

SECTION 32 REPORT

Infrastructure

May 2022

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1 Executive Summary

The report provides an evaluation of the proposed provisions in Infrastructure chapter of the Proposed Far North District Plan (**PDP**) in accordance with section 32 of the Resource Management Act 1991 (**RMA**). The management of physical and natural resources in an integrated way, including infrastructure and network utilities, is a core function of territorial authorities under section 31(1)(a) of the RMA. Having particular regard to the efficient use of natural and physical resources (which includes existing infrastructure assets) is also an ‘other matter’ under section 7 of the RMA. In the context of the Far North District and the PDP, infrastructure as a term includes network utilities such as telecommunications, electricity generation and transmission (including the National Grid), radio communications and three waters infrastructure. Note that transport infrastructure and renewable electricity generation activities are managed in other chapters of the PDP. As such, the scope of the chapter addressed by this section 32 report focuses on the network utilities managed by a network utility operator (as defined in the RMA) as well as amateur radio facilities.

The approach in the PDP is to give effect to higher order documents including the New Zealand Coastal Policy Statement 2010 (**NZCPS**), the National Policy Statement for Electricity Transmission 2008 (**NPS-ET**) and the Regional Policy Statement 2016 (**RPS**), which all give effect to Part 2 of the RMA. To give effect to this direction, the policy framework focuses on providing for the social, economic and cultural wellbeing of people by providing safe, efficient and resilient infrastructure that services the current and future needs of communities in the District. It also recognises that the Far North District contains assets defined as regionally significant infrastructure in the RPS. That infrastructure has specific technical, operational and functional needs. The provisions also give effect to key NZCPS policies by providing a more stringent approach for managing and avoiding adverse effects on outstanding and significant areas in the coastal environment.

The proposed provisions in the Infrastructure chapter strike a balance between retaining provisions that are currently functioning well and addressing issues with the existing provisions in the Operative District Plan (**ODP**). This balance is considered an efficient and effective approach for the revised infrastructure chapter in the PDP. The provisions will also provide better protection of the electricity network in the District through new rules to manage activities in proximity to a new ‘Critical Electricity Lines’ overlay ensuring a resilient electricity distribution network in addition to those rules protecting the National Grid. Overall, this section 32 evaluation concludes that the objectives for the Infrastructure chapter in the PDP are the most appropriate way to achieve the purpose of the RMA and the proposed provisions are the most appropriate way to achieve the objectives, based on an assessment of effectiveness, efficiency, benefits and costs.

2 Introduction and purpose

2.1 Purpose of report

This report provides an evaluation of the proposed provisions in the Infrastructure chapter of the Proposed Far North District Plan (**PDP**) by Far North District Council (**Council**). This evaluation report is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine whether the proposed objectives in a proposal are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must assess the effectiveness and efficiency of the provisions in achieving the objectives, including the environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development. A further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

2.2 Overview of topic

This section 32 evaluation report relates to the provisions in the PDP that manage key pieces of infrastructure and general network utilities. The infrastructure provisions also manage the impacts and potential reverse sensitivity effects of other land use and subdivision activities on infrastructure.

The overall management approach for the infrastructure chapter in the PDP is consistent with the ODP – to provide for the safe and efficient delivery of infrastructure. However, the PDP provisions update and refine the ODP to give effect to more recent national and regional policy direction and be more consistent with current practice and technology. This has primarily involved redrafting the Infrastructure objectives, policies and to provide:

- Greater recognition of the benefits of regionally significant infrastructure and provisions to enable the development, operation, maintenance and upgrading of regionally significant infrastructure
- Clearer direction as to how the needs and constraints of infrastructure should be balanced against protecting areas with outstanding and significant values within and outside the coastal environment
- Managing the adverse effects of infrastructure appropriately while recognising the locational, operational functional needs and constraints of infrastructure
- Increased emphasis on the integration of land use activities and urban growth planning with provision of infrastructure.

The Infrastructure rules and standards have also been updated and restructured to be more user friendly and consistent with other second-generation plans and industry standards. In addition, the infrastructure chapter includes new rules to manage activities in proximity to a new 'Critical Electricity Lines' overlay to ensure a resilient electricity distribution network in addition to those rules protecting the National Grid.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to the infrastructure topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Infrastructure is essential to the well-being of people and communities and the appropriate provision and management as a physical resource is directly relevant to achieving the purpose of the RMA.

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the management of infrastructure:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) The relationship of maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) The protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) The protection of protected customary rights:*
- (h) The management of significant risks from natural hazards.*

Infrastructure has the potential to impact on all matters in section 6 depending on where it is located, the type of infrastructure and design. Therefore, the PDP includes controls to appropriately manage the adverse effects of infrastructure on the outstanding and significant natural, historic, cultural natural values recognised in section 6 of the RMA.

The following section 7 matters are directly relevant to the management of infrastructure:

- (b) The efficient use and development of natural and physical resources:*
- (c) The maintenance and enhancement of amenity values:*
- (d) Intrinsic values of ecosystems:*

(f) Maintenance and enhancement of the quality of the environment:

Infrastructure can pose risks to amenity values, ecosystem health and the quality of the environment if not appropriately located, designed, and managed. Therefore, the PDP includes provisions to manage the proximity of infrastructure to sensitive activities and environments and provisions to manage adverse effects of infrastructure through appropriate site selection, design and management methods. The PDP also includes provisions to enable the efficient development, operation maintenance and upgrading of infrastructure as a regionally significant physical resource.

The provisions are also consistent with section 8 of the RMA which requires the principles of the Treaty of Waitangi to be taken into account through specific recognition of the impacts of infrastructure on cultural values and Māori land.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the development and management of infrastructure.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

Standard 4 – District Plan Structure Standard sets out the structure for district plans. This requires district plans to include a ‘Energy, Infrastructure and Transport’ section in Part 2 – District-Wide Matters. Standard 7 – District-wide Matters Standards sets out more specific directions for the energy, infrastructure and transport section as follows:

5. Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading. These provisions may include:

- a. Statement about the status of transport corridors eg, the adjoining zoning applies to the centre line of mapped roads*
- b. Noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the 15. Noise and vibration metrics standard*
- c. The management of reverse sensitivity effects between infrastructure and other activities.*

6. The chapters under the Energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections.

7. Zone chapters must include cross-references to relevant provisions under the Energy, infrastructure and transport heading.

