



13 August 2018

Planning Standards Team

Ministry for the Environment

Via Email: (PlanningStandards@mfe.govt.nz)

## **SUBMISSION BY POWERCO LIMITED ON DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS**

Kia ora

Thank you for the opportunity to provide a submission on the draft first set of National Planning Standards. These comments are provided on behalf of Powerco Ltd (**Powerco**), and we appreciate the opportunity for feedback.

Powerco is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in energy distribution in New Zealand for more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.

Powerco regularly submits on and interacts with planning documents, as they directly impact on the operation, maintenance and upgrade of Powerco's vast network of distribution infrastructure. Powerco recognises the value of promoting greater consistency across plans and policy statements prepared under the Resource Management Act and supports the development of the National Planning Standards. Powerco has been involved, as an infrastructure provider, with the development of model provisions of utilities to inform the development of a future National Planning Standard for Network Utilities.

This submission relates to the following parts of the draft first set of National Planning Standards:

- Structure standards (S-RPS, S-RP, S-DP, S-CP)
- Definitions standard (CM-1)
- Future content for standards – utilities provisions
- Guidance on implementation of the first set of planning standards

### **1. Structure standards (S-RPS, S-RP, S-DP, S-CP)**

#### **a. Infrastructure and energy chapters**

Powerco supports the requirement in regional policy statements (S-RPS), regional plans (S-RP) and combined plans (S-CP) to include an 'Infrastructure and energy' chapter if these matters are

addressed in a plan or policy statement, and the requirement to include an 'Infrastructure and energy' chapter in district plans (S-DP) and combined plan, if the plan includes the district plan (S-CP).

Powerco also supports the requirement for the 'Infrastructure and energy' chapter in district plans to include objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of infrastructure (unless provided in a special purpose zone, requirement or designation), as per provision S-IE of the draft first set of National Planning Standards.

#### **b. Hierarchy of utilities provisions**

The structure standards set out the parts, chapters or sections for plans, however there is no guidance on where rules relating to network utilities are to be included and the hierarchy of rules with regard to network utilities.

For example, the draft plan structure standards seek to set a common framework for plan provisions that all plans must use. The draft District Plan Structure Standard (Table 5) requires that District Plans include an 'Infrastructure and Energy' chapter, under Part 4 - District-Wide Matters. This chapter may include objectives, policies and rules relating to the operation, maintenance, upgrading and development of infrastructure. It is not clear what the relationship is between the provision of the 'Infrastructure and Energy' chapter, and the:

- General district-wide matters chapter (Part 4 - District-Wide Matters),
- And the Chapters in Part 5 – Area Specific Matters (including zones, precincts, special purpose zones and development areas chapters).

Powerco recognises that there is variance in the way that plans provide for network utilities (in terms of exemptions and which rules prevail) and that it may not be appropriate to include this level of detail (i.e.a rule hierarchy) in the standards. However, some guidance on this issue would be of value. Powerco acknowledge that in some instances, specific exceptions will be required within certain rules, but all plans need to clearly identify when the Network Utilities rules take precedence over other chapter rules for plans to be accurately interpreted.

#### **Relief sought:**

Addition of a requirement to specify in each chapter and/or section the relationship of the rules in each chapter and/or section with other rules of the Plan.

Provision of guidance on the best practice approach on how to structure plan content including provisions for Network Utilities.

## **2. Definitions standard (CM-1)**

Powerco supports a number of the definitions that relate to infrastructure as proposed in the draft Standards and reiterates the value of providing infrastructure-specific definitions, in achieving more efficient and effective consistent processes.

In making this submission, Powerco acknowledges the approach that the Ministry for the Environment (MfE) has taken in drafting the definitions, whereby they do not act as defacto rules (generally avoid specifying specific exclusions) coupled with being able to nest subset definitions, leaves scope for significant variability in how utilities are provided for (and which definitions they fall under) across plans.

Powerco also understands that:

- definitions included in existing national direction instruments have not been included in the definitions proposed in the planning standards, as these are specific to the purpose of the particular NPS or NES; and
- during the development of the standards it was decided to remove many infrastructure-specific definitions to avoid any conflict with the provisions being developed with the Infrastructure Working Group for possible inclusion in a future planning standard, which is still under development. Powerco supports this approach.

Taking into consideration this context, Powerco seek amendment to the definitions for Building, Earthworks and Functional Need, and seek the inclusion of a definition for Lifeline utilities.

The specific definitions submitted on, the rationale for Powerco's submission on each of these matters and the relief sought is contained in **Schedule 1**.

**Relief sought:** refer to **Schedule 1**.

### **3. Future content for standards – utilities provisions**

Powerco supports the Ministry for the Environment (MfE) continuing to support and work alongside infrastructure providers to develop model infrastructure provisions for inclusion in a future planning standard for network utilities. This support promotes collaboration across industries and promotes engagement between MfE and network utility providers.

The adoption of a National Planning Standard for Network Utilities would have significant benefit for Powerco, other utility providers and other plan users, by providing a consistent best-practice approach to the planning, installation, operation, maintenance and upgrade of network utilities that reduces unnecessary variance and makes resource management processes more cost-efficient, certain and consistent.

### **4. Guidance on national planning standards**

Powerco supports the development of guidance to support the implementation of the first set of National Planning Standards. As noted above in Point 1, Powerco have highlighted the value of best practice guidance on the approach to network utility activities within the planning standards framework. To aid consistent implementation, it is requested that this guidance is provided when the National Planning Standards are gazetted.

