Wellington Electricity Lines Limited: Feedback on the Draft National Planning Standards

To
The Ministry for the Environment

Sent via email to:
planningstandards@MfE.govt.nz

From:
Wellington Electricity Lines Limited (“WELL”)

Date 17 August 2018
1 Introduction

About Wellington Electricity

1.1 Wellington Electricity Lines Limited (‘WELL’) owns and operates electricity distribution network assets within the Wellington Region (Wellington City, the Hutt Valley and Porirua Basin). This network has a system length of 4,600km and serves around 165,000 connected consumers.

1.2 In operating the electricity distribution network, WELL is obliged under the 1991 Resource Management Act (RMA) to provide consumers with a safe, effective and secure supply of electricity across the region under the principle of Sustainable Management of natural and physical resources.

1.3 As a Network Utility Operator, WELL owns and operates critical1 high voltage linear networks in rural and urban environments of the Wellington Region. Consequently, WELL has particular interest in the development of National Planning Standards (NPS) that have the potential to impact their network’s operation and development (particularly in regard to critical infrastructure).

1.4 WELL provided early feedback on the draft NPS consultation documents released by the Ministry for the Environment (MfE) in 2017. In summary of this feedback WELL submitted on the following points:

- **Stand-alone provisions for infrastructure should be provided in National Planning Standards are preferred.**
- **Spatial recognition for critical infrastructure on NPS Planning Maps should be provided.**
- **GIS functionality would assist plan users.**
- **Removal of a zone by zone restriction for infrastructure provision is preferred.**
- **Provision of Industry recognised definitions and terms to be provided in the NPS is preferred.**
- **Providing appropriate references to the Electrical Supply Industry regulations and**

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1 Critical lines are high voltage lines that supply essential public services such as the hospital, civil defence facilities or Lifeline sites; or supply large industrial or commercial electricity consumers; or supply 1000 or more consumers; or are lines that are difficult to replace with an alternative electricity supply if they are compromised.
Whilst the level of recognition by MfE regarding WELL’s initial feedback is difficult to ascertain in the current NPS provisions (given that infrastructure specific provisions were removed at late notice from the first set of NPS)* – WELL is again appreciative of the opportunity to provide further feedback to MFE on matters that are now ‘indirectly’ applicable to the safe and efficient distribution of electricity to the communities and businesses of the Wellington region.

*Note: WELL acknowledge that matters specifically pertaining to infrastructure were removed from the current set of standards for reasons that will be addressed below. Notwithstanding the withdrawal of such provisions WELL contend that the provisions currently drafted for NPS release still have relevance to the electricity distribution network; and hence have been addressed within this draft NPS submission.

This submission is structured as follows – firstly a context is provided whereby WELL’s electricity operation is placed into the environment ‘policy’ setting of the current draft NPS documents.

The second part of this submission provides MfE notification from WELL regarding the desire for a NPS that is applicable to infrastructure providers such as electricity distribution network utility operators. This second component identifies WELL’s advocacy for such stand-alone infrastructure provision – alongside with that of the Electricity Network Association (this being reflective of a collaborative approach with sector advisory groups).

The third component of this submission addresses specific elements of the draft NPS. In particular comments have been provided by WELL in regard to the proposed NPS Mapping Standards, Definition Standards and Designation Standards.

Matters pertaining to planning document templates and set out have not been submitted on.
2.0 Context

Wellington Electricity

2.1 WELL’s interest in the draft NPS is to ensure that in operating (activities such as line maintenance, upgrading, repair) and developing (i.e., establishing new lines, or realigning existing sections of lines) the electricity distribution network, any national guidance on regional or district plan development are enabling from a regulatory perspective, when appropriate.

2.2 The feedback provided in this submission, whilst being provided by a Wellington Region based network utility operator, is aligned with industry group perspectives on NPS development through WELL’s involvement with the Electricity Networks Association (ENA). WELL has been in discussions with other ENA members how the proposed standards impact electricity distribution networks, and on how best to collaboratively contribute to the draft standards in a way to obtain effective traction with MfE.

2.3 WELL note that the draft NPS provisions contain little in the way of specific environmental content (rather they more effectively represent model templates for setting out planning document consistency); however, the provisions relating to Planning Maps, Designations and Definitions are considered to represent more decisive proposals in which WELL can provide relevant input (each of these elements will be addressed individually below in this submission).

2.4 Infrastructure–specific content has been removed from the current draft NPS as a stand-alone planning standard for infrastructure has been conceptually agreed to by MFE (as confirmed in the s32 Reports for Definitions). Through participation with the ENA, and in collaboration with the applicable Infrastructure Working Group, WELL is contributing to the development of this ‘standalone’ National Standard for Infrastructure.