8. All chapters must be included alphabetically.

The following definitions in the Planning Standards are also directly relevant to renewable electricity generation activities:

- **building** means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and
 (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

- **functional need** means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment
- **operational need** means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The following NPS's are directly relevant to managing infrastructure:

- National Policy Statement on Electricity Transmission 2008 (**NPS-ET**)
- New Zealand Coastal Policy Statement 2010 (**NZCPS**)

The National Policy Statement on Renewable Electricity Generation 2010 (**NPS-REG**) is also relevant, but this NPS is given effect through the Renewable Electricity Generation chapter of the PDP. The table below provides a summary of the key provisions in the National Policy Statement on Electricity Transmission (**NPS-ET**) and NZCPS that are directly relevant to the Infrastructure chapter.

NPS-ET	
Policy 1	Recognise the national benefits of transmission
Policy 2	Provide for the effective development, operation, maintenance and upgrading of electricity transmission network
Policy 3	Recognise the technical and operational requirements of the network when managing adverse effects
Policy 7	Minimise adverse effects on urban amenity and avoid adverse effects on areas of high recreational value of amenity
Policy 8	Seek to avoid adverse effects on area of outstanding or significant value in rural environments
Policy 10	Avoid reverse sensitivity effects to the extent reasonably practicable
Policy 11	Identify buffer corridor to avoid sensitive activities
Policy 12	Identify the transmission network on planning maps

NZCPS	
Policy 6(1)(a)(b)	Activities in the coastal environment
Policy 11	Indigenous biological diversity
Policy 13	Preservation of natural character
Policy 15	Natural features and natural landscapes

In summary, the above NPS-ET and NZCPS policies require the PDP to:

- Recognise the national benefits of transmission and provide for the effective development, operation, maintenance and upgrading of electricity transmission network while seeking to avoid and minimise adverse effects
- Recognise that the provision of infrastructure in the coastal environment is important to the social, economic and cultural well-being of people and communities
- Avoid adverse effects of infrastructure on significant indigenous biodiversity, areas of outstanding natural character, and outstanding natural features and landscapes in the coastal environment, and avoid, remedy and mitigate adverse effects on other areas and values within the coastal environment.

The provisions in the PDP are consistent with, and give effect to, the above NPS-ET as the PDP provisions specifically recognise the benefits of electricity transmission as nationally (and regionally) significant infrastructure. The PDP includes provisions to both enable operation, maintenance and upgrading of electricity transmission network and protect the network from sensitive activities through the buffer corridor provisions. The infrastructure provisions also give effect to the NZCPS through more restrictive provisions for infrastructure in areas of outstanding and significant value in the coastal environment.

NPS-UD

The NPS-UD is directly relevant to infrastructure, in particular the requirements for development capacity to be 'infrastructure-ready' to support the development of the land and to provide for public and active transport to achieve well-functioning urban environments and support reductions in greenhouse gas emissions. It also provides more broad direction on how transport infrastructure decisions should be factored into growth planning for urban environments.

However, much of the NPS-UD content is only applicable to local authorities that have urban areas that meet the definition of 'urban environment' as follows:

'urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- *is, or is intended to be, predominantly urban in character; and*
- *is, or is intended to be, part of a housing and labour market of at least 10,000 people'*

FNDC does not qualify as a tier 1, 2 or 3 Council, therefore the NPS-UP does not apply, however the creation of well-functioning urban environments has still been applied where possible.

3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise National Environmental Standards (NES) by ensuring plan rules do not conflict or duplicate with provisions in a NES. The following NES are directly relevant to the infrastructure chapter:

- National Environmental Standards for Electricity Transmission Activities (**NES-ETA**)
- National Environmental Standards for Telecommunication Facilities 2016 (**NES-TF**)

The infrastructure provisions in the PDP do not duplicate any of the standards in the NES-ETA or NES-TF. Instead, the role of the PDP is to identify any areas where these national instruments do not control either electricity transmission activities or telecommunication facilities and ensure that there are rules in place to cover these scenarios. To clarify the relationship between the NES-ETA, NES-TF and the PDP, the infrastructure chapter includes notes in the introduction and before the Rule Table (Notes 2 and 3) to give guidance to plan users. These notes make it clear that the PDP does not regulate activities that are already regulated by the NES-ETA and NES-TF and only controls infrastructure activities that are not regulated by these instruments (such as new poles outside the road reserve and outside rural zones in the case of the NES-TF). It is also important to note that regulations 44-50 of the

NES-TF allows plan rules to be more stringent than the NES-TF to protect areas with identified value (visual amenity landscapes, significant natural areas etc.). These areas are managed through the PDP district-wide chapters relating natural environment values, historic and cultural values etc.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to 'give effect' to any RPS. The RPS was made operative on 14 June 2018. The table below outlines the objectives and policies in the RPS¹ that are directly relevant to managing infrastructure.

RPS	
Objective 3.7	Regionally significant infrastructure
Objective 3.8	Efficient and effective infrastructure
Objective 3.11	Regional form
Policy 5.1.1	Planned and co-ordinated development
Policy 5.1.3	Avoiding the adverse effects of new use(s) and development
Policy 5.2.2	Future-proofing infrastructure
Policy 5.3.1	Identifying regionally significant infrastructure
Policy 5.3.2	Benefits of regionally significant infrastructure
Policy 5.3.3	Managing adverse effects arising from regionally significant infrastructure

These provisions are provided in full in the appendices in **Section 10**. In summary, the Northland RPS objectives and policies require the PDP to:

- Recognise the infrastructure assets of the Far North District as regionally significant infrastructure
- Promote the benefits of regionally significant infrastructure to the District's economic, cultural, environmental and social wellbeing
- Include provisions to ensure that infrastructure assets are managed and developed efficiently and effectively
- Promote a planned and co-ordinated regional form that integrates the provision of infrastructure with subdivision and land use development
- Avoid the adverse effects of new use(s) and developments on the existing infrastructure, particularly the impacts of residential development
- Manage adverse effects arising from new and existing infrastructure, in particular allow adverse effects to occur, provided key criteria are met².

The provisions in the PDP are consistent with, and give effect to these Northland RPS objectives and policies as the proposed PDP objectives and policies specifically recognise infrastructure assets as regionally significant infrastructure and provide enabling pathways through the rules and standards to develop, upgrade and extend infrastructure, provided specific standards are met.

¹ The Northland RPS also includes methods that direct district plans but these are not repeated here.

