



Resource Management (Network Utility Operations) Regulations 2016

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 29th day of August 2016

Present:

The Right Hon John Key presiding in Council

These regulations are made under section 360(1)(e) of the Resource Management Act 1991 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Resource Management (Network Utility Operations) Regulations 2016.

2 Commencement

These regulations come into force on 29 September 2016.

3 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

4 Network utility operations for purposes of section 166 of Resource Management Act 1991

A project or work described in Schedule 2 or 3 of these regulations is a network utility operation for the purposes of section 166 of the Resource Management Act 1991.

5 Revocation

The Resource Management (Project Aqua Network Utility Operation) Regulations Revocation Order 2006 (SR 2006/212) is revoked.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

Mayfield Hinds In-race Generation project

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1 Interpretation

In this schedule,—

ancillary works—

(a) means—

- (i) works that are necessary to establish, construct, operate, maintain, repair, upgrade, decommission, or remove the works comprising the Mayfield Hinds In-race Generation project (as described in clause 2) or any part of those works; and
- (ii) works that are necessary to maintain the operation of the Mayfield Hinds canal for irrigation purposes; and
- (b) includes (without limitation)—
 - (i) drainage, sewerage, telecommunication, and water supply systems;
 - (ii) line function services, including connection to the national grid or to any network or other electrical installations or facilities;
 - (iii) road works;
 - (iv) land disturbance activities;
 - (v) investigation, mitigation, remediation, offsetting, and enhancement activities

generation section of the Mayfield Hinds canal means the area enclosed by a line—

- (a) commencing at a point at 43°50'36.47"S and 171°16'13.99"E; then
- (b) proceeding in a south-westerly direction to a point at 43°51'21.01"S and 171°16'08.21"E; then
- (c) proceeding in a south-easterly direction to a point at 43°52'03.39"S and 171°16'23.86"E; then
- (d) proceeding in a south-easterly direction to a point at 43°53'19.50"S and 171°17'04.54"E; then
- (e) proceeding in a south-easterly direction to a point at 43°53'52.39"S and 171°17'08.76"E; then
- (f) proceeding in a south-easterly direction to a point at 43°54'25.06"S and 171°17'22.18"E; then
- (g) proceeding in a south-easterly direction to a point at 43°55'14.36"S and 171°17'55.98"E; then
- (h) proceeding in a south-easterly direction to a point at 43°56'00.23"S and 171°18'05.61"E; then
- (i) proceeding in a south-easterly direction to a point at 43°57'11.01"S and 171°18'38.92"E; then
- (j) proceeding in a south-easterly direction to a point at 43°57'25.45"S and 171°18'52.51"E; then
- (k) proceeding in a south-easterly direction to a point at 43°58'18.03"S and 171°19'27.59"E; then

- (l) proceeding in a south-westerly direction to a point at 43°58'21.00"S and 171°19'02.18"E; then
 - (m) proceeding in a north-westerly direction to a point at 43°57'14.64"S and 171°18'25.15"E; then
 - (n) proceeding in a north-westerly direction to a point at 43°56'00.24"S and 171°17'49.25"E; then
 - (o) proceeding in a north-westerly direction to a point at 43°55'15.96"S and 171°17'41.70"E; then
 - (p) proceeding in a north-westerly direction to a point at 43°54'26.85"S and 171°17'09.25"E; then
 - (q) proceeding in a north-westerly direction to a point at 43°54'06.86"S and 171°16'59.77"E; then
 - (r) proceeding in a north-westerly direction to a point at 43°53'22.87"S and 171°16'46.62"E; then
 - (s) proceeding in a north-westerly direction to a point at 43°52'06.54"S and 171°16'07.56"E; then
 - (t) proceeding in a north-westerly direction to a point at 43°51'22.06"S and 171°15'55.46"E; then
 - (u) proceeding in a north-easterly direction to a point at 43°50'38.98"S and 171°15'59.19"E; then
 - (v) proceeding in a north-easterly direction to the point of commencement
- Mayfield Hinds canal** means the Mayfield Hinds irrigation canal, located on the Mid-Canterbury Plains,—
- (a) which runs parallel to the east of the Rangitata River; and
 - (b) whose offtake from the Rangitata River begins at the Rangitata Diversion Race at Montalto Road; and
 - (c) whose discharge point back into the Rangitata River is on Ealing Road.

