Proposed National Policy Statement for Highly Productive Land

Submission Template

We would like to hear your views on the proposed National Policy Statement for Highly Productive Land (NPS-HPL).

Please feel free to use this template to prepare your submission. Once complete please email to soils@mpi.govt.nz.

You can also make a submission using the online submission tool. A link to the online submission tool is available at www.mpi.govt.nz/HighlyProductiveLand.

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Are you submitting on behalf of an organisation? Yes

If yes, which organisation are you submitting on behalf of?

Transpower New Zealand Limited

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Under the Privacy Act 1993, people have access to information held by agencies about them. Any personal information you send with your submission will only be used in relation to matters covered by this document. In your submission, indicate if you prefer that we do not include your name in the published summary of submissions.

Questions for submitters

The questions for submitters that are included throughout the discussion document are provided below. We encourage you to provide comments to support your answers to the questions below. You do not have to answer all questions for your submission to be considered.

The page numbers mentioned below indicate where further information about the question is located in the discussion document.

Section 2.3: Defining highly productive land [page 19]

What are the values and benefits associated with highly productive land? No comment.
What are the values and benefits associated with existing food growing hubs and how can these be maximised? No comment.

Section 3.1: Problem statement [page 23]

Does the RMA framework provide sufficient clarity and direction on how highly productive land should be managed? Why/why not? No comment.
Does the RMA framework provide sufficient clarity on how highly productive land should be considered alongside competing uses? Why/why not? No comment.

How are values and wider benefits of highly productive land being considered in planning and consenting processes? No comment.

Section 3.2: Urban expansion on to highly productive land [page 24]

How is highly productive land currently considered when providing urban expansion? Can you provide examples? No comment.
How should highly productive land be considered when planning for future urban expansion? No comment.

Section 3.3: Fragmentation of highly productive land [page 25]

How is highly productive land currently considered when providing for rural-lifestyle development? Can you provide examples? No comment.
How should highly productive land be considered when providing for rural-lifestyle development? No comment.

Section 3.4: Reverse sensitivity [page 26]

How should the tensions between primary production activities and potentially incompatible activities best be managed?

Note: Transpower's general submission (attached) contains information about who Transpower is, its role, and general comments on the Proposed National Policy Statement on Highly Productive Land (the **NPSHPL**).

The proposal appears to be primarily aimed at avoiding incompatible activities such as rural lifestyle development and urban expansion from occurring on highly productive land. However, some of the provisions in the NPSHPL have been drafted in a much broader manner and will apply to all subdivision, use, and development.

Transpower's key concern with the proposal is it does not expressly address the relationship between highly productive land and infrastructure. Further, it is not clear how the NPSHPL will be reconciled with the National Policy Statement on Electricity Transmission 2008 (the **NPSET**).

The NPSET was developed under the RMA and recognises the importance of the National Grid, both as an asset in its own right and also in terms of the role that it plays in the functioning of the country. Transpower relies on the NPSET to ensure that regional policy statements and district and regional plans adequately provide for and protect the National Grid. It is crucial that the NPSHPL does not dilute the effectiveness of the NPSET and/or threaten the security of the National Grid.

The National Grid is located on highly productive land (see the maps attached to Transpower's general submission on the NPSHPL). 14912 transmission line support structures (towers or poles) are in LUC 1-3[1]. National Grid substations intersect with LUC 1-3 104 times[2]. The vast majority of these assets would have been established well before the LUC system was developed. The National Grid is recognised as being nationally significant under the RMA. It is critical infrastructure and plays a vital role in the wellbeing of New Zealand and its people, including supporting primary production activities.

[1] 1059 structures are in LUC 1, 5577 are in LUC 2 and 8276 are in LUC 3.
[2] In total, less than 104 substations will be in LUC1-3 – some substations will be in more than one category.

Nevertheless, it may be argued by other entities that the National Grid is an "incompatible activity" on highly productive land and should be restricted on the basis it compromises the efficient operation of primary production.

Transpower seeks controls on specific types of farming and horticultural buildings and structures directly under its electricity transmission lines and around the associated support structures in district planning processes. These controls are provided through a corridor management approach, and sought across New Zealand to give effect to policies 10 and 11 of the NPSET.