² Those criteria relate to managing adverse effects on significant ecological areas and habitats, natural character, features and landscapes, heritage resources, water quality and flows, sites of significance to Maori and customary activities (refer Policy 5.3.3).

3.3 Regional Plans for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland regional plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table below provides an overview of the Proposed Northland Regional Plan (appeals version) provisions directly relevant to managing infrastructure. The only provision in Table 3 still subject to appeal is Policy D.2.9.

Proposed Regional Plan	
Objective F.1.6	Regionally significant infrastructure
Policy D.2.5	Benefits of regionally significant infrastructure
Policy D.2.7	Minor adverse effects arising from the establishment and operation of regionally significant infrastructure
Policy D.2.8	Maintenance, repair and upgrading of regionally significant infrastructure
Policy D.2.9	Appropriateness of regionally significant infrastructure proposals
Policy D.2.11	Protection of regionally significant infrastructure

These provisions are provided in full in the appendices in **Section 10**. In summary, these proposed regional plan objectives and policies seek to:

- Recognise the economic, social and cultural benefits of regionally significant infrastructure and enable the effective development, operation, maintenance, repair, upgrading and removal of infrastructure assets
- Enable minor adverse effects arising from establishing and operating regionally significant infrastructure, provided historic, cultural and natural values can be appropriately managed.
- Enable maintenance, repair and upgrading of regionally significant infrastructure if the adverse effects are not significant or temporary and are similar to the effects generated before the work began
- Set out specific criteria to consider when regionally significant infrastructure proposals involve more than minor adverse effects
- Protect existing infrastructure when considering the impacts of new use and development activities.

The provisions in the PDP are consistent with these proposed regional plan provisions as the PDP objectives and policies specifically recognise infrastructure assets as regionally significant infrastructure and provide enabling pathways through the rules and standards to develop, upgrade and extend the network, provided specific standards are met.

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

Many of the identified issues within the various management plans relate to concerns over genetically modified organisms, cultural landscapes, sites of cultural significance, indigenous flora and fauna, public access, climate change, landscapes and features, minerals, soil, air quality and water quality, particularly with regards to subdivision and development activities. These key issues and values have been taken into account in the development of the proposed provisions in the Infrastructure chapter which seek to avoid and manage adverse effects on cultural and natural environment values from infrastructure. The proposed provisions in the Infrastructure chapter also seek to support the cultural, economic and social well-being of tangata whenua through safe, efficient and resilient infrastructure and ensuring the provisions do not constrain the use and development of Māori land.

3.5 Other legislation and policy documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to infrastructure.

3.5.1 Long-term plan

The Far North Long-Term Plan includes the following strategic priorities and community outcomes which are relevant to the infrastructure chapter:

- Strategic priority – better asset management
- Strategic priority – protect our water supply
- Community outcome - communities that are healthy, safe, connected and sustainable
- Community outcome - connected communities that are prepared for the unexpected.

The Long-Term Plan identifies a number of priorities and planned infrastructure works and upgrades which are detailed in the 30-year infrastructure strategy (outlined below) and the ‘our activities’ section of the plan which includes works relating to transport, water supply, wastewater and stormwater.

3.5.2 30 Year Infrastructure Strategy

Council prepares an Infrastructure Strategy every three years as part of the Long-Term Plan process. The 2021-2051 30 Year Infrastructure Strategy contains several goals and actions relating to how infrastructure should be managed in the Far North District. The overarching goal of the Strategy is to achieve “*affordable Council infrastructure meeting the needs of people, communities and the environment - now and into the future.*” The Infrastructure Strategy is targeted at Council owned and managed infrastructure, so the most relevant parts of the Strategy to the PDP provisions relate to three waters infrastructure (wastewater, stormwater and water supply).

The Infrastructure Strategy identifies several infrastructure goals and priorities that are directly relevant to the infrastructure provisions in the PDP:

- Ensure three waters infrastructure has capacity to support primary production, tourism and people
- Upgrade Paihia, Kerikeri /Waipapa and Te Kao water supply schemes
- Renewal and expansion of the Kerikeri wastewater scheme
- Upgrading of several other wastewater treatment plants at Taipa, Ahipara, Paihia, Opononi-Omapere
- Develop and link the Stormwater Strategy to the District Plan and policies, bylaws and standards.

The PDP provisions support the priorities of the Infrastructure Strategy by recognising that three waters infrastructure is regionally significant infrastructure. As such, future three waters projects would have significant support from the PDP policy framework to enable these projects to be

completed in a more efficient and effective manner. The accompanying rule framework permits new underground infrastructure (which would cover underground pipes), while above ground three waters infrastructure requires consent as a restricted discretionary activity. However, the matters of discretion are relatively narrow and focus primarily on the functional and operational needs of, and benefits from, the network utility and the potential health and safety impacts if the work is not completed. Therefore, the rule framework in the PDP for three waters infrastructure would be supportive of the projects identified in the 30 Year Infrastructure Strategy.

3.5.3 Other relevant legislation and regulation

There is a wide range of legislation and regulations relevant to infrastructure, including specific legislation and regulations relating to telecommunication, supply of gas, electricity distribution, and use on the road corridor by utility operators. The table below provides a high-level summary of key legislation and regulations relevant for the infrastructure chapter.

Legislation/regulation	Summary
Telecommunications Act 2001	Regulates the supply of telecommunications services.
Radiocommunications Act 1989	The primary legislation for managing radio spectrum usage in New Zealand
Electricity Act 1992	Provides for the regulation, supply and use of electricity in New Zealand, including the health and safety of members of the public, prevention of damage to property
Gas Act 1992	Provides for the regulation, supply and use of gas in New Zealand, and regulates the gas industry, protects the health and safety of members of the public, and promotes the prevention of damage to property in connection with the supply and use of gas.
Utilities Access Act 2010	Requires utility operators and corridor managers to comply with a national code of practice that regulates access to transport corridors and provides for the making and administration of that code
National Code of Practice for Utility Operators' Access to Transport Corridors 2019	Sets out the processes and procedures for: <ul style="list-style-type: none"> • Utility operators to exercise right of access to the road corridor for the placement, maintenance, improvement and removal of utility structures; • Corridor Managers to exercise their right to apply reasonable conditions on working in the corridor; and • Managers of railway and motorway corridors to exercise their discretion to grant rights of access to utility operators.
New Zealand Electrical Code of Practice for Electrical Safe Distances 2001	Sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users. The minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards.
Electricity (Hazards from Trees) Regulations 2003	The purpose of these regulations is to protect the security of the supply of electricity, and the safety of the public, including by prescribing distances from electrical conductors within which trees must not encroach. The regulations also provide a disputes resolution framework when trees encroach on electricity lines.

