

Transpower New Zealand Limited

Feedback on the Draft Proposed Waikato District Plan

24 January 2018

Keeping the energy flowing



Transpower New Zealand Limited The National Grid

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1 Introduction

This document provides comments on behalf of Transpower New Zealand Limited (Transpower) on the Draft Proposed Waikato District Plan (Draft Plan). The comments are for the purpose of assisting the Waikato District Council (the Council) to develop a proposed district plan in a manner that ensures the district plan provisions recognise and provide for the National Grid and therefore meets its statutory obligation to give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET).

Transpower generally supports the approach taken by the Council to providing for the National Grid in this preliminary phase of the District Plan review. In particular, Transpower supports the inclusion of provisions that:

- recognise the significance of the National Grid;
- provide a pathway for any future major upgrade or development of the National Grid (should that occur in the lifespan of the District Plan); and
- provide for the protection of the National Grid from the effects of others' activities, including activities that may compromise its efficient operation, maintenance, upgrading and development.

The following detailed comments made on behalf of Transpower indicate support for many provisions as well as highlighting areas where provisions should be altered to give effect to the NPSET.

Transpower acknowledge that previous comments have been provided to the Council to guide the Draft Plan. Transpower welcomes any opportunity to discuss comments within this document in further detail and notes that these comments are provided without prejudice to any future statutory process. The relevant contact details are as follows:

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1.1 Background

1.1.1 About Transpower

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network (the National Grid) that carries electricity across the country. It connects power stations, owned by electricity generating companies, to substations feeding the local networks that distribute electricity to homes and businesses. The National Grid is critically important, and nationally significant, infrastructure that is necessary for a reliable and secure supply of electricity throughout the country and national and regional economic growth.

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation and as such, Transpower's assets traverse all regions.

The National Grid extends from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 12,000km of transmission lines and cables and 167 substations. The National Grid also includes a telecommunications network of approximately 300 telecommunication sites. The telecommunications network connects and controls the various components of the National Grid (including substations).

Transpower's 30 year strategy for future development of the National Grid is set out in 'Transmission Tomorrow'. This document outlines the view that there will be an on-going role for the National Grid, and that the lines and substations Transpower owns and operates will be required into the future. As such, it is important that the existing transmission corridors are protected and maintained. Equally, it is important that where new infrastructure is required, this is recognised and provided for.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code 2010, and the Electricity (Hazards from Trees) Regulations 2003.

1.1.2 Transpower assets in Waikato District

The following Transpower transmission lines are within, or traverse the Council's jurisdiction:

- Huntly - Otahuhu 220kV transmission line (HLY-OTA A);
- Bombay – Meremere A 110kV transmission line (BOB-MER A);
- Meremere - Takanini 110kV transmission line (MER-TAK A);
- Brownhill – Whakamaru North 40 kV transmission line (BHL-WHN A);
- Otahuhu – Whakamaru A 220kV transmission line (OTA-WKM A);
- Otahuhu – Whakamaru 220kV transmission line (OTA-WKM B);
- Otahuhu – Whakamaru 220kV transmission line (OTA-WKM C);
- Huntly – Taumarānui 220kV transmission line (HLY-TMN A);
- Hamilton – Meremere A CBL 110kV transmission line (HAM-MER A CBL);
- Hamilton – Meremere A 110kV transmission line (HAM-MER A);
- Hamilton – Mercer B 110kV transmission line (HAM-MER B);
- Hamilton deviation 220kV transmission line (HAM-DEV A);
- Hamilton - Waihau 110kV transmission line (HAM-WHU A);
- Huntly Deviation 220kV transmission line (HLY-DEV A);
- Huntly – Otahuhu 220kV transmission line (HLY-OTA A);
- Hamilton – Karapiro A 110kV transmission line (HAM-KPO A);
- Arapuni - Hamilton 110kV transmission line (ARI-HAM A);
- Arapuni - Hamilton B 110kV transmission line (ARI-HAM B); and
- Te Kowhai Deviation A.

