

WELLINGTON CITY COUNCIL

DISTRICT PLAN

REPORT OF HEARING COMMITTEE

SUBJECT: PLAN CHANGE No. 14 – ABOVE GROUND UTILITIES

HEARING COMMITTEE: Cr Piper (Chair)
Cr Hutchings
Cr Gill

DATE OF HEARING: 25 August 2004

1. RECOMMENDATIONS

1. *That Proposed Plan Change 14 be approved as notified on 18 December 2002 with the following amendments:*

(a) *That the explanatory statement to Policy 22.2.1.3 be amended to read:*

*Council acknowledges that locating services underground incurs extra cost and difficulty, particularly in existing urban areas. It will nevertheless require resource consent for **new overhead line networks**, including new technologies, to control any adverse effects and cumulative effects of utility networks. **In assessing applications Council will have regard to any technical and operational constraints on operators if undergrounding is to be achieved.***

(b) *That the proposed new standard and term to be inserted into discretionary activity Rule 23.3.4 be amended to read:*

*No new support structure is erected, **except in any of the following cases where no more than one new support structure is required to:***

- **re-route existing overhead lines that cross private property**
- **meet safety standards**

2. *That all submissions and further submissions be accepted or rejected to the extent that they accord with the above recommendations.*

2. REASONS

A total of 8 main submissions (including 1 late submission) and 7 further submissions were lodged in respect of Proposed District Plan Change 14. TelstraClear requested that a letter be tabled at the hearing that effectively accepted the recommendations in the officer's report.

The Committee gave careful consideration to all of the issues raised by the submitters including those issues elaborated on in presentations made by parties who appeared before the Committee, and further information provided by some of the submitters after the hearing.

It was noted in the officer's report and at the hearing that the Proposed Plan Change was developed in response to issues relating to the implementation of Rule 23.1.2 and a need to address the environmental effects of overhead lines.

Saturn had utilised Rule 23.1.2 to establish its overhead line network in the mid to late 1990s. Complaints were received regarding the thickness and location of these lines. Litigation was initiated by a community group and Council then commissioned a number of reports looking at how to best deal with the issue of the management of overhead lines and the initiation of undergrounding.

The outcome of these reports is that Rule 23.1.2 and Policy 22.2.1.4 are considered to be redundant as their objective has been achieved, and that overhead line networks have actual and potential adverse effects on the environment that need to be assessed on a case-by-case basis.

Prior to the development of the Change Council had in addition to the above reports, undertaken consultation with network utility operators to determine the nature of existing and proposed infrastructure, and operational and technical requirements.

From the evidence presented in the submissions, and at the hearing the main issues of concern were:

- Deletion of the term “where appropriate” from Policy 22.2.1.3;
- A lack of distinction between transmission and reticulation lines;
- Deletion of Rule 23.1.2 and Policy 22.2.1.4; and a lack of recognition of the benefits of co-location of utility networks
- Addition of standard and term in Rule 23.3.4 – “no new support structure”

Policy 22.2.1.3

The Committee is of the view that the proposed deletion of the term “where appropriate” from Policy 22.2.1.3 will better meet the purpose of the Act and provide a balance in the objectives and policies between the efficient development and maintenance of utility networks and the management of any environmental effects, in light of the recognition that the actual and potential adverse effects on the environment from overhead line networks need to be assessed on a case-by-case basis under the consent process.

Meridian Energy Limited (“Meridian”), Transpower New Zealand Limited (“Transpower”), UnitedNetworks (“Vector”) and Telecom New Zealand Limited

(“Telecom”) all oppose the deletion of the term “where appropriate” on the basis that in removing this term, Council is indicating that it is no longer willing to consider the technical, practical, economic and regulatory constraints on operators in placing their networks underground.

Technical, operational and economic constraints are already and will continue to be recognised in Plan provisions; namely Objective 22.2.1, Policy 22.2.1.2, and assessment criteria 23.3.4.4 and 23.4.2.2.

Reticulation versus Transmission Lines

Transpower has requested that Policy 22.2.1.3 refer to “utility network reticulation lines” thereby effectively removing the National Grid (transmission lines) from this policy. Transpower also requested in association with this, that an amendment to the definition of “Line” be made to effectively exclude transmission lines.

The Committee did not accept this distinction as it considered that overhead line networks should be treated the same in the Plan regardless of their function. Any constraints in achieving undergrounding as a result of the size, nature and location of the overhead line network in question are to be assessed on a case-by-case basis under the consent process. It is considered that constraints are adequately addressed in assessment criteria under Rules 23.3.4 and 23.4.2, and in Objective 22.2.1 and Policy 22.2.1.2.

The Committee questioned Transpower’s representative as to whether a distinction between voltages and/or rural versus urban environments would be appropriate. Transpower provided further information via e-mails of 30 August 2004 that effectively stated that a voltage distinction would not be helpful as each new line was assessed on a case-by-case basis regardless of voltage, taking into account technical ability to underground, economic constraints, and supply and demand. In terms of undergrounding in the rural versus urban environment, the potential difference in amenity values is already addressed in the consent process through assessment criteria; in particular 23.3.4.6 and 23.4.2.3.

Rule 23.1.2 and Policy 22.2.1.4

Vector and PowerCo Limited (“PowerCo”) oppose the deletion of Rule 23.1.2 and Policy 22.2.1.4 on the basis that the deletion of these provisions takes too broad brush an approach to utilities and fails to recognise the benefits in co-locating existing and new technology.

Council has concluded following a number of reports assessing the management of overhead line networks, that such networks have actual and potential adverse environmental effects that need to be addressed through the consent process. Whether the co-location of a new overhead line network for the purposes of new technology is appropriate will be assessed on a case-by-case basis under either Rules 23.3.4 or 23.4.2 (depending as to whether a new support structure is required and for what purpose); in particular assessment criteria 23.3.4.3 and 23.4.2.1 require that Council have regard to the following in assessing any consent application:

The extent to which the size and scale of the proposed new or additional lines is in keeping with the size and scale of any overhead reticulation which exists.

The benefits of co-location need to be considered alongside the amenity effects that may result from an accumulation of overhead lines and associated infrastructure.

Rule 23.3.4 – “no new support structure”

Meridian, Vector, PowerCo and Telecom all oppose the addition of this new standard and term. The submitters cited specific instances where activities they undertake currently require consent to a Discretionary (Restricted) Activity, but that following the Plan Change would require consent to a Discretionary (Unrestricted) Activity.

The following were examples given of instances when an additional new support structure would be required:

- To provide a connection to a new customer
- Where lines cross private property and there is a need to divert the lines back on to the road reserve
- For subdivisions - where the nature of the terrain prevents undergrounding cables and hence necessitates the installation of an overhead supply
- For subdivisions - to connect a new site from an existing overhead network which requires the line to cross over a road
- To ensure compliance with safety requirements with regard to clearance distances (Refer to Code of Practise: NZECP 34)

Following consideration of the above the Committee considered that while the effects of an overhead line network with additional new support structures are potentially greater than an overhead line network with no additional support structures, there are instances where it would be unreasonable to require consent to a Discretionary (Unrestricted) Activity where only one additional new support structure is required to:

- (a) Reroute existing overhead lines that cross private property
- (b) Ensure compliance with safety requirements

In conclusion, the Committee was satisfied that Plan Change 14 as amended would achieve the purpose of the Resource Management Act 1991 by addressing the actual and potential adverse environmental effects of overhead lines (and associated infrastructure) while recognising the operational and technical constraints on network operators, and would provide a more effective method of achieving the objectives and policies of the District Plan.

Sue Piper
Chairperson, Hearings Committee

