
UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE: 18 March 2020

CHAPTER SECTION TITLE: Energy and Infrastructure

SECTION TITLE/TOPIC: Update on Energy and Infrastructure workstream

PHASE: Draft Provisions & Section 32 Evaluation

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EXECUTIVE SUMMARY

<i>Summary of Preferred Option(s) endorsed by DPC</i>	<i>Further develop provisions based on recommendations made to the Committee on 05 December 2018, 27 March 2019, & 08 May 2019, including the adoption of the Orion Protection corridor and associated provisions for 33kV and 66kV lines.</i>
<i>Baseline Report link</i>	<i>Baseline Report</i>
<i>Preferred Option Report link</i>	<i>Preferred Options Report</i>
<i>Preferred Option Report link</i>	<i>Preferred Options Report</i>
<i>Previous Workshop Report</i>	<i>Workshop Report</i> (Internal document)
<i>Recommendation/Next Steps</i>	<i>That the Committee endorses:</i> <i>(i) the proposed amendments to the Energy & Infrastructure Chapter identified within Section 2.0;</i> <i>(ii) the preferred option (option 3) within Section 3.0; and</i> <i>(iii) the continued refinement of draft provisions contained in Appendix 1, subject to any amendments agreed by DPC at the Workshop.</i>

1.0 Introduction

The purpose of this report is for the District Plan Committee to confirm:

- the general approach of the Energy and Infrastructure Chapter;
- approve the amendments made from the previously endorsed options;
- approve the requirement (if any) for the provision of water for firefighting purposes.

2.0 Energy and Infrastructure amendments

Generally the provisions of this Chapter have remained the same with most activities maintaining the same level of permissiveness or restriction. They have only undergone a repackaging for the sake of clarity and consistency with the desired outcome of improving the effectiveness and efficiency of the District Plan.

The amendments of note are:

Electrical Code of Practice (COP)

References and requirements to comply with the COP have been removed from the rules and rule requirements. Reference to this document and the Electricity (Hazards from Trees) Regulations 2003 have been included in the chapter overview, and rule note for plan users. This reference states that these are mandatory documents that are required to be complied with, and that compliance or permission under either these documents does not provide permission under the District Plan and vice versa.

The reason for this amendment is that to be consistent with other DPC endorsements where third party documents are not to be referenced and included into the District Plan unless it was legally required, or it is a non-statutory standard which will form part of the Rule Requirements of the District Plan. Inclusion of the COP would have meant that the Selwyn District Council would be acting as the regulators of a third party document which it had no part in developing, and would bear any associated costs involved with this. Additionally, removal of the COP provisions from within the Proposed District Plan significantly 'cleans up' the provisions making them easier to use and enforce.

Previously Stakeholders have been mixed on the inclusion of the COP into the Proposed District Plan, with the electricity associated companies wanting its inclusion primarily due its poor visibility and community knowledge of it, and the farming associated stakeholders who did not want its inclusion due to it already being a mandatory document outside of the District Plan.

Orion Corridor Setbacks

Previously Orion has requested that we include a 10m setback from the centreline or foundation of their 66kV double circuit line, and 5m from any 33kV – 66kV single circuit line. Additionally they have requested a 6m setback for fences.

The primary reason for this suggestion was that Orion believes the COP does not adequately fulfil the requirements of Health and Safety Act, and that larger setbacks would be required.

On review of how this related to the COP, it was found that the 10m setback would be more stringent than the COP, the 5m setback would be more lenient, and the 6m fence setback would be more stringent.

Given this, it is recommended that the 10m setback and 6m fence setback be maintained within the provisions, and the 5m setback be removed.

Customer Connections

Previously this was restricted to only connections servicing residential units. This has therefore been expanded to all connections provided by a network utility operator.

Substation Setback

The draft provisions previously contained a 100m setback for all sensitive activities to 33kV substations or higher. On review of this, no justification existed for this setback as the potential effects of the substation are assessed and dealt with through the designation process, with one of the reasons supporting them is there being no effect beyond the boundary containing the substation. This would make a 100m setback redundant and place undue restriction on land owners.

Additionally, recently substations of this size and larger have established within residential areas of West Rolleston, which means any vacant land would then require resource consent to develop.

Therefore, it is recommended that this setback provision be removed.

Vegetation Setbacks

It is recommended that the previously endorsed option which included a restriction on the planting of vegetation within 5m of the centre line of a significant electricity distribution line and within the land transport corridor, where the vegetation would grow to more than 3m, be removed.

The Electricity (Hazards from Trees) Regulation 2003 provide restrictions on plantings where they can affect electricity lines, and therefore there is no reason to duplicate these restrictions within the District Plan.

Wastewater Treatment Plant

As currently drafted, this rule specifies that if SDC wish to establish a wastewater treatment plant, it would do so as a discretionary activity if located within the rural or industrial zone. However, no provision has been made for any other person (non-SDC) to establish a wastewater treatment plant. It is recommended that this restriction be removed, and for this rule to apply to any person wishing to establish a wastewater treatment plant

Electricity Cabinets and EV Charging Stations

It is recommended that electricity cabinets be given its own rule as it was previously dealt with under a general kiosk rule. Furthermore, EV charging stations were not provided for within the proposed provisions, and it is recommended that they be considered under this rule as well.

Renewable Energy

Previously this was its own standalone chapter. However, it is recommended that this topic be included into this chapter for the sake of clarity, and simplifying the District Plan. The provisions have been repackaged since DPC last reviewed these provisions, but the general approach has remained unaltered.