There are also 5 substations and switching stations within the Waikato District, being:

- Western Road substation and training facility;
- Huntly Outdoor Switchyard;
- Meremere Switching Station;
- Te Kowhai Substation; and
- Ohinewai Switching Station.

These substations are subject to designations that Transpower has requested be “rolled-over” as part of the Plan review process (clause 4 of the First Schedule of the Resource Management Act 1991 (RMA)).

1.2 Form and Content of Comments

Transpower’s comments are made on the basis that the provisions of the District Plan need to ensure:

- the sustainable management of the National Grid as a physical resource of national significance;
- the NPSET is given effect to;
- the benefits of the National Grid at a local, regional and national level are recognised;
- appropriate provision for the on-going operation and maintenance of the network, including ensuring that transmission lines can be accessed as part of subdivision and development;
- that the National Grid can be upgraded and developed in order to meet growth in energy demand;
- the protection of the National Grid from issues of reverse sensitivity and the effects of others’ activities; and
- appropriate provision for the planning and development of new transmission lines.

Transpower recognises the importance of working with councils to develop appropriate plan provisions and welcomes any opportunity to discuss these comments. Transpower’s comments are organised under the various chapter headings. Where specific amendments to Draft Plan text is sought, these amendments are shown in [blue](#).

1.2.1 The National Policy Statement on Electricity Transmission 2008

The NPSET was gazetted on 13 March 2008 and confirms the national significance of the National Grid and provides policy direction in relation to:

- recognising the benefits of National Grid transmission;
- managing the environmental effects of the National Grid;
- managing the adverse effects of third parties’ activities on the National Grid; and
- long term strategic planning for transmission assets.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the fact that the National Grid is largely the same across the country.

In promoting the NPSET, central government accepted the importance and benefits of a nationally consistent approach to decisions on transmission activities. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

The RMA amendment to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003,¹ by inserting section 2(i) further acknowledges the importance of the National Grid by requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

¹ Resource Management (Forms, Fees, and Procedure) Amendment Regulations (No 2) 2006

The single Objective of the NPSET is as follows:

“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.”*

The NPSET Objective is supported by fourteen Policies. In a general sense these policies address the following:

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects of activities on the National Grid and providing for “buffer corridors” for sensitive activities;
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Section 62(3) requires a regional policy statement to give effect to a National Policy Statement (“NPS”) and sections 75(3) and 67(3) of the RMA requires a district plan and regional plan respectively to also give effect to a NPS. The Supreme Court recently considered what is meant by the phrase “give effect to” in the context of the New Zealand Coastal Policy Statement 2010 (“NZCPS”) and held that:

“Give effect to” simply means “implement”. On the face of it, it is a strong directive, creating a firm obligation on the part of those subject to it ... There is a caveat, however. The implementation of such a directive will be affected by what it relates to, that is, what must be given effect to. A requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction.”

The Supreme Court held that the requirement to ‘give effect to’ the NZCPS is intended to constrain decision-makers. Transpower submit that this applies equally to the NPSET in the context of decisions relating to electricity transmission. Similarly, the observation that the “NZCPS is a carefully expressed document whose contents are the result of a rigorous process of formulation and evaluation. It is a document which reflects particular choices” applies to the NPSET.

Council, in developing the Draft Plan, must determine how to give effect to the NPSET, and similarly any future Hearings Panel must consider the NPSET in decisions on submissions. It is noted that the NPSET, along with further supporting documents, including an implementation guide, are available on the Ministry for the Environment website.²

² <http://www.mfe.govt.nz/rma/central/transmission>

1.2.2 Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009

The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid transmission lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and resource consent requirements where these activities do not meet the standards.

The NESETA only applies to the National Grid lines that existed at 14 January 2010 and does not apply to new transmission lines or substations. As with the NPSET, the NESETA does not apply to electricity distribution lines.