4 Current State and Resource Management Issues

This section provides an overview of the relevant context for the infrastructure chapter, the current approach to managing infrastructure through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for infrastructure to be addressed through the PDP.

4.1 Operative District Plan Approach

4.1.1 Summary of current management approach

The relevant section of the ODP is Section 17.2 – Utility Services. This section focuses on the delivery of infrastructure by network utility operators, including electricity, telecommunications, radio communications, meteorological services, and water and sewerage reticulation. It also covers amateur radio operators, although they are not network utility operators, as their equipment and activities have similar adverse effects to other radio and telecommunications infrastructure.

The approach to managing these types of infrastructure assets at an objectives and policies level involves providing for utility services to be developed, used, maintained and upgraded, provided significant adverse effects are avoided, remedied or mitigated. More specifically, the National Grid is highlighted as an infrastructure asset that needs to be both enabled and protected from incompatible activities. The resulting rule framework is enabling and permissive for underground services, above ground services in most zones and telecommunication and radio infrastructure in most zones. Infrastructure activities require resource consent when they are in a more sensitive zone (e.g. Russell Township), an overlay such as an Outstanding Landscape, or fail to comply with a permitted activity standard. Resource consents are also required for buildings and structures in the National Grid Yard that are unable to comply with the permitted activity standards.

4.1.2 Limitation with current approach

The Council has reviewed the current ODP, which has been informed by internal workshops and feedback from the community and stakeholders. A number of limitations have been identified through this process, including:

- The ODP does not recognise infrastructure assets in the Far North District as regionally significant infrastructure, in line with the direction provided by the Northland RPS.
- Concerns with alignment between the infrastructure provisions and other chapters that manage adverse effects on areas with historical, cultural, natural environment or coastal values. The ODP does not clearly direct how to balance the need to enable regionally significant infrastructure with the need to protect more sensitive or highly valued environments.
- The chapter includes extensive non-mandatory plan context (context, issues, expected outcomes, non-regulatory methods) which can be removed and rationalised in line with more recent planning practice.
- The objectives and policies are focused on the National Grid and provide insufficient direction to enable and protect other regionally significant infrastructure, including electricity distribution lines throughout the district.

4.2 Key issues identified through consultation

The **Section 32 Overview Report** provide a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through feedback on the draft infrastructure chapter released in 2021 and a summary of advice received from iwi authorities in relation to infrastructure.

4.2.1 Summary of issue raised through consultation

There was a moderate level of interest in the infrastructure chapter from the community and stakeholders through consultation and engagement on the draft district plan. Key issues raised by stakeholders on the infrastructure provisions in the draft district plan include:

- Mixed feedback on the permissiveness of the infrastructure chapter. Some feedback was that the chapter was too permissive and overrode too many of the protections for historic, cultural and natural environment values in other PDP chapters. Conversely, there was also feedback that the policies to protect wetlands, lakes and the coastal environment were too stringent and the policies relating to infrastructure within and outside the coastal environment do not align with NZCPS and Northland RPS.
- Request for clearer distinctions between provisions that apply to regionally significant infrastructure and provisions that apply to all other infrastructure.
- The need for stronger links with relevant national direction, i.e. the NPS-ET and NES-ETA.
- Request to protect sources of drinking water through the infrastructure chapter of the PDP.
- Concerns that telecommunication provisions are too stringent, particularly with respect to the coastal environment and landscaping requirements. Request better recognition of the strategic importance of telecommunication infrastructure.
- General support for electricity distribution provisions, however suggestion that the local distribution network could be afforded the same or similar level of protection from reverse sensitivity as the National Grid.
- Concern the policy relating to infrastructure and natural hazards is too stringent and will be difficult for infrastructure providers to comply with.

4.2.2 Summary of advice from iwi authorities

- Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. In relation to the infrastructure provisions in the Draft District Plan, 7 pieces of feedback were received. In summary the feedback sought:
 - Greater inclusion of heritage or cultural values in relation to areas and landscapes
 - That land under tangata whenua ownership was not prevent from development due to infrastructure being located on it.
 - Protection of sites of significant cultural value.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

4.3 Summary of resource management issues

The need to provide affordable infrastructure was identified as a Significant Resource Management Issue (SRMI) in the development of the PDP. This identified that the low population density of the Far North District, combined with the wide geographic spread of settlements, housing and business sprawl outside of urban areas, and natural hazard risks have resulted in parts of the District having limited access to efficient, resilient and affordable infrastructure and services and, in some cases, has resulted in incompatible land uses establishing close to infrastructure.

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for the infrastructure chapter to be addressed through the PDP are:

- Ensuring the efficient development, operation, maintenance and upgrading of infrastructure to support areas where urban growth is anticipated and the well-being of communities throughout the District.

- There needs to be better recognition of regionally significant infrastructure, including the economic, social and cultural benefits resulting from regionally significant infrastructure.
- Infrastructure needs to be protected from reverse sensitivity effects to ensure it can operate effectively and efficiently.
- The potential adverse effects of infrastructure on areas with outstanding and significant historical, cultural and natural environment values and areas in the coastal environment need to be appropriately managed.
- Improved integration of infrastructure with proposed land use and subdivision activities.

5 Proposed District Plan Provisions

The proposed provisions are set out in the Infrastructure chapter of the PDP. These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic objectives

The PDP includes a strategic direction section which provides high level direction on the strategic or significant matters for the District and objectives to guide strategic decision-making under the PDP. The strategic objectives of direct relevance to infrastructure are:

- **SD-IE-O1** The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.
- **SD-IE-O2** Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise its effective operation, maintenance and upgrading.
- **SD-ECP-O4** People, businesses and places are connected digitally and through integrated transport networks.
- **SD-UFD-O2** Urban growth and development consolidated around existing reticulated networks Within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies.
- **SD-UFD-O3** Appropriate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.

5.2 Proposed management approach

This section provides a summary of the proposed management approach for the infrastructure chapter in the PDP, focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning and an updated plan format and structure to align with the national planning standards.