For example, Transpower seeks controls on milking sheds, and commercial greenhouses. These controls are necessary to enable Transpower to effectively operate, maintain, and upgrade the National Grid and give effect to the NPSET. Transpower's electricity transmission lines and associated structures do not otherwise sterilise the use of highly productive land for productive purposes. Standard farming and horticultural activities are able to continue unimpeded. (Appendix A discusses the rule framework in more detail).

The expansion of existing, or development of new, substations could have a greater footprint on highly productive land than transmission lines, as farming and horticulture activities cannot occur in substation sites. While Transpower can seek to avoid highly productive land during site or route selection processes, this is not always possible given the technical, operational or locational constraints (constraints which are recognised by policy 3 of the NPSET). Further, many existing sites are located within areas that are mapped as LUC1-3. It is further noted that there may be limited route options for locating any new transmission line that is connecting new generation to the Grid (i.e. there may be operational, technical or locational constraints) and therefore avoidance may not always be possible.

Transpower considers that any tension between primary production activities and the National Grid is best managed by way of the status quo (i.e. implementation of the existing NPSET policies relating to managing the effects of the National Grid, including for example the requirement to have regard to the extent to which any adverse effects have been avoided, remedied, or mitigated by the route, site and method selection.)

To address potential interpretation issues and potential assertions that the National Grid is an inappropriate or incompatible activity on highly productive soils, nationally significant infrastructure should be excluded from the scope of the NPSHPL as it is not efficient or cost-effective for Transpower and other affected parties to reconcile these higher order national directions in 67 districts when the issues are the same and the policy tensions can be resolved at a national level. This contrasts with other issues where a varied approach is warranted because the issues do differ between regions and districts.

If nationally significant infrastructure is not excluded from the scope of the NPSHPL, Transpower would support the following:

a. Defined terms that the National Grid and associated buffer corridors (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land;
b. Policy clarification that the National Grid and associated buffer corridors (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land. This could sit within Objective 3 and potentially Policy 2 and Policy 5;
c. Inclusion of a new policy or amendment to Objective 3 that new National Grid infrastructure (and potentially other new nationally significant infrastructure) should seek to avoid locating within highly productive land as far as practicable given the constraints imposed by the operational need of the network.
d. Inclusion of a new policy that: "Planning and development of new substations should seek to avoid adverse effects on highly productive land." Transpower considers at a minimum transmission lines should be excluded from the NPSHPL.

How can reverse sensitivity issues at the rural-urban interface best be managed?

No comment.

Section 3.5: These issues are being seen throughout New Zealand [page 26]

Do you agree that there is a problem? Has it been accurately reflected in this document?

No comment.

Are you aware of other problems facing highly productive land?

No comment.

Section 4.5 Preferred option – a National Policy Statement [page 31]

Which option do you think would be the most effective to address the problems identified in Chapter Three? Why?

No comment.

Are there other pros and cons of a National Policy Statement that should be considered? National Policy Statements provide the potential to set clear national direction on trade-offs between competing land uses such as highly productive land and urban expansion. This benefits affected stakeholders and local government by making it clear what land use should be afforded priority, and/or what the tests are for assessing and managing the competing use of such land. However, National Policy Statements also have the potential to add a layer of confusion and complexity to the planning process if they do not resolve the tensions between two competing nationally significant land uses, such as highly productive land and nationally significant infrastructure. Transpower considers that the NPSHPL needs to be reconciled with all of the other National Policy Statements (not just the Proposed NPS on Urban Development) in order to reap the benefits of national direction by removing scope for debate at the regional and district levels. In particular, the provisions under the NPSHPL need to be reconciled with the provisions under the NPSET to ensure that Transpower can effectively operate, maintain, and upgrade the National Grid and give effect to the NPSET. It is noted the NPSET is not referenced in the discussion document on the NPSHPL and therefore no guidance has been provided as to how the uses are to be reconciled.
Are there other options not identified in this chapter that could be more effective? No comment.

Section 5.2 Purpose of the proposed National Policy Statement [page 34]

Should the focus of the National Policy Statement be on versatile soils or highly productive land more broadly? Why/why not? No comment.
Should the focus of the National Policy Statement be on primary production generally or on certain types of food production activities? Why/why not? No comment.