As such a document would provide guidance on implementation of the planning standards, Powerco considers it is appropriate that the opportunity to comment on the draft document is made available to Powerco and the wider public.

We understand that there is no opportunity to be heard in relation to this submission however Powerco would be pleased to discuss any of the matters raised. If you have any queries or require additional information, please do not hesitate to contact Rebecca Dearden [REDACTED]

Kind Regards



Rebecca Dearden

Environmental and Sustainability Manager

**Submission 1 – Relief sought on specific definitions**

SCHEDULE 1 –

CM1 – Draft Definitions standard

D. Provisions (Table 29: Definitions Table)

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a <del>strikethrough</del> )	Reasons
<p><b>Abrasive blasting</b>  <i>means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel</i></p> <p>And by association:  <b>Dry abrasive blasting</b>  <i>means abrasive blasting using materials to which no water has been added</i></p> <p><b>Wet abrasive blasting</b>  <i>means abrasive blasting to which water has been added</i></p>	Support.	No change sought.	Powerco undertakes dry abrasive blasting as part of infrastructure maintenance. These definitions provide consistency.
<p><b>Ancillary activity</b>  <i>Means an activity that either provides support to, or is incidental to and subsidiary to, the primary activity on the same site</i></p>	Support.	No change sought.	Powerco undertakes ancillary works associated with operating their infrastructure. This definition provides consistency.
<p><b>Bore</b>  <i>(a) means any hole constructed into the ground that is used to—</i>  <i>(i) investigate or monitor conditions below the ground surface; or</i></p>	Support.	No change sought.	Powerco at times undertakes investigate works to support their operations. This definition provides consistency.

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a <del>strikethrough</del> )	Reasons
<p>(ii) abstract liquid substances from the ground; or            (iii) discharge liquid substances into the ground;            but            (b) it does not include test pits and soak holes</p>			
<p><b>Building</b>  <i>means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed</i></p> <p>And by association:  <b>Accessory Building</b>  <i>means a detached building, the use of which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit</i></p>	<p>Clarification about how the building definition applies to infrastructure.</p> <p>For example, it is unclear whether network utility cabinets would be captured by this definition.</p>		<p>While Powerco appreciates the drafting approach generally does not provide for exemptions to avoid defacto rules, clarification on how the building definition applies to infrastructure is required.</p>
<p><b>Earthworks</b>  <i>means any land disturbance that changes the existing ground contour or ground level</i></p> <p>And by association:  <b>Land disturbance</b>  <i>means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land</i></p>	<p>Oppose as currently drafted. Powerco seeks amendments to clarify that earthworks captures a permanent change to ground level only.</p>	<p><b>Earthworks</b>  <i>means any land disturbance that <u>permanently</u> changes the existing ground contour or ground level.</i></p>	<p>The amendment sought will clarify that ground level change in the context of the earthwork definition is considered on completion of the activity, rather not temporary change during the work.</p>

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a <del>strikethrough</del> )	Reasons
<p><b>Functional need</b>  <i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment</i></p>	<p>Oppose as currently drafted. Powerco seeks amendments, or addition of a new definition.</p>	<p><b>Functional need</b>  means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment <u>or because there is a technical, logistical or operational characteristic or constraint.</u></p> <p>Or the addition of new definition - <b><u>Operational need</u></b>  <u>Means the need for an activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.</u></p>	<p>A definition for the functional need is required to acknowledge that network utilities will need to locate within particular environments due to functional requirements or constraints.</p> <p>However, there are also other considerations that may require infrastructure to locate in a particular environment, including operational need which differs from functional need. For example, needing to service development located in that area. An amendment to the definition for functional need or a new definition for operational need is required to acknowledge this.</p>
<p><b>Ground level</b>  <i>means—</i>  (a) <i>the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building:</i></p>	<p>Support.</p>	<p>No change sought.</p>	<p>Relates to the definition of Earthworks and is required for consistent application of rules.</p>

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a <del>strikethrough</del> )	Reasons
<p><i>(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building:</i></p> <p><i>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level</i></p>			
<p><b>Height [in relation to a district plan]</b>  <i>means the vertical distance between ground level at any point and the highest part of the structure immediately above that point</i></p>	Support.	No change sought.	This definition provides for consistency across plans and is a clear unambiguous definition.
<p><b>Height [in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement]</b>  <i>means is the vertical distance between the highest part of a structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level</i></p>	Support.	No change sought.	This definition provides for consistency across plans and is a clear unambiguous definition
<p><b>Infrastructure</b>  <i>has the same meaning as in section 2 of the RMA</i></p>	Support.	No change sought.	This definition provides consistency for plan users, and provides consistency with the RMA.

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a <del>strikethrough</del> )	Reasons
<p><b>Network utility operator</b> has the same meaning as in s166 of the RMA</p>	Support.	No change sought.	This definition provides consistency for plan users, and provides consistency with the RMA.
<p><b>Reverse sensitivity</b> <i>means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity</i></p>	Support.	No change sought.	Defines a concept common to all plans.
N/A – new definition sought	New definition for 'Lifeline utilities'	<p><b><u>Lifeline utilities</u></b> Means the utilities as defined in the <u>Civil Defence and Emergency Act 2002</u>, and their associated <u>infrastructure and services</u></p>	<p>Being clear about which network utilities are lifelines provides consistency across plans.</p> <p>Powerco, as a distributor of energy through a network operates and maintains assets across the North Island that are essential for the functioning of society and economy.</p>