2.5 Whilst indications from the MfE are that they are hopeful in adopting such specific Infrastructure Standards, if it will be adopted, or when such standards could in fact be adopted are not confirmed or committed to by Central Government at this stage. It is within this non-committal context that this submission has been prepared.

2.6 This submission is at a level appropriate to meet the current standards’ ‘lessened’ content expectation (particularly in regard to infrastructure provisions), whilst simultaneously advocating for appropriate amendments which will in effect ‘reserve’ consideration for future infrastructure – specific provisions.

2.7 Examples of these ‘place holders’ are in the Mapping Standards providing symbols for non-National Grid sub transmission lines; as well as in the Definitions applying appropriate references to the meaning of words and terms contained within corresponding legislation.

2.8 Having briefly outlined the context for this submission, the following section provides a general purpose submission point advocating for MfE adoption of a National Planning Standard for Infrastructure.
3.0 NPS Discussion Document Feedback

General Submission: Infrastructure Provisions

**WELL wish to register their support for a National Standard for Infrastructure Providers**

3.1 WELL wish to highlight to MfE that there is (and has been for some time now) significant Network Utility Operator support for the development and political agreement of a National Planning Standard specifically for infrastructure providers.

3.2 Many of the reasons behind a national direction on environmental planning matters are directly applicable to infrastructure providers such as WELL (i.e., consistency of terminology, cross boundary consistency). Consequently, WELL, in collaboration with other ENA member organisations, have been actively involved in providing input in to a comprehensive infrastructure planning template.

3.3 Such a template is a collaborative document that is currently being refined and “road tested” in a number of regulatory bodies and industry groups (as will be referred to within feedback to the NPS from other infrastructure groups).

3.4 Through providing this submission on the current draft NPS provisions, WELL wish to reiterate their support to MfE for such a National infrastructure planning template; and to notify the Minister for the Environment of the need for such a standard in the next round of national planning guidance.

3.5 WELL’s discussions to date with the Infrastructure Working Group managing the template’s development (as well as with MfE representatives themselves) has revealed that there is interest from the Minister regarding such a NPS; however, a firm commitment for such a standard cannot be forthcoming.

3.6 WELL will continue coordinating with the ENA and other infrastructure providers in refining the infrastructure planning template; and furthermore, from a more localised level will continue advocating for such a standardised approach through consistent messaging in regional and district plan submissions within the Wellington Region.

3.7 Further to the above, where appropriate key themes and messages already developed through the ENA - pertaining to the development and operation of electricity distribution networks - these will be applied to the submission points contained within this feedback.

3.8 Underpinning this general submission point why National direction is needed for Network Utility Operators is because electricity distribution operation and development is currently (in large) left to the discretion of piecemeal local level District Planning document formulation – and consequently such technical provisions are substantively proposed by regulators in an environment of competing land uses at the local level (i.e., residential land use and reverse sensitivity, subdivision and maintaining access rights, third party activities in close proximity to distribution assets that are not provided for under the NZECP:34).

3.9 WELL note that the other components of the country’s Electricity Supply Sector (namely Generation and Transmission) are currently enabled environmentally through National direction (i.e., NESETA and NPSREG) and consequently have explicit protections for their development and operation in District and Regional Plans.

3.10 The third integral element of the Electricity Supply Sector (Distribution) has no such mandated enabling provisions in local level planning documents – and hence is the reason behind the enthusiastic support from WELL for the development, and political adoption by MfE, for a robust infrastructure planning standard.
WELL seek that Critical Electricity Lines are provided for on District Planning Maps

4.1 WELL have reviewed the NPS s32 report relating to Mapping Standards, and agree that a more cohesive approach to basic elements on district planning maps is appropriate (in the context of this feedback such elements relate to the standardisation of infrastructure symbols on planning maps).

4.2 Notwithstanding WELL’s support for standardising zones, colour pallete, and common symbols on planning maps etc. (as stated in the NPS discussion document feedback in 2017), WELL wish to yet again request that Infrastructure that is critical for the ongoing functioning of communities and businesses be provided for on planning maps; and furthermore, that such recognition is provided for in the current set of NPS provisions.

4.3 The provision of critical electricity lines - i.e., those lines which are not contained within the National Grid network – are examples of infrastructure that is simultaneously regionally significant and critical (as lifeline utilities; see footnote 1) and that should be standardised on district plan maps through the NPS.