Section 5.3 The scope of the proposal [page 35]

Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/why not?

Transpower supports recognition of highly productive land because it provides for more effective management of this resource under the RMA by controlling competing land uses, such as urban expansion.

However, and as discussed above, although the NPSHPL appears to be primarily aimed at avoiding rural lifestyle development and urban expansion from occurring on highly productive land, some of the objectives and policies have been drafted in a much broader manner that will apply to all land use, irrespective of the current use and zoning of the land. This has the potential to unnecessarily and inadvertently restrict activities.

Fragmentation of highly productive land may have already occurred, with the continued use of the land for non-rural uses now being the most efficient and sustainable use. For example, see the map of the Bombay substation attached to Transpower's general submission on the NPSHPL which shows the substation and adjoining residential development on LUC 3. This substation site is in the rural production zone in the Auckland Unitary Plan Operative in Part, and is therefore not considered to be within an existing "urban area" (which are proposed to be excluded from "highly productive land"). Transpower has an investigation project underway to upgrade this substation site on land it owns, which in turn could enable nearby overhead lines to be removed. If this site could not be further developed, a greenfields development may be required. The map highlights the potential difficulty in blanket application of LUC to achieve the objectives set out in the NPSHPL.

What matters, if any, should be added to or excluded from the scope of the National Policy Statement? Why?

Transpower's key concern with the proposal is it does not expressly address the relationship between highly productive land and infrastructure. In particular, it is not clear how the NPSHPL will be reconciled with the NPSET.

The NPSET provides the National Grid with 'special status' in planning and resource consent processes throughout New Zealand. This recognition is consistent with the Government's wider objective of both protecting and providing for the essential infrastructure (being the National Grid) to achieve and sustain economic outcomes.

The NPSET has a single objective, being confirmation of the national significance of the National Grid and the need to appropriately manage both the network and the activities

that occur close to it. Policy 1 recognises the national benefits of transmission, while Policies 2 to 9 guide the management of the environmental effects of transmission, setting out a general set of responsibilities on both decision makers and Transpower. Policies 10 to 14 deal with third-party effects and planning for transmission assets.

Transpower relies on the NPSET to ensure that regional policy statements and district and regional plans adequately provide for and protect the National Grid. It is crucial that the NPSHPL does not dilute the effectiveness of the NPSET and/or threaten the security of the National Grid.

Transpower has expended significant resources actively participating in district and regional plan making processes (including in Environment and High Court appeals) to demonstrate the risks on and from transmission infrastructure, and why the constraints on development and certain uses of land are justifiable. Transpower is concerned that if the National Grid is part of the scope of the NPSHPL then Transpower will have to re-litigate the restrictions necessary to give effect to the NPSET, and may be precluded from effectively upgrading and developing its assets.

The National Grid is located on highly productive land (see the maps attached to Transpower's general submission on the NPSHPL). 14912 transmission line support structures (towers or poles) are in LUC 1-3[3]. National Grid substations intersect with LUC 1-3 104 times. The vast majority of these assets would have been established well before the LUC system was developed. Transpower's asset strategy for its transmission line fleet is that all lines have a perpetual life. Some of Transpower lines are more than 85 years old. However, with ongoing repair and maintenance, it is planned that existing tower structures will have an enduring life, with future conductor replacements utilising the same structures where structurally capable.

Nationally significant infrastructure should be excluded from the scope of the NPSHPL as it is not efficient or cost-effective for Transpower and other affected parties to reconcile these higher order national directions in 67 districts when the issues are the same and the policy tensions can be resolved at a national level. This contrasts with other issues where a varied approach is warranted because the issues do differ between regions and districts.

The lack of an exclusion for nationally significant infrastructure will also have an impact on Transpower's operations at a practical level. Transpower has many current projects, and

[3] 1059 structures are in LUC 1, 5577 are in LUC 2 and 8276 are in LUC 3.

planned future projects, on substation sites located on LUC 1-3 land. For example, the designation for the Brownhill Road substation provides for staged development (only stage one has occured). However, that site is located on rural land (in the countryside living zone in the Auckland Unitary Plan Operative in Part). It is important that these projects are not constrained by the NPSHPL.

