

Chapter 15

NETWORK UTILITIES AND TRANSPORT SYSTEMS

PREAMBLE

Section 5 of the Act states that:

The purpose of this Act is to promote the sustainable management of natural and physical resources.

This section also makes it clear that this should be conducted:

in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while...

Certain activities and functions designed to serve people and communities are essential if these criteria are to be met. To this end the Act accords those undertaking them special status as *network utility operators*.

Section 166 of the Act defines a network utility operator as a person who:

- (a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or*
- (b) Operates or proposes to operate a network for the purpose of telecommunication or radio communication as defined in section 2(1) of the Telecommunications Act 1987; or*
- (c) Is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or*
- (d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or*
- (e) Undertakes or proposes to undertake a drainage or sewerage system; or*
- (f) Constructs, operates or proposes to construct or operate, a road or railway line; or*
- (g) Is an airport authority as defined by the Airport Authorities Act 1966 for the purpose of operating an airport as defined by the Act; or*
- (h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or...*

Because of similarities and overlap between transport and network utilities, the title and content of this chapter includes “transport systems”. However transport systems include ports which are not part of section 166.

Returning to network utilities, the principal effect is that, in sections 167 to 186 of the Act, mechanisms are set whereby a network utility operator may become a *requiring authority* and require that a territorial authority create a *designation* in its district plan to enable the operator to undertake necessary

works for the proper functioning of the network utility.

Notwithstanding the creation of a designation in a district plan, a network utility operator may still be required to secure a resource consent from the Regional Council for works that affect matters over which it has jurisdiction - as set out in section 30 of the Act. Whether or not resource consents are granted, and if so on what conditions, will be determined by the Act and having regard to the provisions of this RPS and any relevant regional or district plans.

Having said that, the Regional Council recognises the importance of network utilities and transport systems to the region's social and cultural well being and for the health and safety of its inhabitants.

In recognition that the definition of "Network Utility Operator" is used for a specific purpose in the Act as set out above, in the context of this RPS "Network Utility" shall have a similar meaning to "Network Utility Operator", but for the purpose of clarification shall include:

- (a) The use, development or protection of natural and physical resources associated with a network and/or uses associated directly with a network, not just the actions undertaken by a "network utility operator"; and
- (b) All the activities ancillary and secondary to the use, development or protection of the natural and physical resources associated with a network utility.

ISSUES:

15.1 The functioning of network utilities and transport systems for the region's well being.

15.2 Adverse effects on natural and physical resources that may arise from the functioning of network utilities and transport systems including those on soil conservation, water quantity and quality, habitats, and visual, amenity and landscape values and the coastal environment.

Although the region is linked to other parts of New Zealand by road, rail, sea and air services it remains physically and geographically remote. The population is low and is widely dispersed over a distance of 650 km. This highlights the importance of network utilities and transport systems, both intra and interregionally.

Network utilities and transport systems provide essential services which have considerable social and economic benefits both regionally and nationally. It is important that people and communities within the region are adequately served by network utilities and transport systems. There are provisions in the Act for emergency work to be undertaken immediately to restore the works or structures associated with network utilities if damaged or destroyed. After the work is done, the network utility operator may be required to apply for a retrospective resource consent. It is important that

the essential roles and functions of network utility operations are given due and proper recognition and that they are protected from other land use activities. However, it is also important that the construction, maintenance and enhancement of their facilities do not adversely affect other natural and physical resources. Therefore, like any structures associated with transport systems, they need to be considered in the context of the objectives and policies in other chapters of this RPS. For example the movement of heavy or bulky goods by road, both within the region and to other regions, may have a greater adverse effect on the environment than the transport of the same goods by rail or sea.

Resource consent applications involving network utility or transport systems will be assessed on the basis of their environmental effects.

OBJECTIVE 15: Enable the functioning of network utilities and transport systems, while avoiding, remedying or mitigating adverse environmental effects.