Under section 44A of the RMA, local authorities are required to ensure that there are no duplications or conflicts between the provisions of the NESETA and a proposed plan.

In some situations, the NESETA Regulations defer to a district or regional plan. This means that it is important that the proposed plan:

- Clearly identifies and distinguishes regional rules from district rules (Regulation 4(2)(f) of the NESETA)
- Identifies 'natural areas' in a way that is consistent with the definition of 'natural areas' in the NESETA so that the regulations in the NESETA can be clearly applied in a consistent manner.

2 Definitions

2.1 Definition – 'Building'

Transpower acknowledges that the draft definition is consistent with the definition in the Building Act 2004 and supports the inclusion of this definition as drafted.

2.2 Definition – 'Infrastructure'

Transpower acknowledges that the draft definition reflects the definition included in section 2 of the RMA and supports the inclusion of this definition as drafted.

2.3 Definition – 'Minor upgrading of existing infrastructure'

Transpower generally supports the intent of this draft definition, but is concerned that the definition may not be sufficiently clear in terms of whether (or what) additional structures, conductors or other equipment would fall within this definition. Transpower considers that the definition necessitates a subjective judgement that may result in uncertainty and inconsistent plan administration. Transpower considers that 'minor upgrading' is more precisely 'defined' by the permitted activity performance standards (excluding the 'note') accompanying these standards.

2.4 Definition – 'National Grid'

Transpower supports the inclusion of the definition of National Grid and acknowledges the definition is consistent with the NPSET.

2.5 Definition – ‘National Grid yard’

Transpower supports the inclusion of a definition of ‘National Grid yard’, confirms the accuracy of the distances included and seeks minor amendments:

- to include a diagram showing the National Grid Corridor and Yard; and
- to note that the [“National Grid Yard does not apply to National Grid transmission lines that are designated, undergrounded or removed”](#).

2.6 Definition – ‘National Grid corridor’

Transpower supports the definition of ‘National Grid corridor’, confirms the accuracy of the distances included and seeks a minor amendment to note that the [“National Grid Corridor does not apply to National Grid transmission lines that are designated, undergrounded or removed”](#).

2.7 New Definition – ‘NZECP34:2001’

Transpower seeks the inclusion of the definition for NZECP34:2001. This reference is used throughout the Draft Plan and Transpower consider that it would be appropriate to include a definition for clarity purposes.

[“NZECP34:2001 means the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663”](#).

2.8 Definitions – ‘sensitive activity’ and ‘sensitive land use’

The Draft Plan includes definitions for “sensitive activity” and “sensitive land use”.

‘Sensitive land use’ is defined by the NESETA as an inclusive list of activities. This definition is duplicated in the Draft Plan (but as an exclusive list). This definition does not appear to apply directly to any provisions that relate to the National Grid.

‘Sensitive activities’ is defined by the NPSET as *“includes schools, residential buildings and hospitals”*. This definition differs substantially to the definition included in the Draft Plan for “sensitive activity” as follows:

“Means activities that are affected by the adverse effects associated with some lawful activities, for example, dust, spray or noise from a quarry/port facility or rural production activity, noise or smells from a sewage treatment facility.”

The definition of ‘sensitive activities’ is critical to giving effect to Policy 11 of the NPSET and the implementation of the rules in the Draft Plan that protect the National Grid from the effects of others’ (and to protect sensitive activities from the potential effects of the National Grid).