The National Grid is recognised as being nationally significant under the RMA. It is critical infrastructure and plays a vital role in the wellbeing of New Zealand and its people. Electricity underpins the economic growth and the economic goals of New Zealand. It enables social and community development, contributing actively to the lives of people in New Zealand. Without the National Grid, electricity that is generated at power stations throughout New Zealand could not reach distribution companies and power our homes, businesses, schools, communities or major industrial and rural users.

If nationally significant infrastructure is not excluded from the scope of the NPSHPL, Transpower would support the following:

a. Defined terms that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land;
b. Policy clarification that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land. This could sit within Objective 3 and potentially Policy 2 and Policy 5;
c. Inclusion of a new policy or amendment to Objective 3 that new National Grid infrastructure (and potentially other new nationally significant infrastructure) should seek to avoid locating within highly productive land as far as practicable given the constraints imposed by the operational need of the network;
d. Inclusion of a new policy that: "Planning and development of new substations should seek to avoid adverse effects on highly productive land." Transpower considers at a minimum National Grid lines should be excluded from the NPSHPL.

Should future urban zones and future urban areas be excluded from the scope of the National Policy Statement? What are the potential benefits and costs?

In addition to excluding future urban zones and areas, the Proposed NPSHPL should exclude nationally significant infrastructure for the reasons outlined above.

Should the National Policy Statement apply nationally or target areas where the pressures on highly productive land are greater?

No comment.

Section 5.4 The proposed National Policy Statement [page 37]

What would an ideal outcome be for the management of highly productive land for current and future generations?

No comment.

Policy 1: Identification of highly productive land [page 41]

If highly productive land is to be identified, how should this be done and by whom?

The process for identifying highly productive land should exclude existing infrastructure, as this is often located in rural environments (in addition to urban areas and future urban zones which are proposed to be excluded). This infrastructure should be identified by the infrastructure providers.

Transpower's substations are located in multiple different zones/overlays. Therefore the exclusion cannot be limited to zone/overlay descriptions. Substations are a critical component of the National Grid. Power transformers and other equipment at substations step electrical voltage up and down so that it can be used by distribution companies who then deliver the lower voltage electricity to homes, businesses, schools and communities.

If existing infrastructure, such as substations, is not excluded from the definition of highly productive land then it will constrain the ability of infrastructure providers to fully utilise its sites. For example, where an existing substation site is identified as highly productive land, the NPSHPL could be interpreted to mean that the use of such land for productive soils prevails over any other activity including expansion of the existing substation within the site's boundaries. This is not an efficient use of land, nor an appropriate outcome when the National Grid is critical to the operation of New Zealand's economy (see, for example, the map of Bombay substation attached to Transpower's general submission on the Proposed NPSHPL).

Are the proposed criteria all relevant and important considerations for identifying highly productive land? Why/why not?

No comment.

Policy 2: Maintaining highly productive land for primary production [page 42]

What are the pros and cons associated with prioritising highly productive land for primary production?

One of the cons associated with prioritising highly productive land for primary production is it does not reconcile the potential conflict between the NPSET and NPSHPL. In the event this is not addressed in the NPSHPL then the reconciliation would need to occur at the district level. It is not efficient or cost-effective for Transpower and other affected parties to reconcile these higher order national directions in 67 districts when the issues are the same and the policy tensions can be resolved at a national level. This contrasts with other issues where a varied approach is warranted because the issues do differ between regions and districts.

Another con is there is a risk existing infrastructure cannot be developed and new infrastructure (in another location) will instead be required. Depending on the context, this result may be an inefficient use of resources. Applying Proposed Policy 2 means highly productive land is to be "prioritised" for primary production, and depending on the area afforded "greater protection". These are very protective policy directions, and could be interpreted to mean that the use for productive soils prevails over any other activity, including the National Grid. For example, as drafted, the NPSHPL could require an existing substation site which has an area identified for expansion to remain undeveloped where that substation site is identified as highly productive land. In that situation, it is a more efficient use of resources to expand the substation site in the area identified for expansion, rather than constructing an entire new substation in a different location. This policy outcome could also have implications for the development of new National Grid assets.

Nationally significant infrastructure, such as the National Grid, should be prioritised because it is essential for society to function. Electricity underpins the economic growth and the economic goals of New Zealand. It enables social and community development, contributing actively to the lives of people in New Zealand. Without the National Grid, electricity that is generated at power stations throughout New Zealand could not reach distribution companies and power our homes, businesses, schools, communities or major industrial users.