2 **Mayfield Hinds In-race Generation project description**

- (1) The Mayfield Hinds In-race Generation project comprises the construction, operation, and maintenance of not more than 14 small-scale hydroelectric power generation facilities on the generation section of the Mayfield Hinds canal.
- (2) Each generation facility will have an installed generation capacity of approximately 1.6 MW.
- (3) Without limiting subclause (1), the following activities are included in the project:
 - (a) cut-and-fill operations along the generation section to produce the head required for each generation facility:

- (b) widening, deepening, realignment, or maintenance of 1 or more parts of the generation section:
- (c) construction or maintenance of powerhouses, penstocks, and utility sheds along the generation section:
- (d) ancillary works.

3 Mayfield Hinds In-race Generation project network utility operation

The Mayfield Hinds In-race Generation project is a network utility operation.

Schedule 3

Wairau Hydroelectricity Scheme project

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1 Wairau Hydroelectricity Scheme project description

- (1) The Wairau Hydroelectricity Scheme project comprises—
 - (a) the construction, operation, and maintenance of a canal, approximately 42 km in length, along the south bank of the Wairau River; and
 - (b) the construction, operation, and maintenance of 6 small-scale power stations along that canal, having a combined generation capacity of approximately 60.8 MW; and
 - (c) the enlarging of the Wairau Power Station tail-race; and
 - (d) the undertaking of any ancillary works necessary to establish, construct, operate, maintain, repair, upgrade, decommission, or remove the works comprising the project (as described in paragraphs (a) to (c)) or any part of those works, including (without limitation)—
 - (i) drainage, sewerage, telecommunication, and water supply systems:
 - (ii) line function services, including connection to the national grid or to any network or other electrical installations or facilities:
 - (iii) road works:
 - (iv) land disturbance activities:
 - (v) investigation, mitigation, remediation, offsetting, and enhancement activities.
- (2) The canal will be constructed so that—
 - (a) its offtake from the Wairau River begins approximately 1 km upstream of the Branch River–Wairau River confluence; and
 - (b) its discharge point back into the river is approximately 1 km upstream of the Wairau River–Marchburn Stream confluence.

- (3) The project will be undertaken in the area of the Wairau Valley, Marlborough enclosed by a line—
- (a) commencing at a point at 41°41'01.75"S and 173°09'37.01"E; then
 - (b) proceeding in a south-easterly direction to a point at 41°41'17.21"S and 173°09'43.32"E; then
 - (c) proceeding in a north-easterly direction to a point at 41°39'58.26"S and 173°16'14.62"E; then
 - (d) proceeding in a north-easterly direction to a point at 41°32'22.41"S and 173°38'51.61"E; then
 - (e) proceeding in a north-westerly direction to a point at 41°31'17.27"S and 173°38'10.43"E; then
 - (f) proceeding in a south-westerly direction to a point at 41°32'16.68"S and 173°34'41.80"E; then
 - (g) proceeding in a south-westerly direction to a point at 41°34'20.06"S and 173°29'18.14"E; then
 - (h) proceeding in a south-westerly direction to a point at 41°38'49.47"S and 173°16'15.48"E; then
 - (i) proceeding in a north-westerly direction to a point at 41°38'30.03"S and 173°15'15.95"E; then
 - (j) proceeding in a north-westerly direction to a point at 41°38'26.71"S and 173°13'34.37"E; then
 - (k) proceeding in a south-westerly direction to a point at 41°39'19.11"S and 173°12'27.29"E; then
 - (l) proceeding in a south-westerly direction to a point at 41°39'39.87"S and 173°11'09.07"E; then
 - (m) proceeding in a south-westerly direction to the point of commencement.

2 Wairau Hydroelectricity Scheme network utility operation

The Wairau Hydroelectricity Scheme project is a network utility operation.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 29 September 2016, prescribe certain projects as network utility operations for the purposes of section 166 of the Resource Management Act 1991.

The effect of these regulations is to enable a person who undertakes, or proposes to undertake, a prescribed project to seek and, if appropriate, be granted, requiring authority status under that Act for the project.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement in June 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/regulatory-impact-statements/regulations-deeming>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 1 September 2016.

These regulations are administered by the Ministry for the Environment.