Transpower considers that the Draft Plan definition of ‘sensitive activity’ is not consistent with the NPSET definition and is not sufficiently certain such that it can be applied in an appropriate and consistent manner to the Infrastructure and Energy rules that manage third party activities in the vicinity of the National Grid. Transpower considers that a further definition is necessary to ensure that Policy 11 of the NPSET is given effect to as follows:

[“Sensitive activities in relation to the National Grid means](#)

[residential activities, rest home, retirement village, marae complex, child care facility, schools, educational facility, and health care facility.”](#)

3 Objectives and Policies: Infrastructure and Energy

3.1 Introduction

Transpower considers the introduction to the objectives and policies chapter does not recognise the National Grid and the role of electricity transmission. Transpower considers a minor addition to the Introduction would be appropriate in order to acknowledge the national importance of the National Grid in a similar manner to the acknowledgement of renewable and non-renewable electricity generation. The inclusion of the following would give effect to the objective of the NPSET, which is to recognise the national significance of the National Grid and reflect the preamble to the NPSET.

“The transmission of electricity on the National Grid plays a vital role in the well-being of New Zealand, its people and communities. Environmental effects of the National Grid are often experienced at a district level while the benefits of the National Grid extend to a regional or national level. These effects are a result of particular physical characteristics and operational/security requirements and may not be able to be avoided or mitigated. Third party activities can have an adverse effect on the operation, maintenance, development and upgrade of the National Grid. These activities are required to be managed to avoid adverse effects on the National Grid.”

3.2 Adverse Effects on Infrastructure, including Reverse Sensitivity

Transpower acknowledges the inclusion of an objective and associated policies relating to the protection of infrastructure from reverse sensitivity effects and incompatible land uses, but is concerned that the objective and policies, insofar as they relate to the National Grid, do not fully give effect to Policies 10 and 11 of the NPSET including because the Objective emphasises reverse sensitivity effects and does not contemplate the broad range of effects on the National Grid.

In this regard, Policies 10 and 11 of the NPSET provide the primary guidance to the management of adverse effects on the National Grid. Policy 10 of the NPSET states:

*“In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to **avoid reverse sensitivity effects** on the electricity transmission network **and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.**”* [our emphasis]

There are two key aspects to Policy 10, which directs decision makers to ensure that reverse sensitivity effects on the National Grid are avoided, and that the National Grid is not compromised. The High Court³ has recognised the two prongs to Policy 10 which need to be distinguished in District Plans as follows:

“Policy 10, although subject to the “reasonably possible” proviso, is, in my judgment, relatively prescriptive. It requires that decision-makers “must” manage activities to avoid reverse sensitivity effects on the electricity transmission network and “must” ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised. What is sought to be protected is the national electricity transmission grid – an asset which the NPSET recognises is of national significance. A mandatory requirement to ensure that an asset of national significant is not compromised is, in my judgment, a relatively strong directive.”

³ *Transpower New Zealand Ltd v Auckland Council* [2017] NZHC281 at [85]

This reinforces that reverse sensitivity is not the only type of effect that the National Grid should be protected from in district plans.

Policy 11 directs that local authorities must consult with the operator of the National Grid to identify buffer corridors within which it can be expected that sensitive activities will not be provided for in plans and/or given resource consent.

Transpower considers that amendments to the Objective and Policies (2) and (3) are necessary to give effect to the NPSET by more specifically reflecting the outcomes, and approach to the outcomes, sought in the NPSET. In turn, these proposed amendments achieve greater consistency with similar objectives and policies in district plans that have recently been proposed elsewhere. Transpower therefore supports the following amendments to the Objective and Policies:

<p>“Objective</p>	<p>XXXX</p> <p>Infrastructure is protected from reverse sensitivity effects and <u>subdivision, use and development is managed to ensure that infrastructure (including the National Grid) is not compromised incompatible land uses.</u></p>
<p>Policies</p>	<p>XXXX</p> <p>(1) Reverse sensitivity effects on infrastructure from subdivision, use and development will be avoided, as far as reasonably practicable, so as to not compromise the ongoing and efficient operation of infrastructure.</p> <p>(2) The National Grid transmission network, such as the National Grid Yard and National Grid Corridor, will be identified on the planning maps.</p> <p>(3) Subdivision, use and development will be managed <u>so to ensure</u> that the operation, maintenance, upgrading and development of the National Grid is not compromised by <u>ensuring that:</u></p> <p>(a) <u>National Grid Corridors and National Grid Yards are identified on the planning maps to establish buffer distances for managing subdivision and land use development near the National Grid;</u></p> <p>(b) <u>Avoiding sensitive activities and buildings and structures that may compromise the National Grid, including intensive farming activities, are excluded from establishing within the National Grid Yard; establishing within the National Grid Corridor, and ensuring that these activities are appropriately managed around substations</u></p> <p>(c) Managing the location of development around the National Grid to ensure that the safety and ongoing and efficient operation of the National Grid is not compromised, and</p> <p>(cd) Managing-subdivision <u>is managed</u> within the National Grid Corridor to avoid subsequent land use from comprising the operation, maintenance, upgrading and development of the National Grid;</p>