As recognised by Policy 3 of the NPSET, National Grid infrastructure is also subject to particular constraints. The assets in the National Grid are an extensive, linear, and connected system of lines and substations. The linear nature of the Grid reflects New Zealand's topography. Due to the linear, interconnected nature of the National Grid, what happens at one point on the Grid can have consequences much further away, even in another region. This means that Transpower is often constrained as to where the National Grid can be located, and it is not always possible to avoid particular areas (e.g. highly productive land).

The most straight forward way of ensuring the National Grid is prioritised is to exclude nationally significant infrastructure from the scope of the NPSHPL as it is not efficient or cost-effective for Transpower and other affected parties to reconcile these higher order national directions in 67 districts when the issues are the same and the policy tensions can be resolved at a national level. This contrasts with other issues where a varied approach is warranted because the issues do differ between regions and districts.

In the event that nationally significant infrastructure is not excluded from the NPSHPL then Transpower seeks the following:

a. Defined terms that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land;
b. Policy clarification that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land. This could sit within Objective 3 and potentially Policy 2 and Policy 5;
c. Inclusion of a new policy or amendment to Objective 3 that new National Grid infrastructure (and potentially other new nationally significant infrastructure) should seek to avoid locating within highly productive land as far as practicable given the constraints imposed by the operational need of the network;
d. Inclusion of a new policy that: "Planning and development of new substations should seek to avoid adverse effects on highly productive land." Transpower considers at a minimum National Grid lines should be excluded from the NPSHPL.

Alignment with the Urban Growth Agenda [page 43]

Do you think there are potential areas of tension or confusion between this proposed National Policy Statement and other national direction (either proposed or existing)?

Transpower considers there is potential for tension and confusion between the Proposed NPSHPL and the NPSET. In general, a more specific policy overrides a general policy.[4] Whilst

[4] In *King Salmon,* the Supreme Court stated that a requirement to give effect to a policy which is framed in a specific and unqualified way may be more prescriptive than a requirement to give effect to a policy which is

policies may "pull in different directions", "it may be that an apparent conflict between particular policies will dissolve if close attention is paid to the way in which the policies are expressed".[5] The objectives and policies in planning documents are "expressed in deliberately different ways" and "[t]hese differences matter".[6]

The NPSET was drafted prior to the statements in the above cases, and in an era when decision makers applied an "overall broad judgment". Therefore generally the policies in the NPSET are broad in nature. In the event the potential areas of apparent conflict are not expressly addressed in the NPSHPL then it is likely to lead to confusion and litigation at district levels.

Transpower has expended significant resources actively participating in district and regional plan making processes (including in Environment and High Court appeals) to demonstrate the risks to and from transmission infrastructure, and why the constraints on the use of land are justifiable. Transpower is concerned that without amendments to the NPSHPL to clarify the relationship between it and the NPSET, Transpower will have to re-litigate the extent of its restrictions on primary production to give effect to the NPSET.

If the National Grid was not allowed to be on highly productive land then this restriction would fail to give effect to the NPSET as evidenced by the number of structures already on highly productive land. Instead, Transpower considers the NPSET is the appropriate mechanism to manage the effects of the National Grid (including new development) on highly productive land.

Nationally significant infrastructure should be excluded from the scope of the NPSHPL as set out in response to the questions above, or at the very least, specific recognition of the National Grid should be provided within the NPSHPL.

worded at a higher level of abstraction (at [26]). This statement was repeated in *Transpower New Zealand Ltd v Auckland Council* [2017] NZHC 281 at [78].

[5] *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 at [129].

[6] *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 at [127].

How can the proposed National Policy Statement for Highly Productive Land and the proposed National Policy Statement on Urban Development best work alongside each other to achieve housing objectives and better management of the highly productive land resource?

No comment.

Policy 3: New urban development on highly productive land [page 45]

How should highly productive land be considered when identifying areas for urban expansion?

Policy 3 does not apply to Transpower as it relates to "urban expansion".