The main changes in the overall proposed management approach for infrastructure in the PDP are:

- Updating and refining the infrastructure provisions (particularly the objectives and policies) so that they better align with relevant national direction and the Northland RPS.
- Greater recognition of the benefits of regionally significant infrastructure and provisions to enable the development, operation, maintenance and upgrading of regionally significant infrastructure
- Clearer direction as to how the needs and constraints of infrastructure should be balanced against protecting areas with outstanding and significant values within and outside the coastal environment.

- Improve the relationship and integration between the infrastructure chapter and other chapters that manage historical, cultural and natural environment values and the coastal environment to ensure there is clear direction about how to balance competing objectives.
- Managing the adverse effects of infrastructure appropriately while recognising the locational, operational functional needs and constraints of infrastructure.
- Increased emphasis on the integration of land use activities and urban growth planning with provision of infrastructure.

The PDP infrastructure rules and standards have also been updated and reformatted to be more user friendly and consistent with other second-generation plans and industry standards.

Another key change in the proposed management approach is the introduction of rules to manage activities in proximity to a new 'Critical Electricity Lines' (CEL) overlay. This overlay and associated rules relate to Top Energy's electricity lines network in the Far North District and is intended to ensure resilient electricity network in the Far North District in addition to the rules protecting the National Grid buffer corridor. The rule framework is based on corresponding provisions in the Whangārei District Plan with controls on earthworks, buildings, commercial vegetation and forestry, and subdivision (covered in subdivision chapter) within the 10m and 20m CEL Overlay. This approach has been adopted to recognise the electricity distribution network as regionally significant infrastructure as directed by the Northland RPS and give effect to the Northland RPS provisions to protect this infrastructure from reverse sensitivity effects (Objective 3.6, Policy 5.1.3).

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the proposed provisions in the PDP infrastructure chapter.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of objectives

The proposed management approach for infrastructure includes objectives that seek to:

- Achieve safe, efficient and resilient infrastructure that meets the needs of communities throughout the District.
- Recognise and provide for the multiple benefits associated with infrastructure, including the benefits of regionally significant infrastructure.
- Protect infrastructure from reverse sensitivity effects.
- Ensure the adverse effects of infrastructure on the environment, areas with historical, cultural and natural environment values, and Māori land, are managed appropriately.
- Ensure that infrastructure is integrated with land-use, subdivision and urban growth.

5.3.2 Summary of provisions

For the purposes of section 32 evaluations, 'provisions' are the *"policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change"*. The proposed management approach for infrastructure includes policies that:

- Provide for the continued and effective operation, maintenance, upgrading and replacement of both existing infrastructure and regionally significant infrastructure, including the National Grid.
- Provide for infrastructure where there are recognised benefits.
- Manage the adverse effects of infrastructure with more stringent requirements for infrastructure in natural environment overlays within and outside the coastal environment consistent with relevant national and policy direction.

- Coordinate the provision of infrastructure at the time of land use, subdivision and urban growth.
- Protect regionally significant infrastructure from the effects of incompatible land use and subdivision.
- Provide for resilient infrastructure that recognises the benefits of new technology.
- Provide for limited infrastructure works that impact notable trees.
- Set out specific matters to consider when assessing the adverse effects of infrastructure through resource consent processes.

The proposed management approach for infrastructure includes rules and standards that:

- Provide for the operation, maintenance, repair, removal and upgrading of existing above and underground network utilities as permitted activities, subject to compliance with various standards.
- Provide for the following activities as permitted activities, subject to compliance with various standards:
 - Electricity generators and self-contained power units
 - New above ground customer connections
 - New network utilities in existing buildings
 - New overhead lines and associated poles, telecommunication poles and attached antennas, or towers in the Rural Production zone and Māori Purpose zone
 - New telecommunications kiosk
 - Navigational aids, sensing and environmental monitoring equipment
 - Substations
 - Buildings and structures in the National Grid Yard
 - Amateur radio infrastructure
- Provide for the following activities as restricted discretionary activities:
 - New overhead lines and associated poles, telecommunication poles and attached antennas, or towers outside of the Rural Production Zone, Rural Lifestyle Zone and Māori Purpose Zone
 - Telecommunications lines, cabinets, poles and antennas regulated by the NESTF that do not meet the Permitted Activity standards in the NES-TF and are not provided for as a controlled activity in the NES-TF
 - Construction and upgrading of above ground water supply, wastewater systems, and stormwater infrastructure
 - Buildings and earthworks within 10m of CEL overlay, tree planting within 20m overlay (with certain exemptions).
 - Subdivision within the National Grid Corridor if it can be demonstrated that building platforms can be provided outside the National Grid Yard.
 - Subdivision within 32m of the centre line of a Critical Electricity Line.
- Provide for the following activities as non-complying activities:
 - Sensitive activities and buildings associated with sensitive activities in the National Grid Yard
 - The reticulation and storage of water for irrigation purposes within the National Grid Yard
- Key standards are controls on the maximum exposure levels for both radio frequency fields and electric and magnetic fields

The proposed management approach for infrastructure also involves identifying the National Grid corridor on the planning maps to achieve the objectives and give effect to the NPS-ET and identifying

a 'Critical Electricity Lines' overlay on the planning maps to give effect to the RPS as outlined above. It is also important to note that reverse sensitivity effects on existing infrastructure will also be managed through other plan chapters that manage land-use and subdivision. Refer, for example, the **subdivision section 32 report**.

5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report provides a summary of advice received from iwi authorities on the Infrastructure chapter.

- Te Runanga O Ngāti Rēhia advised:
 - *that they supported policy I-P2 but wanted it to include heritage or cultural value areas / landscapes to the list.* Policy I-P2 has been rewritten to reflect the wording in the RPS as per policy 4.6.1, which does not require this test to be applied to historic heritage. No change is required.
 - *that they supported policy I-P7 but wanted an additional clause added that referenced "cultural significant area".* This policy is now I-P6 in the PDP. It is unclear if this reference is to cultural landscapes or sites and areas of significance to Maori. Irrespective there are no identified cultural landscapes in the PDP and the wording of the policy would capture scheduled sites and areas of significance to Maori as it is a resource overlay. The heritage areas identified in the plan in some instances also incorporate heritage landscape values. No change is required.
- Te Runanga O Te Rarawa advised:
 - *That they supported objective I-05 and wanted it retained.* There has been a minor change to the wording, with the removal of the word "occupy." Therefore, this has been accepted in part.
 - *Requested a new objective and supporting policy and rules that would "ensure the location of infrastructure avoids significant adverse effects on cultural values and sites of significance to tangata whenua."* It is considered that the creation of an objective just highlighting this one section 6 matter, would not be consistent with the overall structure of this chapter. The policy framework and rules already provide for this protection across the plan in terms of historic heritage and sites and areas of significance to Maori in addition to this chapter. No change is required.
- Kahukuraariki, Matauri X, Ngati Kuri, Ngai Takoto, Whaingaroa, Ngati Kuta, Te Aupori advised:
 - *that building of infrastructure on significant maunga and other cultural landscapes is a known issue, but it is understood that telecommunication facilities are not generally within the bounds of a district plan.* There are national environmental standards that constrain what a district plan can regulate, however if sites and areas of significance to Maori are scheduled then they can be protected.
- Ngati Kuta advised:
 - *That they supported objective I-05 and wanted it retained.* There has been a minor change to the wording, with the removal of the word "occupy." Therefore, this has been accepted in part.
 - *That they supported policy I-P3.* This has been retained in the PDP.