	(d) <u>Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.</u>
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3.3 The Operation, Maintenance, Development and Upgrade of the National Grid

Transpower is supportive of the inclusion of objectives and policies specific to the operation, maintenance, upgrading and development of the National Grid and considers the inclusion of these provisions recognises the strategic importance of the National Grid as required by the NPSET (and particularly Policy 2 that requires decision-makers to “recognize and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network”.

That said, Transpower considers that the following further amendment to the Policies (replacing Policy (3)) are necessary to give effect to the NPSET and specifically to reflect the direction to decision-makers in considering adverse effects in Policies 3, 4 and 5 of the NPSET and the obligations of Transpower in relation to potential adverse effects on the environment under Policies 6, 7, 8 and 9 of the NPSET.

Objective	XXXX The national significance of the National Grid is recognised and provided for and its efficient and effective development, operation, maintenance, repair, replacement, upgrading and removal is enabled.
Policies	XXXX (1) The operation, maintenance, upgrading and development of the National Grid is provided for. (2) The operational, functional and technical constraints <u>of the National Grid</u> , and the interconnectedness of networks are recognised. (3) <u>The operational, maintenance and minor upgrade requirements of the National Grid are enabled. The operation, maintenance, upgrading and development of the National Grid must avoid, remedy or mitigate adverse effects, including:</u> <u>(a) the health, well-being and safety of people and communities, including nuisance from noise, vibration, dust and odour emissions and light spill</u> <u>(b) the safe and efficient operation of other infrastructure</u> <u>(c) amenity values</u> <u>(d) any heritage, cultural or natural environment values.</u> <u>(4) When considering the environmental effects of the development or substantial upgrade of the National Grid, have regard to:</u>

	<p><u>(a) the national, regional and local benefits of sustainable, secure and efficient electricity transmission</u></p> <p><u>(b) the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection</u></p> <p><u>(c) the extent to which existing adverse effects have been reduced as part of any substantial upgrade</u></p> <p><u>(d) the effects on urban amenity (including town centres), areas of high recreational or amenity value and existing sensitive activities</u></p> <p><u>(e) adverse effects on any heritage values, outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities including the extent to which adverse effects can be avoided.”</u></p>
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By way of explanation, it is considered that Draft Plan Policy (1) gives effect to Policy 2 of the NPSET and that Draft Plan Policy (2) gives effect to Policy 3 of the NPSET. With respect to Draft Plan Policy (2), it is noted that the terms “operational, functional and technical constraints” are not defined. A number of district plans do include definitions to further explain this concept and Transpower suggest that consideration is given to defining what is meant by these terms.

Further, new Policy (3) reflects Policy 5 of the NPSET, while the new clauses (a) to (e) in Draft Plan Policy 4 gives effect to Policies 1, 4, 6, 7 and 8.

4 District-wide Chapter: Infrastructure and Energy

4.1 Introduction

Transpower generally supports the approach set out in the Introduction to the Infrastructure and Energy rules whereby the rules override zone rules unless stated otherwise.