However, this policy highlights the gap in relation to infrastructure in the proposed NPSHPL. Policy 3 seeks to reconcile the Proposed NPS on Urban Development. It sets out some useful matters for decision makers to consider in deciding whether urban expansion can occur on highly productive land. The commentary makes it clear that the policy intent is to "generally avoid" highly productive land when other feasible options exist. There is no similar policy pathway for infrastructure in the NPSHPL.

Policy 4: Rural subdivision and fragmentation [page 46]

How should the National Policy Statement direct the management of rural subdivision and fragmentation on highly productive land?

"Fragmentation" is not defined in the NPSHPL. The proposal appears to be primarily aimed at avoiding rural lifestyle development and urban expansion from occurring on highly productive land. However, some of the provisions in the NPSHPL have been drafted in a much broader manner and will apply to all subdivision, use, and development.

Transpower's key concern with the proposal is it does not expressly address the relationship between highly productive land and infrastructure. The National Grid is recognised as being nationally significant under the RMA. The National Grid provides a number of critical and essential functions across New Zealand. Society could not function, nor could we maintain or improve our standards of living, without a secure electricity system of which the National Grid is an essential part.

Nevertheless, some entities may argue that it applies to all development on highly productive land, including for example Transpower's substations. National Grid substations intersect with LUC 1-3 104 times (see the maps attached to Transpower's general submission on the NPSHPL). Substations need to be located in an area in proximity to both National Grid assets and distribution company assets (also the further away a substation is from existing National Grid assets then the longer the connecting electricity transmission lines will be with associated impacts). In practice this means Transpower sometimes has limited scope to avoid highly productive land (which is required by Policy 4).

Some of the measures to avoid fragmentation identified in Proposed Policy 4 relate to minimum lot sizes, and restricting subdivision to help retain and increase the productive capacity of highly productive land. These are not appropriate measures for infrastructure development that has a technical or operational need to be located on highly productive land.

The majority of district plans include bespoke provisions for subdivision relating to network utilities. A similar approach could be adopted under the NPSHPL. Alternatively, if the National Grid is not excluded from the scope of the NPSHPL in totality, then the following policy should be included in the NPSHPL to manage substation development on highly productive land:

"Planning and development of new substations should seek to avoid adverse effects on highly productive land."

Policy 5: Reverse sensitivity [page 47]

How should the National Policy Statement direct the management of reverse sensitivity effects on and adjacent to highly productive land?

Policy 5 is not limited to "reverse sensitivity"effects, but also references "incompatible activities". Please see the discussion above under section 3.4 for the relief sought by Transpower in respect of incompatible activities.

Policies 6 and 7: Consideration of private plan changes and resource consent applications on highly productive land [page 49]

How should the National Policy Statement guide decision-making on private plan changes to rezone highly productive land for urban or rural lifestyle use?

No comment.

How should the National Policy Statement guide decision-making on resource consent applications for subdivision and urban expansion on highly productive land?

No comment, except as outlined below in response to the specific question on Policy 7.

Section 5.6 Implementation [page 52]

What guidance would be useful to support the implementation of the National Policy Statement?

Transpower considers that guidance is always helpful when interpreting and implementing NPSs but acknowledges its limits, and its weight (particularly in plan making processes). Transpower prefers that the NPSHPL addresses the relationship with the NPSET rather than in guidance materials. The intention of the NPSHPL, and how it should be interpreted, should be clear on its face where possible.

Specific / technical questions

The questions below are included in the outline of the proposed NPS-HPL (Chapter Five of the discussion document) and may assist technical experts when providing a submission.

Specific questions

Section 5.3: The scope of the proposal [page 35]

How should the National Policy Statement best influence plan preparation and decision-making on resource consents and private plan changes?

No comment.

Should the National Policy Statement include policies that must be inserted into policy statements and plans without going through the Schedule 1 process? What are the potential benefits and risks?

No comment.

What areas of land, if any, should be excluded from the scope of the proposed National Policy Statement? Why?

Please see the response in relation to Policy 1 under section 5.3 for details about the land Transpower considers should be excluded.

Specific questions

Section 5.4: The proposed National Policy Statement [page 37]

What level of direction versus flexibility should the objectives provide to maintain the availability of highly productive land for primary production?

Transpower is concerned Objective 2 to maintain the availability of highly productive land would be applied as an avoidance objective. The commentary under Section 5.4 of the discussion document states "*In practice, this means development that leads to the irreversible loss of highly productive land for primary production should be avoided where other feasible options exist*."

