of the Discussion Document.}\]
In particular, Orion considers reference to managing reverse sensitivity effects should be included in the objectives and policies relating to the development of FDSs. Below is some suggested wording for policies P1C and P1D(a):

\[
P1C: \text{Every FDS must be informed by:}
\]

[...]

\[
f) \text{the need to avoid adverse reverse sensitivity effects on the operation of strategic infrastructure}
\]

\[
P1D: \text{Every FDS must identify:}
\]

\[
a) \text{areas where evidence shows urban development must be avoided (including where urban development will result in adverse reverse sensitivity effects on the operation of strategic infrastructure)}
\]

As the operator of strategic infrastructure, Orion should be included in any engagement or consultation a local authority may undertake when preparing its Future Development Strategy (FDS) – particularly in the setting of appropriate locations for future growth. Therefore, the NPS-UD needs to include mechanisms that empower local authorities to take into account the impacts on strategic infrastructure. Orion considers this could be done through inclusion of strategic infrastructure in, for example, P1E, O10, and P10B. Orion proposes the following suggested wording:

\[
P1E: \text{In addition to the policies P10A–P10C, when local authorities are developing or updating FDSs for a major urban centre they must:}
\]

[...]

\[
b) \text{engage and consult with strategic infrastructure providers}
\]

\[
O10: \text{To ensure decisions within local authorities and across local authority boundaries are coordinated and aligned with the provision of development, strategic and other infrastructure.}
\]

\[
P10B: \text{Local authorities must work with providers of development, strategic and other infrastructure to}
\]

\[
a) \text{achieve integrated land use and infrastructure planning ...}
\]

It is essential that Orion is consulted more generally on any proposed developments or intensification (and in particular greenfield developments) when strategic documents and development plans are being drafted. This is to ensure that electricity supply can in fact accommodate these developments, or, any works
required to connect these areas with electricity can be appropriately planned for and resources efficiently allocated by Orion.

Quality Urban Environments

Orion considers recognition of reverse sensitivity effects on strategic infrastructure should be incorporated into the objectives and policies proposed under the "Describing quality urban environments," section of the Discussion Document. Orion proposes the following suggested wording to objective O2 and policies P2A and P2B (for example):

O2: To enable quality urban environments that make it possible for all people, whānau, communities and future generations to provide for their well-being, including by:

... 

e) providing for the protection of strategic infrastructure from adverse reverse sensitivity effects

P2A: When making planning decisions that affect urban development, and the way and rate at which development capacity is provided, local authorities must have particular regard to:

... 

c) appropriately managing reverse sensitivity effects (including by avoiding reverse sensitivity effects on strategic infrastructure).

When making decisions on consent applications that affect urban development, and the way and rate at which development capacity is taken up, decision makers must have regard to the need, consistent with this NPS, to:

... 

f) appropriately manage reverse sensitivity effects (including by avoiding reverse sensitivity effects on strategic infrastructure).

Orion considers similar wording to that suggested for policy P2A above should be included in policy P2B.

Providing for intensification

Orion considers recognition of reverse sensitivity effects on strategic infrastructure should be incorporated into the objectives and policies proposed under the headings "Providing for intensification" of the Discussion Document. Orion proposes the following suggested wording to policy P6D (for example):

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3 Page 26 Discussion Document.
4 Page 35 Discussion Document.
P6D: Territorial authorities must include the following policy in their district plans:

When considering an application for a higher-density residential activity than is currently provided under this plan, the consent authority must have particular regard to whether:

... 

(c) the development will avoid adverse reverse sensitivity effects on strategic infrastructure.

Providing for greenfield development

Orion appreciates that to meet certain growth requirements, local authorities may need to provide for residential growth ‘out’ as well as ‘up.’ However, it is concerned about the effect that the proposed objectives and policies enabling greenfield development might have on its operations.

Orion considers that the policy proposed in the Discussion Document to guide decisions on plan changes for greenfield development needs to recognise that strategic infrastructure requires particular protection. While Orion supports the reference to reverse sensitivity at (d) of the example policy, it does not consider it goes far enough to ensure protection against reverse sensitivity effects. Orion therefore proposes the following wording for the policy would be more appropriate:

When considering a plan change that enables urban development that is not otherwise enabled in the plan, local authorities must provide for urban development when all of the following apply:

...

d. Reverse sensitivity effects will be appropriately managed (including by avoiding reverse sensitivity effects on strategic infrastructure) within and adjacent to the location or locations that are the subject of the plan change.

Timing and integration with other processes

Orion supports amendments to the NPS to ensure a better integrated approach to land and infrastructure planning. The FDS process must align with other local planning processes. Orion agrees it is essential that Future Development Strategies “are informed by and encouraged to inform relevant long-term plans and infrastructure strategies required under the Local Government Act 2002, and regional land transport plans under the Land Transport Management Act 2003.”

Orion considers other council/planning processes should align with the FDS process to ensure documents are consistent and clear for future planning. Orion therefore supports policies P1F(b), P1H, and P1I.

As a minor comment, Orion notes that policy P1F(b) contains a reference to “documents referred to in [P2H],” policy P1H contains a similar reference to a policy

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5 Example wording provided on page 39 Discussion Document.
6 Page 21 Discussion Document.
There is no policy P2H or P2F. Orion has assumed that these are intended to be cross references to policies P1H and P1F.

**CONCLUSION**

31 Orion acknowledges that the core concern of the NPS-UD is focused on quality urban growth and promoting necessary urban development. But in order for local authorities to be able to appropriately determine locations for growth and intensification within their regions while maintaining the policy and rationale behind the intent of the National Policy Statement, it is essential that some provision is made for recognising and managing the interface between development and existing strategic infrastructure such as electricity transmission and distribution networks.

32 It is also essential that the electricity distribution network is recognised as an essential component of urban development which must be integrated and considered properly in decisions.

33 Orion seeks that the proposed wording outlined above is adopted in the final NPS-UD document.

34 Orion would welcome any opportunity to further discuss any of the issues raised in its feedback with the Ministry, should any further consultation be undertaken in developing the NPS-UD.

Signed for and on behalf of Orion New Zealand Limited by its solicitors and authorised agents

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