6 Approach to evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environment, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal and the efficiency and effectiveness of the provisions. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and how that advice has been responded to through the provisions.

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for infrastructure are evaluated in the table below. It is also important to note that the need for affordable infrastructure was identified as a SRMI for the district, which was re-enforced through consultation, highlighting the significance of infrastructure to the well-being of communities in the district.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The proposed provisions have limited significance in relation to the principles of the Treaty of Waitangi. The proposed policy direction is to avoid new infrastructure where it will compromise the ability to develop and use land in the Māori Purpose zone or in the Treaty Settlement overlay unless the owners of the land agree to the new infrastructure or there are no practicable alternatives. Further, new infrastructure proposals will give consideration to the potential cultural impacts of a project and the Sites and Areas of Significance to Māori overlay will provide the rule interface with the infrastructure chapter to ensure adverse cultural effects are avoided or appropriately mitigated.	Low
Degree of change from the Operative District Plan	The key changes to the infrastructure chapter occur at the objectives and policies level, notably the clearer recognition of regionally significant infrastructure and more refined provisions that are better aligned with relevant national direction and the Northland RPS.	Low

Criteria	Comment	Assessment
	Although there are some alterations to the rule framework, key provisions managing the operation, maintenance, repair, removal and upgrading of existing infrastructure and the provision of new infrastructure are relatively unchanged compared to the ODP.	
Effects on matters of national importance	The provisions address matters of national importance, as noted in Section 3 of this evaluation report. The location of infrastructure can pose risks to RMA section 6 matters and therefore the PDP includes controls to ensure that impacts of infrastructure on the historic, cultural and natural environment values recognised in section 6 of the RMA are appropriately managed.	Medium
Scale of effects – geographically (local, district wide, regional, national).	Infrastructure is present throughout the Far North District, although much infrastructure is spatially located within existing defined corridors i.e. the National Grid or road corridors.	Medium
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	All sectors of the community rely on and are impacted by the provision of infrastructure to some degree, however the immediate impact of the infrastructure provisions will predominantly impact network utility providers, as opposed to the public generally. Aside from amateur radio operators, the general public will have no reason to use the provisions of the infrastructure chapter. However, once constructed, most infrastructure remains in use for future generations. Only 1, 072 properties have been identified as having a critical line overlay located on them. A total of 1,920 properties will be regulated by the 10m buffer rule, with only 214 existing buildings within this area. A total of 2, 379 properties would be regulated by the 20m buffer rule. In most instances properties affected are in the Heavy Industrial zone due to the type of infrastructure required to support those actives. As such, the infrastructure chapter of the PDP is likely to have a moderate impact on the general public including supporting the well-being of communities throughout the District.	Medium
Scale of effects on those with specific interests, e.g., Tangata Whenua	The management of infrastructure affects the public generally, as opposed to specific interest groups, however network utility providers are likely to have the most interest in the infrastructure provisions specifically. The only two network utility providers that gave feedback on the draft infrastructure chapter were Top Energy and Spark New Zealand, both of which have provided specific feedback into the draft chapter. The interests of Top Energy have also been specifically recognised through new provisions to manage effects on the electricity distribution network in the District. Less than 1% of Maori Purpose zoned land is affected by the critical electricity line	Low

Criteria	Comment	Assessment
	overlay.	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The infrastructure chapter is giving effect to the Northland RPS with respect to managing regionally significant infrastructure. Further, the majority of rules and standards that impact network utility providers are not changing significantly from the ODP.	Low

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being **low**. Consequently, a relatively low level of detail is appropriate for the evaluation of the objectives and provisions for infrastructure in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the ODP - minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for infrastructure is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Does it assist in addressing the identified resource management issue?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, some of the objectives for the infrastructure chapter have been grouped in the evaluation below.

Objective(s): I-O1, I-O2, I-O3 and I-O5 – Achieve safe, efficient, integrated infrastructure that

delivers multiple benefits and is protected from reverse sensitivity effects	
Relevance	<p>Directly related to a resource management issue</p> <p>This group of objectives is directly related to the resource management issue of providing infrastructure that is safe, efficient and integrated with land use/subdivision activities and future plans for urban growth to provide for the wellbeing of communities. Recognising the benefits provided by infrastructure and the need to protect that infrastructure from reverse sensitivity effects are also key resource management issues addressed by the objectives.</p> <p>Focused on achieving the purpose of the RMA</p> <p>The purpose of the RMA is the sustainable management of natural and physical resources as stated in section 5(2) of the RMA.</p> <p>These objectives seek to manage the provision of infrastructure in a safe, efficient and integrated way, which would result in the sustainable management of the infrastructure network as a physical resource. The objectives are therefore directly relevant in achieving the purpose of the RMA.</p>
Usefulness	<p>Assists in addressing the identified resource management issue</p> <p>The objectives must assist in addressing the identified resource management issue (in this case achieving safe, efficient, integrated infrastructure that delivers multiple benefits and is protected from reverse sensitivity effects) and must also assist a council to carry out its statutory RMA functions.</p> <p>The proposed objectives focus on delivering infrastructure that is safe for the communities that rely on it, designed and located in an efficient manner and integrated with the development and activities that need it. This approach gives effect to the direction in higher order planning documents (NPS-ET, Northland RPS), particularly with respect to recognising the benefits that well designed and planned infrastructure can have and the need to protect that infrastructure from incompatible activities.</p>
Reasonableness	<p>Consistent with desired community and iwi/Māori outcomes, and will not result in unjustifiably high costs on the community or parts of the community</p> <p>The objectives must take into account desired community and Māori/iwi outcomes but should not result in unjustifiably high costs on the community or parts of the community.</p> <p>These objectives seek to recognise and manage infrastructure assets to support the economic, cultural, environmental and social wellbeing of current and future generations. This is in line with community expectations that infrastructure in the Far North District will function effectively and support the needs of users.</p> <p>The objectives are not considered to create unjustifiably high costs on the community, either through implementation, resource consenting or compliance.</p>
Achievability	<p>Ability to achieve the objective with the available powers, skills, and resources of councils</p> <p>The objectives must be able to be achieved with the available powers, skills and resources of councils, while resulting in an acceptable level of uncertainty and risk.</p>