NETWORK UTILITIES POLICIES

POLICY 15.1 Recognise the importance of network utilities and transport systems for the needs of people and communities, provided that this is not inconsistent with other policies in this RPS.

Policy 15.1 corresponds with Energy Policy 14.1.

POLICY 15.2 Promote the sustainable management and efficient use of network utilities and transport systems within the region.

Policy 15.2 corresponds with Energy Policy 14.2.

Cross reference policy 15.1
Habitats and Landscapes policy 9.4, Coastal Environment policy 10.1.3.

Cross reference policy 15.2
Energy policy 14.2; Habitats and Landscapes policy 9.4 and Coastal Environment policy 10.1.3

METHODS

- 15.1 Liaise with network utility and transport managers/operators through the planning process and make available information about this RPS.
- 15.2 When considering requirements and resource consent applications relating to network utilities and transport systems, ensure that people and communities within the region are adequately served in order to provide for their social, economic and cultural well being and their health and safety. Decision makers should also have regard to the need to avoid, remedy or mitigate any adverse effects on the environment. District councils will be encouraged to include relevant provisions in district plans. Energy efficiency may be another relevant factor. Operations such as vegetation removal or trimming, required to ensure integrity of the network utility or transport system, also need to be allowed for.
- 15.3 Promote compliance with selected industry codes of practice.
- 15.4 Encourage provisions in regional and district plans for the siting of structures owned and operated by network utility and transport managers/operators in order to:

- (a) avoid, remedy or mitigate adverse effects of other land use activities; and
 - (b) ensure that land use activities do not adversely affect the safe and efficient operation of network utilities and transport systems.
- 15.5 Communicate with adjacent regional councils in order to develop consistent approaches to network utility and transport operations, particularly those whose functions cross regional boundaries.
- 15.6 Apply section 330 of the Act to enable network utility operators to carry out emergency repair works.
- 15.7 Include provisions relating to land transport in the Regional Land Transport Strategy.

EXPLANATION

Network utilities and transport systems are essential elements of the region's infrastructure. Their continued operation and expansion, where this contributes to both the needs of the community and the efficiency of the particular network concerned, should be provided for and protected from the adverse effects of other land use activities. As an example, the state highway and rail networks are important national and regional links, for tourism and linking communities. In recognition of this there should be provisions, relating to emergency situations, that allow drainage, winning of material, construction and movement of material. Aspects of these will be included in regional and district plans, and the Regional Land Transport Strategy. However, the Regional Council has some responsibility for management of any adverse effects on the environment. Policies 15.1 and 15.2 acknowledge both the importance of network utilities and transport systems and the possibility of adverse effects arising from their operation, maintenance and construction (see explanation to Policy 9.4).

Both policies recognise the overlap between network utilities and energy. Accordingly they correspond with policies in chapter 14 (Energy)

Sections 29F to 29M of the Land Transport Act 1993 require the Regional Council to have a Regional Land Transport Strategy (RLTS) for the West Coast. This Strategy identifies future land transport needs, the safest and most cost effective ways of responding to such needs (having regard to environmental effects) and identification of the role of each mode of land transport in the region. It must also include any regional passenger transport plan. The RLTS relates to network utilities and transport systems because they include those persons who construct operate or propose to construct or operate a road or railway line under section 166 of the Act. The Land Transport Act also states that nothing in the RLTS shall be inconsistent with the provisions of this RPS.

When considering resource consent applications by network utility operators, the Regional Council will be responsible for managing the effects of activities that affect river channel, land and structure stability or involve land disturbance, earthworks and, in the CMA, the creation of noise. These activities will be classified according to criteria in the Soil Conservation and Erosion Control Plan. The Regional Council is also responsible for

managing the effects of discharges of contaminants that arise from the activities of network utility and transport operators.

ANTICIPATED ENVIRONMENTAL RESULTS

15. Safe and efficient operation and expansion of network utilities and transport systems, while adverse effects on the environment associated with the maintenance, enhancement and operation of network utilities and transport systems are avoided, remedied or mitigated.