4.4 Criticality was a determining factor in the development of the new Christchurch District Plan, as well as the Whangarei District Plan, whereby critical electricity distribution lines have been provided on the planning maps – thereby explicitly advising plan users of the infrastructure, and to be mindful of such infrastructure when considering proposed subdivision or land use activities. Such standardisation on all district plans via the NPS will mandate assurances that critical lines traversing through one TA area are subsequently afforded the same status in abutting TA areas (cross boundaries).
4.5 As indicated above, WELL is working through the ENA to collaboratively develop infrastructure provisions with other infrastructure providers and MfE. Appropriate terminology and definitions are likewise being developed, which upon finalisation can be nestled or aligned with planning map provisions currently proposed in the draft NPS.

Note: Planning map recognition of non-linear elements of the distribution network (substations) will be provided for under the applicable designation notation on planning maps.

4.6 It is mentioned throughout this submission that a National Planning Standard applicable to infrastructure provision has been conceptually supported by the Ministry – however, the timeframe for such a standard is yet unspecified.

4.7 Regardless of when such a standard is to be released, WELL consider that the current NPS release provides the opportunity to enable such critical infrastructure to be provided for in a consistent way – as evidenced above from the excerpts from Christchurch and Whangarei District Plans.

4.8 By including symbols for critical electrical lines, Territorial Authorities will be required to identify such infrastructure on their respective planning maps, thereby notifying relevant parties (third parties) of their obligations to adhere to the current suite of industry regulations and guidelines (i.e., NZECP:34 and the Electricity (Hazards from Trees) Regulations 2003).

4.9 It is acknowledged through previous discussions with MFE, that National Planning Standards are not intended to replicate verbatim industry regulations or standards within District Plans. Upon this understanding the explicit provision of critical infrastructure on District Planning Maps, along with applicable advice notes within the District Plan text, represents a suitable means from which to highlight infrastructure provider concerns, whilst not imposing direct third party provisions that may emerge in future district planning documents.

4.10 Based on recent ENA discussions, WELL are aware that the Infrastructure Working Group is currently navigating through various sector groups (i.e., the Rural sector, Iwi etc.) and targeted testing
regimes regarding specific infrastructure provisions. Upon completion of the provisions, appropriate content for a future standard will be provided.

4.11 WELL contend in this submission point that spatially indicating critical electricity lines, that are not part of the National Grid, on District Planning Maps will not compromise such future infrastructure planning standards currently in development – but rather will compliment such provisions, whilst not compromising the District Plan in the intervening time (and in the event such infrastructure provisions are delayed in eventuating).
WELL consider NPS Definitions should align where appropriate with legislative definitions

5.1 Upon review of CM-1 WELL acknowledge that definitions that are used in district plans vary in level of detail and ease of interpretation due to ad hoc district plan development and isolated development.

5.2 In particular, WELL note in the CM-1 section 32 Analysis that:

“A variety of organisations, such as state-owned enterprises and infrastructure providers, regularly submit on plans across the country seeking standardised provisions to control their assets. In the absence of plan consistency or national environmental standards for many of these activities applicants need to comprehend a range of definitions”.

5.3 Based on this acknowledgment WELL is pleased that MfE are continuing to work with infrastructure providers to develop model infrastructure provisions – which will include specific network utility terms and definitions.

5.4 However, as made explicitly clear by MfE there is no determined commitment or timeframe to release infrastructure provisions. With this being the case WELL will continue submitting to MfE of the need for, and importance of, standardised network utility provisions; additionally, WELL will continue to pursue (via the notified submission process) agreed definitions and terms in all regional and district level plan changes that are, or will be, notified until such provisions are mandated through national guidance.

5.5 Whilst MfE remains somewhat non-committal to standardised infrastructure terminology, there is an explicit commitment not to include infrastructure related definitions within the current NPS. Consequently, a selection criteria has been applied in the NPS evaluation process (s32 Report) to specifically exclude infrastructure terms and definitions in the draft NPS.

5.6 Strangely, this contrasts the definition selection criteria ‘Infrastructure related’ (criteria 3) : in the evaluation analysis:

“Many infrastructure and large service providers frequently submit on plans, seeking to include standardised provisions to manage their activities in response to the different planning frameworks in each council. Standardising infrastructure definitions at the national level will help create more equitable planning processes for infrastructure providers in all parts of New Zealand. Furthermore, certain types of infrastructure have standard designs and operational requirements that only have small variations to reflect local conditions.”

As mentioned throughout this feedback, WELL understand why MfE has determined not to include infrastructure definitions – however, given the level of uncertainty as to whether or not an infrastructure NPS will be forthcoming, prudence dictates that the following submission point on the proposed Building definition is necessary for MfE consideration.

5.7 It is drawn to the attention of MfE that in the exclusion criteria, where the definition comes from

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legislation, it should be “verbatim” to mitigate against legislative amendments (as indicated in the s32 report).

5.8 WELL agree with this selection criteria – yet, the definition for ‘building’ as proposed does not draw upon the Building Act 2004.