It could be argued that existing or new National Grid Development, such as substations, is an irreversible loss of highly productive land for primary production, and therefore should be avoided.

It is also not clear what would constitute a "feasible" option. While there are usually other technical options, the National Grid has operational requirements and engineering constrains that both dictate and constrain the way it is managed. The operational requirements relating to the Grid are set out in various legislation, rules and regulations governing the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, and the Electricity (Hazards from Trees) Regulations 2003.

Further, while other feasible options may exist, they may not be an efficient use of existing resources (for example where an existing substation site is on highly productive land which also has an area identified for expansion). For example, Transpower's Bombay and Ohinewai planned substation expansions are located on LUC 2-3 land. While these

sites are both designated, it could impact on Transpower's ability to obtain regional consents for the works. Transpower has a live project to extend the Bombay substation to the east, so that it is a 220kV substation (it is currently 110kV) onto the adjoining site which is owned by Transpower. If Transpower cannot make use of this site, it may have to create a new substation elsewhere to deliver the required capacity. Transpower considers it is logical and efficient to work on developing and upgrading existing infrastructure, rather than creating new infrastructure, where possible (noting that a new substation would require new connecting transmission lines).

In relation to electricity transmission lines, Transpower is likely to have route selection options for longer routes. However, the options are generally less for shorter connections. For example, the Nova Junction Road project involved generation very close to an existing electricity transmission line and so a very short connection was required. In this circumstance, avoidance of highly productive land would not have been possible. Similarly, Transpower is often asked to relocate assets to enable roading projects throughout the country. These relocation projects are often small in scale and provide limited flexibility to avoid particular areas or features.

It is Transpower's preference that clarity be provided at the NPS level rather than the matter having to be continually litigated at a district or regional level. Nationally significant infrastructure should be excluded from the scope of the NPSHPL. In the event that nationally significant infrastructure is not excluded from the NPSHPL then Transpower seeks the following:

a. Defined terms that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land;

b. Policy clarification that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land. This could sit within Objective 3 and potentially Policy 2 and Policy 5;

c. Inclusion of a new policy or amendment to Objective 3 that new National Grid infrastructure (and potentially other new nationally significant infrastructure) should seek to avoid locating within highly productive land as far practicable given the constraints imposed by the operational need of the network;

d. Inclusion of a new policy that: "Planning and development of new substations should seek to avoid adverse effects on highly productive land." Transpower considers at a minimum National Grid lines should be excluded from the NPSHPL.

Should the objectives provide more or less guidance on what is "inappropriate subdivision, use and development" on highly productive land? Why/why not?

Transpower considers the objectives should provide far more guidance on what is "inappropriate". This is particularly the case as it is coupled with "protect" and "avoiding" directives in Objective 3. These are very strong policy directives and other parties may argue these trump the enabling policies provided in the NPSET.

The reference to "subdivision, use and development" in Objective 3 is very broad, and captures not just urban expansion/rural lifestyle activities, but all activities including infrastructure. The objective appears to go well beyond the intended scope of the proposal.

However, the following example in the discussion document suggests the Proposed NPSHPL is intended to apply to infrastructure (despite it being the only reference in the discussion document):

> "For example, providing for nationally significant infrastructure on highly productive land may be appropriate where this can largely co-exist with using highly productive land for primary production, there are significant public benefits from that infrastructure, and there is a functional need to be located in that environment".

The National Grid can largely co-exist with using highly productive land for primary production. In particular, as outlined in the response within Section 3.4, Transpower seeks limited constraints be imposed on buildings and structures for horticultural and farming activities beneath electricity transmission lines. For example, Transpower seeks controls on permanent irrigation structures, and commercial greenhouses. These controls are necessary to enable Transpower to effectively operate, maintain, and upgrade the National Grid and give effect to the NPSET.