	<p>These objectives are considered to implementable within the skills and resources available to the district council as the wording of the objectives has been drafted to better reflect the intent of the NPS-ET and Northland RPS to manage infrastructure (including regionally significant infrastructure), which is a core function of FNDC. It is not anticipated that the objectives will substantially increase resource consenting / compliance requirements beyond available resource levels.</p> <p>An acceptable level of uncertainty and risk</p> <p>These objectives and associated provisions do not introduce a high degree of uncertainty and risk. These objectives are based on higher level direction from the NPS-ET and Northland RPS and are consistent with standard resource management practice.</p>
<p><u>Overall evaluation</u></p> <p>The above assessment concludes that the proposed objectives are the most appropriate way to achieve the purpose of the RMA, in terms of relevance, usefulness, reasonableness and achievability, and is preferred over the status quo.</p>	

<p>Objective(s): I-O4 and I-O6 – Ensure the adverse effects of infrastructure on the environment, including on Māori land, are managed appropriately</p>	
<p>Relevance</p>	<p>Directly related to a resource management issue</p> <p>These objectives are directly related to the resource management issue of the impacts of infrastructure on areas with historical and cultural values, natural environment values, and coastal values. Particularly, I-O6 seeks to ensure that the location of infrastructure does not constrain the ability of tangata whenua to develop land in the Māori Purpose zone or the Treaty Settlement overlay.</p> <p>The provision of infrastructure has the potential for significant adverse effects on the environment if not appropriately managed. In particular, new infrastructure or significant upgrades to above ground assets in sensitive environments (e.g. SNA, ONF, ONL, historic heritage sites) can adversely affect the values of these environments unless adverse effects are addressed through appropriate design and location choices. Both these objectives recognise the potential for these adverse effects and potential constraints on tangata whenua aspirations for their land and seek to ensure that these impacts are appropriately managed.</p> <p>Focused on achieving the purpose of the RMA</p> <p>The purpose of the RMA is the sustainable management of natural and physical resources as stated in section 5(2) of the RMA.</p> <p>These objectives seek to give effect to a number of ‘matters of national importance’ under section 6 and many ‘other matters’ under section 7 of the RMA, as outlined in the assessment of relevant provisions in section 3.1 of this report. The objectives are therefore directly relevant in terms of achieving the purpose of the RMA.</p>
<p>Usefulness</p>	<p>Assists in addressing the identified resource management issue</p> <p>The objectives must assist in addressing the identified resource management issue (in this case the need to manage the adverse effects of infrastructure on</p>

	<p>the environment, including areas of historic, cultural, and natural environment values, and Māori land, appropriately) and must also assist a council to carry out its statutory RMA functions.</p> <p>The proposed objectives focus on managing the impacts of infrastructure on specific environments identified elsewhere in the PDP as having historical, cultural, natural environment or coastal values and specifically focus on avoiding infrastructure where it could impact on the ability of tangata whenua to realise aspirations for their land.</p>
<p>Reasonableness</p>	<p>Consistent with desired community and iwi/Māori outcomes, and will not result in unjustifiably high costs on the community or parts of the community</p> <p>The objectives must take into account desired community and Māori/iwi outcomes but should not result in unjustifiably high costs on the community or parts of the community.</p> <p>These objectives seek to manage potential risks associated with designing or locating infrastructure in areas identified as having historical, cultural, natural environment or coastal values. This promotes location and design choices for infrastructure that minimise impacts on these high value areas and aligns the direction of the infrastructure chapter with other PDP chapters that manage sensitive environment overlays such as SNAs, ONL/ONF and sites of significance to iwi/Māori.</p> <p>Objective I-O6 specifically acknowledges that locating infrastructure in the Māori Purpose zone or the Treaty Settlement overlay has the potential to constrain the ability of tangata whenua to use that land. The direction of the objective to prevent infrastructure constraining the development of Māori land is in line with anticipated outcomes desired by tangata whenua.</p> <p>The objectives are not considered to create unjustifiably high costs on the community, either through implementation, resource consenting or compliance.</p>
<p>Achievability</p>	<p>Ability to achieve the objective with the available powers, skills, and resources of councils</p> <p>The objectives must be able to be achieved with the available powers, skills and resources of councils, while resulting in an acceptable level of uncertainty and risk.</p> <p>These objectives are considered to implementable within the skills and resources available to the district council as they only seek to align the infrastructure chapter with the management of high value areas through overlays in other PDP chapters and ensure that tangata whenua are able to utilise Māori land without being constrained by infrastructure. These are not alternative management approaches. It is not anticipated that the objectives will substantially increase resource consenting / compliance requirements beyond available resource levels.</p> <p>An acceptable level of uncertainty and risk</p> <p>The objectives do not introduce a high degree of uncertainty and risk. The objectives are based on current best practice being implemented nationally to manage high value, sensitive environments and are consistent with standard resource management practice.</p>

Overall evaluation

The above assessment concludes that the proposed objectives are the most appropriate way to achieve the purpose of the RMA, in terms of relevance, usefulness, reasonableness and achievability, and is preferred over the status quo.

8 Evaluation of provisions to achieve the objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in **section 5.2** of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in **section 6.3**, the scale and significance of the effects of proposed changes for the infrastructure chapter are assessed as being **low**. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable

for infrastructure. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

8.3 Evaluation of options

As the scale and significance of the proposed changes to the infrastructure chapter was assessed as ‘low’ in section 6.3 of this report, the evaluation below has assessed two options – the status quo and the proposed provisions in the infrastructure chapter of the PDP.

