

SECTION 32AA CONSIDERATIONS

This is a Section 32AA evaluation of the issues raised in the rebuttal evidence of Ms Oliver¹ and Mr Joll² and to provide further evaluation to support my evidence. The text amendments sought to the Christchurch District Plan are outlined in my EIC however, for ease I have appended these to this assessment as **Appendix One**.

Setback Clearances to Lower Voltage Lines

- 1 Setback clearances are sought via the new rule outlined in **Appendix One** to this assessment.

Efficiency and Effectiveness		
Economic	Costs	<ul style="list-style-type: none"> - Costs to developers and landowners associated with a resource consent for development that does not meet the required setback clearances. - Additional administrative costs to Council.
	Benefits	<ul style="list-style-type: none"> - Provides more clarity and certainty around setbacks and clearances. This will ensure that developers and landowners are aware of and understand what the required clearances are early on in the development process and factor this in as part of development costings. - Allows Orion to continue to operate, maintain and upgrade the electricity distribution network assets to meet network load. - Removes remedial costs associated with breaches of NZECP 34:2110. Without this proposed mechanism in place, development with significant impacts on the safety and operation of the lower voltage lines will likely occur, putting Orion in a difficult position of having to address safety issues retrospectively and at a cost to the landowner.

¹ Rebuttal Evidence of Ms Oliver, Strategic overview and directions, and Qualifying Matters in relation to Airport Noise, City Spine, Lyttelton Port, Railways Lines, Tsunami Management Ares, dated 9th October 2024, paragraphs 36-40, pages 10-12.

² Rebuttal Evidence of Mr Joll, Kainga Ora – Homes and Communities, dated 9th October 2023, paragraphs 3.1-3.10, pages 1-4.

Environmental	Costs	- There are no environmental costs as a result of the proposed rule.
	Benefits	- The amenity of occupiers of residential units is not compromised as the proposed setbacks will avoid under build and activities locating close to overhead electricity distribution lines and the support structures and conductors.
Social	Costs	- There are no social costs as a result of the proposed rule.
	Benefits	- Public safety
Cultural	Costs	- There are no cultural costs as a result of the proposed rule.
	Benefits	- There are no anticipated cultural benefits as a result of the proposed rule.
Risk of Acting or not acting		<p>There are risks for not acting and these relate to:</p> <ul style="list-style-type: none"> - Health and safety is a consideration under Section 5 of the RMA and without the proposed rule safety could be compromised. - If remedial works are required there will be an associated cost and this is borne by the landowner. - There will be a need to rely on NZECP 34:2001 which is not sufficient on its own to ensure clearances and setbacks are met.
Efficiency		
<p>The costs associated with the recommended rule are not likely to be significant on the community, while there will be administrative costs for Council and for the applicant this avoids the remedial costs to landowners where setbacks clearances are breached. Further, the recommended rule is a proactive and efficient method providing important complementary and practical protection for Orion's assets.</p>		
Effectiveness Assessment		
<p>The proposed rule is considered to be the most effective means of achieving the objective(s) as it will:</p> <ul style="list-style-type: none"> - ensure developers are aware of the setback clearances upfront and early on in the development process. - avoids the need for remediation of NZECP 34:2001 breaches. - ensure an appropriate level of safety is achieved. 		

<ul style="list-style-type: none"> - provides an integrated approach to provide complementary support and management of the issue. - assist with public and regulatory awareness - assist with maintenance of public safety - assist with the protection of strategic and regionally important infrastructure. 	
Alternatives Assessment	
<p>Status Quo – no setback rule specified in District Plan for the lower voltage lines.</p>	<p>This option would rely upon NZECP 34:2001. As previously outlined this method cannot be relied upon for the following reasons:</p> <ul style="list-style-type: none"> - many landowners, developers, contractors and council staff are unaware of NZECP 34:2001 - NZECP 34:2001 does not provide specific detail for safety issues regarding sensitive activities in proximity to lines. - NZECP 34:2001 is written in complex and technical language making it challenging to read, follow and understand. - There is no requirement within NZECP 34:2001 to engage with or notify electricity distributors of a proposed development. <p>As a consequence of the above Orion often becomes aware of incompatible development after it has been designed and electricity capacity/connection inquiry is submitted. Worse still when the incompatible development is underway or built, or when upgrades, maintenance or repairs to lines are undertaken.</p>
<p>Alert on a Land Information Memorandum (LIM)</p>	<p>An alert on a LIM is not considered a robust method to respond to a health and safety matter.</p> <p>I understand a LIM is typically sought as part of property transaction due diligence so would not cover a situation where a property transaction is not occurring. This would leave a gap.</p>
<p>Advice note within District Plan</p>	<p>Relying on an advice note is not a robust method to ensure compliance with a health and safety matter as it relies on landowners and developers reading the District Plan and the advice note.</p>

New Servicing Standard

- 2 Orion has sought a new servicing standard to be inserted within the MDRS and HDRZ as outlined in **Appendix One**.