4.2 Activity Tables

4.2.1 General Infrastructure Provisions

Activities A1-A8, generally provide for a range of existing infrastructure and related works across all zones as permitted activities, provided performance standards are met. Transpower acknowledges this and considers this to give effect to the NPSET. In particular it is noted that Activity A13 gives effect to Policy 9 of the NPSET. Further, subject to comments in relation to performance standards, Transpower considers that Activity A7 ‘Trimming, maintenance or removal of vegetation or trees associated with infrastructure’, is consistent with the NESETA and statutory requirements of the Electricity (Hazards from Trees) Regulations 2003, which allows Transpower to carry out tree and vegetation works in order to protect the security of supply of electricity, and the safety of the public and gives effect to Policies 2 and 5 of the NPSET.

4.2.2 National Grid Provisions

In terms of Activities B1 to B3, Transpower comments as follows:

- In terms of adverse effects, Transpower does not consider that there are discernible differences in the adverse effects of a below ground National Grid transmission line (Activity B1) and many below ground distribution lines (Activity C1) such that the activity status for these activities should be different. Transpower considers that a permitted activity status should apply as it does in Activity C1.
- Similarly, Transpower does not consider that the voltage of a transmission line or distribution line is necessarily a useful threshold for a more stringent activity status (referring to Activities C2 and C3). It is anticipated that adverse effects of transmission and distribution lines are mostly associated with the nature and scale of support structures. This means that a distribution line that is less than 110kV supported by towers (Activity C2) may have more significant adverse effects than a 110kV National Grid transmission line on poles (Activity B2). It is also less usual (but possible) that Transpower could own or operate a transmission line of less than 110kV that would be subject to a more stringent activity status (Activity B2) than the same asset (if it were an electricity distribution line) (Activity C2).
- Transpower does not consider that non-complying activity status (Activities B2 and B3) is appropriate in 'Special Identified Areas' because:
 - the provisions are a relatively blunt approach to both section 6 and section 7 of the RMA matters;
 - fail to balance the benefits and national significance of the National Grid (NPSET); and
 - are inconsistent with the Environment Court in Royal Forest and Bird Protection Society of New Zealand Inc v Bay of Plenty Regional Council [2017] NZEnvC 045 as follows:

"[71] We have concluded that the best way of identifying and assessing the benefits and costs of a regionally significant project, and its impacts on an IBDA Area A,21 is to provide for a full discretionary activity status. Issues identified in section 32(2)(a), (b) and (c) then become directly relevant to the determination of that application through the application of the National Policy Statements, RPS and RCEP.

[72] Given the wide variety of circumstances that could arise, and the wide variety of IBDA's within the region, we conclude that the appropriate method to address these issues is on a case-by-case basis on individual full discretionary applications."

In summary, Transpower seeks the following amendments:

		Residential Zone, Paa Zone and Village Zone	Business Zone, Business Town Centre Zone and Special Use Zone	Industrial Zone and Heavy Industrial Zone	Rural Zone	Country Living Zone	Reserves Zone	Road, Unformed Road	Special Identified Areas
National Grid									

B1	Below ground transmission lines associated with the National Grid	<u>RDP</u>	<u>RDP</u>	<u>RDP</u>	<u>RDP</u>	<u>RDP</u>	<u>RDP</u>	<u>RDP</u>	<u>DP</u>
B2	New above ground transmission lines associated with the National Grid	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>NCD</u>
B3	Transformers, substations and switching stations associated with the National Grid	RD	RD	RD	RD	RD	RD	RD	<u>NCD</u>

4.2.3 'Other relevant regulatory requirements'

Transpower supports clause (2) of the 'other relevant regulatory requirements' to the extent that this clause provides a clear statement in relation to the statutory role of the NESETA. It is noted that further direction to the NESETA is provided at the outset of each zone chapter. While it is appreciated that this may be standard text listing all National Environmental Standards, Transpower notes that this further direction has limited relevance because the NESETA applies to National Grid infrastructure that is addressed by the Infrastructure and Energy Rules.