8.3.1 Option 1: Status quo

<i>Option 1: Retain operative Network Utilities chapter from Operative District Plan</i>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Controls are generally well understood by both Council staff and plan users. • Will be able to operate ‘business as usual’ with little to no disruption to current consenting and compliance practice. <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • As the status quo seeks to retain ‘business as usual’, no change in economic growth opportunities are anticipated. 	<ul style="list-style-type: none"> • Potential environmental impacts if provisions are not aligned with other chapters that manage historical, cultural, natural and coastal values. • Potential cultural impacts if the policy framework does not indicate that infrastructure that could constrain the use of Māori land should be avoided • 	<ul style="list-style-type: none"> • The risk of retaining the status quo is that existing operational issues with the current network utilities chapter will not be resolved. This includes lack of integration with environmental protection chapters and insufficient recognition of regionally significant infrastructure.
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • No change in effectiveness of operative provisions in practice – rules and standards that control above and below ground infrastructure are likely to continue to achieve some of the desired objectives relating to the safe and efficient provision of infrastructure. • However, status quo provisions will not give effect to the objectives that recognise the benefits of regionally significant infrastructure, appropriately manage adverse effects on historical, cultural, natural environment, and coastal values, require the integration of infrastructure with land use and subdivision activities and prevent Māori land from being constrained by infrastructure. 		<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Rolling over the majority of technical rules and standards is efficient as they are generally performing as needed to meet the objectives of the PDP while updating these as necessary to be more consistent with current practice and industry technology and standards. • Rolling over the policy framework is not efficient as it is not currently giving effect to four of the six proposed objectives in the PDP (operative policies do not fully give effect to objectives I-O2, I-O4, I-O5 and I-O6).

Overall evaluation

On balance this option is not considered to be the most appropriate option to achieve the objectives because:

- The operative policy framework does not fully give effect to the majority of proposed infrastructure objectives in the PDP.
- The operative provisions do not integrate well with other chapters that seek to protect areas with historical, cultural, natural environment and coastal values.
- The operative provisions do not align well with national direction instruments and policy direction in the Northland RPS to recognise and provide for regionally significant infrastructure.

8.3.2 Option 2: Proposed approach

Option 2: The proposed provisions of the Infrastructure chapter of the PDP

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none">• Some of the key controls (technical rules and standards) are largely being rolled over, so they are already well understood by both Council staff and plan users.• Many activities will be able to operate 'business as usual' with little to no disruption to current consenting and compliance practice as the critical rules that impact their activity are being retained.• Potential environmental benefits from improved integration of the infrastructure chapter with other chapters that protect historical, cultural, natural environment and coastal values.• Anticipated economic benefits from improved recognition of regionally significant infrastructure as upgrading, maintaining and extending regionally significant infrastructure assets will now be better supported by the policy structure.• Anticipated economic and social benefits from	<ul style="list-style-type: none">• The new provisions will require both Council staff and plan users to upskill in order to apply the new provisions correctly, which will result in some training costs and lost productivity.•	<ul style="list-style-type: none">• There is limited risk of acting as the proposed provisions give effect to relevant national and regional policy direction and are consistent with infrastructure provisions in second generation RMA plans. There is also limited changes to the rules and these are consistent with network utility provisions accepted by industry and implemented in other districts. The new CEL overlay and associated provisions are also based on corresponding provisions in the Whangārei district plan.

<p>better coordination of land use/subdivision activities and provision of infrastructure as new urban areas, settlement zones and rural-residential zones are developed.</p> <ul style="list-style-type: none"> • Greater protection of the resilience of electricity distribution network through the new CEL overlay and associated rules. <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • The increased policy direction to enable the effect development, operation, maintenance and upgrading of regionally significant infrastructure may lead to increased economic growth and employment opportunities. However, these indirect benefits are too uncertain to quantify with any confidence. 		
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • Provisions relating to regionally significant infrastructure will be more effective than the operative provisions and better aligned with higher order documents, namely the NPS-ET and Northland RPS. • The provisions will provide better protection of the electricity network in the District through the new CEL overlay and associated provisions. • Including an objective and a policy that seek to ensure that infrastructure does not constrain the use and development of Māori land will be effective in assisting tangata whenua achieve their aspirations for their land. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Clearer direction in the PDP will assist Council staff having to balance competing objectives for provision of infrastructure with protecting key environmental values – the proposed policy framework and integration with other natural environment chapters should make these decisions easier. • The overall approach to chapter drafting is efficient as it retains the provisions that are generally fit for purpose (technical rules and standards) but proposes amendments to the parts of the policy framework that are not delivering the proposed infrastructure objectives in the PDP. This ensures that resources are focused on updating the sections of the chapter that need the most work, as opposed to diverting resources to amending provisions that are delivering desirable outcomes on the ground. 	
<p><u>Overall evaluation</u></p> <p>On balance, the provisions are considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • The provisions strike a balance between retaining provisions that are currently functioning well (namely the technical rules and standards for above and below ground infrastructure, which are generally fit for purpose), and delivering the proposed objectives and addressing existing issues with 		

the policy framework that fails to give effect to higher order documents and does not integrate well with environmental protection chapters. The balance of old and new provisions is considered to be both an efficient and effective approach for the revised infrastructure chapter in the PDP.

- The proposed provisions will better give effect to the Northland RPS with respect to recognising and providing for regionally significant infrastructure.
- The proposed provisions achieve improved cross chapter alignment and better protection of areas with historical, cultural, natural environment and coastal values from the adverse effects of infrastructure.

9 Summary

An evaluation of the proposed objectives and provisions for the infrastructure provisions in the PDP has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The PDP objectives seek to provide for the social, economic and cultural wellbeing of people by providing for safe, efficient and resilient infrastructure that services the current and future needs of people and communities in the District.
- The proposed provisions will better give effect to Northland RPS with respect to enabling and protecting as regionally significant infrastructure, and recognising the technical, operational and functional needs of infrastructure.
- The proposed provisions achieve improved cross chapter alignment and better protection of areas with historical, cultural, natural environment and coastal values from the potential adverse effects of infrastructure. The provisions also give effect to key NZCPS policies by providing a more stringent 'avoidance' approach for adverse effects on outstanding and significant areas in the coastal environment.
- The provisions strike a balance between retaining provisions that are currently functioning well and addressing existing issues with the policy framework. The balance of old and new provisions is considered to be both an efficient and effective approach for the revised infrastructure chapter in the PDP.
- The provisions will provide better protection of the electricity network in the District through new rules to manage activities in proximity to a new 'Critical Electricity Lines' overlay to ensure a resilient electricity distribution network in addition to those rules protecting the National Grid.