As currently drafted in the NPS, ‘building’:

“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.”

5.9 WELL is concerned that the current definition is too vague as much of their assets are not considered buildings under the Building Act (i.e., small unmanned structure housing plant and equipment). In fact many of their structures are explicitly excluded from the building definition.

5.10 As a consequence, unmanned structures that are restricted from public access will be captured by the draft NPS definition – and therefore will be put through an unnecessary planning process (Note: substation control rooms or switch rooms are not buildings under the Building Act as they are unmanned and do not contain life safety systems/specified systems).

5.11 MfE’s stated reasoning for not adopting the Building Act definition is, in part because:

“...the Building Acts definition is not suitable for a planning context, as demonstrated by the number of District Plans that have definitions that significantly differ from the Building Act”

WELL consider that the criteria to include “verbatim” definitions from legislation is appropriate (to ensure legislative amendments are realised). The reason not to refer to the Building Act in the NPS building definition is not considered to be an effective National direction given the level of uncertainty and inconsistency with legislation that will undoubtedly ensue.

5.12 The RMA and Building Act are complimentary legislation (i.e., Land Use consent is in many cases given effect to under certification from the Building Act). MfE comments in the s32 report that “It is considered that the Building Acts definition is not suitable for a planning context...” is curious in this regard, and furthermore is not a sound rationale excluding the robust and well considered definition for ‘building’ contained within the 2004 Building Act.

5.13 WELL request that the MfE reconsider the draft Building definition – and adopt the Ministry’s own reasoning in providing verbatim definitions contained in the relevant legislation.

5.14 As provided by WELL in their 2017 NPS discussion document feedback – the following definition for building is recommended.

| Building: | Building has the same meaning as in sections 8 and 9 of the Building Act 2004. |
Appropriate background information, and conditions, for designations are contained within District Plans for ease of use.

6.1 This submission point covers two aspects; support for overlapping designations, and ensuring the balance of information to be contained within District Plans is appropriate for designations.

6.2 WELL support identifying primary or secondary designations, as recognising such levels provide a clear understanding of ‘overlapping’ designations for plan users and regulators.

6.3 An example of an overlapping designation applicable to WELL is that of a Transpower Grid Exit Point (GXP) being shared within a cadastral boundary that also contains a Zone Substation that is owned and operated by an electricity distribution network.

6.4 Whilst each organisation can co-habitat a piece of land within the same certificate of title, the operations of the two entities are spatially discreet, and consequently need to be subject to their own designation operation, maintenance and future development arrangement. Operational issues (technical) can be agreed to by mutual arrangement between the two parties outside of the RMA.

6.5 WELL also agree with district plans having links to conditions that maybe attached to individual designations. Such conditions will enable clear assessment criteria to be assigned to designation upgrades made through the outline plan process. Furthermore, should site conditions change over the life of the designation (i.e., surrounding land use) designation conditions will be able to be changed to suit changes to the surrounding environment.

6.6 WELL, however, is uncertain of the practicalities of providing all designation conditions within a District Plan schedule. Such a schedule has the potential to be quite voluminous – and therefore difficult for lay-plan users (i.e., contractors undertaking physical works within the designation footprint). If the intention was to have an electronic link to the relative designation conditions, then this represents a much more user friendly and workable option.

6.7 Reference in the standard to ‘other information’ is assumed to be a ‘placeholder’ for other information that may be relevant to the designation. WELL would expect such ‘other information’ to be information pertaining to outline plans applicable to the designated site – however if this is not the intent, further clarification should be provided in the text support the standard.
7.0 Conclusion

7.1 WELL has prepared appropriate feedback to MfE relative to the draft National Planning Standards currently being consulted on.

7.2 As a Network Utility Operator with assets traversing multiple district and regional council boundaries – WELL supports appropriate National direction in the form of National Planning Standards.

7.3 In providing this feedback, WELL seek to have specific concepts integrated in to the proposed NPS.

7.4 WELL understand that MfE are currently consulting on a National standard that is less content descriptive, and more directive as a template for Regional and District planning documents.

7.5 The reason a reduced amount of content is being proposed in the first draft set of planning standards is, in-part, to allow for the more directive sets of planning standards to be developed – infrastructure specific are one of these future standards being developed.

7.6 In providing this feedback, WELL is in support of the development of National direction on infrastructure development and operations; WELL is also in support of the Ministry preparing such provisions in partnership with technical experts and industry representatives.

7.7 The underlying purpose in providing this feedback is to ensure appropriate and consistent provision is made in the current standards for the safe and efficient operation of electricity distribution infrastructure.

Signature for and on behalf of Wellington Electricity Lines Limited:

Tim Lester