Efficiency and Effectiveness		
Economic	Costs	<ul style="list-style-type: none"> - Economic costs associated with accommodating the proposed land area to be set aside for electricity servicing equipment on sites. - Additional compliance costs for Council as a result of the additional rule.
	Benefits	<ul style="list-style-type: none"> - Allows a suitable engineering solution to be found early on in the development process. - Retrospectively addressing the need for space may result in the need to find an alternative location for servicing equipment. The alternative location for servicing equipment is often within the road reserve or a Council reserves which Council often has difficulty with. Obtaining an easement to locate infrastructure within council reserves can involve a considerable amount of time.
Environmental	Costs	<ul style="list-style-type: none"> - There are no environmental costs associated with this servicing standard.
	Benefits	<ul style="list-style-type: none"> - The location of kiosks within a site avoids visual amenity affects that might arise from locating servicing equipment within the road reserve or other locations such as Council reserves.
Social	Costs	<ul style="list-style-type: none"> - There are no social costs identified.
	Benefits	<ul style="list-style-type: none"> - There are no social benefits identified.
Cultural	Costs	<ul style="list-style-type: none"> - There are no cultural costs as a result of the proposed rule.
	Benefits	<ul style="list-style-type: none"> - There are no anticipated cultural benefits as a result of the proposed rule.
Risk of Acting or not acting		<p>There are risks associated with not acting and these relate to:</p> <ul style="list-style-type: none"> - The need for an alternative location for servicing equipment. It is noted that Orion experiences a strong reluctance from Councils to locate kiosks in road reserve due to the location of other services in the road reserve.

	<ul style="list-style-type: none"> - Locating infrastructure in the road reserve increases the likelihood and risk of vehicles hitting the infrastructure as opposed to locating infrastructure within a site. - Orion have estimated that the potential for 544,000³ plan enabled houses would result in the requirement for an additional 12,000 kiosks to service the additional houses.
Efficiency	
<p>The costs associated with the recommended rule are not likely to be significant on the community and represent an efficient method to ensure servicing equipment can be accommodated. There will be compliance costs for Council however the proposed servicing standard will ensure servicing space is accommodated within development sites and avoids the need to locate these within road reserve and within council reserves. Further there are costs either way as Orion is required to work with Council to enable infrastructure in parks and reserves.</p>	
Effectiveness Assessment	
<p>The proposed rule is considered to be the most effective means of achieving the objective(s) as it will:</p> <ul style="list-style-type: none"> - Provide a trigger point to ensure developers are aware of the servicing standard early on in the development process and to initiate early engagement with Orion. - Ensure servicing space is provided on site and avoid the need to accommodate off site in a less desirable location. 	
Alternatives Assessment	
No servicing standard/status quo	This option would rely on developers consulting with Orion to understand servicing requirements. If this is not undertaken early on in the process accommodating electricity servicing equipment can become progressively more difficult.
Advice note within the District Plan	Relying on an advice note is not a robust method to ensure early engagement and provision of servicing equipment within a development.

³ Evidence of Sarah Oliver, Strategic Overview, Strategic Directions Chapter 3, Qualifying Matters relating to Strategic and City Infrastructure and Coastal Hazard, Dated 10 October 2023 paragraph 6.14, page 24

APPENDIX ONE: TEXT AMENDMENTS TO THE CHRISTCHURCH DISTRICT PLAN

Orion's requested insertions shown using red underline and deletions are marked as strikethrough. I have used the formatting contained in the notified

1. Setback Clearances to Lower Voltage Lines

The following new clause and amended clause is to be inserted as part of the Non-Complying Activity Rules within the MDRZ, Commercial Zones, High Density Residential Zones:

'a. Sensitive activities...

...within 3m of the outside overhead conductor of any 11kV, 400V or 230V electricity distribution line.'

b. Conductive Ffences within 5m of 66kV, ~~or~~ 33kV, 11kV, 400V or 230V electricity distribution line support structure foundation.

2. New Servicing Standard Rule

The following new rule is to be inserted within the MDRS and HDRZ.

Activity

PX The establishment of a new, or expansion of an existing sensitive activity.

Activity specific standards

a. Either a land area of at least 5.5m² is provided at the boundary closest to the road reserve for electricity equipment and infrastructure, or confirmation is provided from Orion New Zealand Limited that it is not required.

14.5.1.4 Discretionary activities

Activity

DX

a. Any activity that does not meet the activity specific standard under PX.

b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Orion New Zealand Limited (absent its written approval).