4.3 Performance Standards

4.3.1 Minor upgrading of existing infrastructure

Transpower generally supports the inclusion of performance standards that establish the parameters of what may constitute minor upgrading. It is considered that manner in which the performance standards confine the activity may mean that in the inclusion of an associated definition is not necessary. While the NESETA generally applies to the operation, maintenance, upgrading, relocation or removal of a transmission lines existing as of 14 January 2010, activities that are excluded under Regulation 4(2) and new transmission lines (post 2010) will rely on these provisions. On this basis Transpower considers it appropriate for the minor upgrading provisions to generally provide for activities that are permitted by the regulations in the NESETA as permitted in the Draft Plan. In this regard, Transpower notes that the Draft Plan performance standards do not achieve this in all case, for instances, Standard (2)(j) confines the increase in voltage to up to 110kV. This distinction is not made in the NESETA and, as noted above, it is consider that using the voltage of a transmission line or distribution line many not be the most appropriate approach.

4.3.2 Trimming, maintenance or removal of vegetation associated with existing infrastructure

Transpower considers the provisions relating to trimming, maintenance or removal of vegetation are not reflective of, or consistent with, the NESETA Regulations and the Electricity (Hazards from Trees) Regulations 2003.

The NESETA sets out permitted activity requirements for the trimming, felling or removal of any tree or vegetation in relation to existing transmission lines. The Electricity (Hazards from Trees) Regulations 2003 provide an avenue for notice to be given for trimming, maintenance or removal works.

While rule structure is yet to be determined, Transpower seeks that the Draft Plan provisions enable the trimming, felling or removal of any notable tree where that tree compromises the safe, efficient and effective operation of the National Grid.

4.3.3 Buildings, structures and sensitive activities within existing residential zones as of ('insert date of District Plan notification)

The proposed standards are consistent with pre-draft discussions and advice provided by Transpower. Transpower acknowledges the inclusion of these draft provisions and considers they align with Policies 10 and 11 of the NPSET, subject to comments related to the definition of "sensitive activities" set out above.

4.3.4 Buildings, structures and sensitive activities within all other zones as of ('insert date of District Plan notification)

The proposed standards are consistent with pre-draft discussions and advice provided by Transpower. Transpower acknowledges the inclusion of these provisions and considers they align with Policies 10 and 11 of the NPSET, subject to comments related to the definition of "sensitive activities" set out above.

4.3.5 Earthworks activities within the National Grid Yard

The proposed standards are consistent with pre-draft discussions and advice provided by Transpower. Transpower acknowledges the inclusion of these provisions.

4.3.6 Subdivision within the National Grid Corridor

Transpower provided model provisions in relation to subdivision within the National Grid Corridor which have been adopted as proposed. The provisions proposed clearly provide for subdivision as a restricted discretionary activity where any building platforms can be located outside of the National Grid Yard, and non-complying activity where they cannot. Transpower therefore generally supports the provision as drafted.

4.3.7 Cross-referencing

Where the Draft Plan provisions address the activities of third parties in the vicinity of the National Grid, Transpower suggests that it is useful, in terms of clarity and ease of use, for the Draft Plan to include cross references to the relevant Infrastructure and Energy Rules. For instance, the subdivision rules that are included in the zone provisions should cross reference to the subdivision provisions that apply in the National Grid Corridor.

5 Earthworks

Transpower supports the current provisions of the Draft Plan to the extent that they enable earthworks for the purpose of establishing and maintaining access tracks to National Grid infrastructure. Where earthworks are proposed in a natural landscape or natural character area, Transpower supports a discretionary activity status for these works.

6 Summary

Transpower welcomes the opportunity to provide comments on the draft plan and recognises the importance of working with Council to develop appropriate plan provisions. Transpower is generally supportive of the approach taken by the Council in providing for the National Grid. This support is particularly in relation to the inclusion of provision that recognise the significance of the National Grid and provide for the protection of the network from the effects of third party activities.