Emergency Services

Previously these activities have been provided for within the zone specific chapters. However, with the creation of a new definition for 'important infrastructure' to replace definitions for; 'critical infrastructure', 'significant infrastructure', 'regionally significant infrastructure', 'and strategic infrastructure', this has meant that this activity will be brought into the Energy and Infrastructure Chapter.

3.0 Provision of water for firefighting purposes

Previously the issue of the provision of sufficient water for fighting purposes for residential and non-residential development has been raised with DPC, with the outcome being the continual consideration and development of options to be presented to DPC at a later date. These options have been assessed and are presented below.

FENZ have developed a non-statutory Standard (SNZ PAS 4509:2008) addressing the supply of water for firefighting purposes. As an indication of the requirements of the Standard, a residential unit located in a non-reticulated area would be required to store 45m³ of water on-site. For a non-residential development the volume required could range between 180m³ to over 2,000m³ depending on the nature and size of the development. For context, a standard 25m swimming pool holds approximately 125m³ of water.

Option 1 – Complete compliance with the Standards

What: This option would require habitable buildings to achieve compliance with the Standards, and if this was not achieved then resource consent would be required.

For:

- Ensures adequate water supply is provided.
- Requires the ability to access the water (ie. provision of suitable couplings on tanks, as opposed to accessways to a property) to be of a FENZ Standard.

Against:

- Places a mandatory cost on land owners.
- Would place a significant water supply requirement on commercial development.
- Would have a visual amenity effect by requiring several water tanks for each development.
- Associated difficulties and costs with compliance and monitoring.
- Volume is potentially too onerous.
- Would be creating a resource consent issue by requiring 3rd party approval to avoid a notification process.

Option 2 – Reduced compliance with the Standards

What: This option would see a requirement to fully comply with the standards in certain aspects, such as the ability to access the water (couplings etc). However, there would be a divergence from the Standards in the required volume of water to be stored, with a reduced volume being used. This option would not preclude voluntary compliance with the Standard.

For:

- While a mandatory cost would still fall on the land owner, it would be less than that required for Option 1.
- As per above, while there would be a visual amenity effect from the requirement to have water tanks for each development, this effect would be less than that of Option 1.
- Ensures that at least some water is available for firefighting.
- Requires the ability to access the water (as opposed to accessways to a property) to be of a FENZ Standard.

Against:

- A mandatory cost and visual effect will still occur.
- Uncertainty about what the reduced volume should be for both residential units and non-residential development, with any volume being purely arbitrary.
- Does not provide enough water for use as per the FENZ Standard.
- Associated difficulties and costs with compliance and monitoring.
- Would be creating a resource consent issue by requiring 3rd party approval to avoid a notification process.
- It is anticipated that this option may result in an appeal of the District Plan to the Environment Court by FENZ.

Option 3 - Have the Standard as an advice note only

What: This option would see no mandatory requirement to comply with the Standard, but the existence of the Standard will be highlighted to plan users as an advice note. This option would also see an amendment to the matters of control/ discretion for subdivision where the supply of water for firefighting purposes would no longer be considered in areas where an urban reticulated supply does not exist. This option would not preclude voluntary compliance with the Standard.

For:

- No mandatory cost on land owners.
- No requirement for water storage facilities which may have a visual effect on the surrounding landscape.
- Removal of a potential 3rd party approval requirement from the District Plan.
- No compliance or monitoring obligations for Selwyn District Council.

Against:

- It is anticipated that this option may result in an appeal of the District Plan to the Environment Court by FENZ.
- Relies on landowners to voluntarily provide for their own fire safety, and where not provided, the risk to people and property is increased.

Preferred Option

Option 3 is the preferred option for the reasons discussed above. In addition, it is noted that:

- The Resource Management Act 1991 has a principled approach that if the effects of an activity occur on the person who is responsible for the activity then these effects should be disregarded. In this situation, if a land owner does not provide adequate water supply for firefighting then they are increasing the risk on themselves, and this effect should be disregarded. This approach is consistent with similar issues throughout the District Plan, most notably only requiring vegetation wildfire setbacks to neighbouring principal buildings, and not placing any restrictions on vegetation in proximity to the landowner's principal buildings. However, this is contrary to some approaches taken other types of natural hazards, such as for flood hazard where a minimum floor height is required. However, this contrary approach is deemed appropriate as aspects that are controlled within the District Plan relate to clearly identified areas such as flood hazard areas, and fault avoidance areas, rather than apply district wide.
- There is an element of personal responsibility in regard to this issue, and a question over if the District Plan should be performing this role. It is in the self-interest for a land owner to comply with the standards for their own and others personal safety, the protection of possessions and structures, and associated insurance costs.
- As the compliance with the Standard would be a permitted activity rule requirement, and failing this would require written approval from FENZ to prevent notification of the consent application, this effectively creates a 3rd party approval process which should be avoided.
- This approach is consistent with the plan wide approach of removing 3rd party documents that the Council has not or will not have any say in developing, unless the District Plan process absolutely required it for operation, or if there was a statutory requirement for their inclusion.
- Ultimately, this option does not prevent compliance with the Standard, and any land owner seeking to comply with the Standard would be enabled throughout the District Plan.

4.0 Recommendations

The Project Team recommends that the Committee endorses:

- (i) the proposed amendments to the Energy & Infrastructure Chapter identified within Section 2.0;
- (ii) the preferred option (option 3) within Section 3.0; and
- (iii) the continued refinement of draft provisions contained in Appendix 1, subject to any amendments agreed by DPC at the Workshop.

Appendix 1: Proposed Provisions

Bari Link (41 pages)

[18 March 2020 Workshop Report 4 Appendix 1- Energy and Infrastructure Draft Provisions v2](#)