There are significant public benefits from National Grid infrastructure, and there are technical and/or operational requirements (as referred to in Policy 3 of the NPSET) which means it needs to be located in that environment. These requirements differ from "functional need" (as defined in the National Planning Standards) which relates to activities that can only occur in that environment. National Grid infrastructure, such as electricity transmission lines, can occur in multiple environments but there are technical and operational reasons why such lines may need to span highly productive land. The National Planning Standards differentiates between "functional need" and "operational need" with the former defined as "the need for a proposal or activity to traverse, located or operate in a particular environment because the activity can only occur in that environment". Operational need is defined as "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". Operational need is more relevant to the National Grid and reflects Policy 3 of the NPSET.

It is not efficient or cost-effective for Transpower to make submissions and litigate the matter in every district to establish National Grid infrastructure is an appropriate form of subdivision, use, and development.

If the National Grid was not allowed to be on highly productive land then this would fail to give effect to the NPSET, as evidenced by the number of structures already on highly productive land. Instead Transpower considers the NPSET is the appropriate mechanism to manage the effects of the National Grid (including new development) on highly productive land.

On this basis, in the event that nationally significant infrastructure is not excluded from the NPSHPL Transpower supports greater guidance and direction in the NPSHPL as to what is considered "inappropriate" and/or that the National Grid (or nationally significant infrastructure) be excluded from the term. Specifically, Transpower seeks:

a. Defined terms that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land;
b. Policy clarification that the National Grid and associated buffer corridor (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land. This could sit within Objective 3 and potentially Policy 2 and Policy 5;
c. Inclusion of a new policy or amendment to Objective 3 that new National Grid infrastructure (and potentially other new nationally significant infrastructure) should seek to avoid locating within highly productive land as far as practicable given the constraints imposed by the operational need of the network;
d. Inclusion of a new policy that: "Planning and development of new substations should seek to avoid adverse effects on highly productive land." Transpower considers at a minimum National Grid lines should be excluded from the NPSHPL.

Specific questions

Policy 1: Identification of highly productive land [page 41]

What are the pros and cons of requiring highly productive land to be spatially identified?

Transpower supports in principle the spatial identification of highly productive land as it would provide clarity as to the application of the NPSHPL.

Is the identification of highly productive land best done at the regional or district level? Why?
No comment.

What are the likely costs and effort involved in identifying highly productive land in your region?

The costs for Transpower primarily relate to reconciling the NPSHPL and the NPSET. Transpower has expended significant resources actively participating in district and regional plan making processes (including in Environment and High Court appeals) to demonstrate the risks on and from transmission infrastructure, and why the constraints on the use of land are justifiable. Transpower is concerned that without amendments to the NPSHPL to clarify the relationship between it and the NPSET, Transpower will have to re-litigate the extent of its restrictions to give effect to the NPSET. This introduces a risk of a compromised corridor management approach and potentially restricts the ability for Transpower to operate, maintain, upgrade and develop the National Grid, which is a identified as a matter of national importance.

There are also likely additional costs for Transpower being involved in plan making processes to ensure Transpower's existing substation land is not classified as highly productive land. It would be more cost-effective if these issues were addressed within the NPSHPL itself.

What guidance and technical assistance do you think will be beneficial to help councils identify highly productive land?

No comment.

Specific questions

Appendix A: Criteria to identify highly productive land [page 41]

Should there be a default definition of highly productive land based on the LUC until councils identify this? Why/why not?

Transpower considers there should be a default definition of highly productive land based on the LUC to provide certainty, but this definition should exclude existing infrastructure and associated sites.

What are the key considerations to consider when identifying highly productive land? What factors should be mandatory or optional to consider?

In addition to those factors listed in the proposal, it should be mandatory to exclude existing substation infrastructure.

National Grid substations intersect with LUC 1-3 104 times. National Grid infrastructure, despite a careful route selection process, may inevitably need to locate on highly productive land due to its linear and interconnected nature.

What are the benefits and risks associated with allowing councils to consider the current and future availability of water when identifying highly productive land? How should this be aligned with Essential Freshwater Programme? No comment.
Should there be a tiered approach to identify and protect highly productive land based on the LUC class (e.g. higher levels of protection to LUC 1 and 2 land compared to LUC 3 land)? Why/why not? Transpower supports a tiered approach to identifying and protecting highly productive land because it reflects the value of the applicable soils. If a tiered approach is not adopted then it could mean an onerous protection regime is applied to a greater area of land classified as "highly productive land" with consequential restrictions on nationally significant infrastructure, such as the National Grid.

Specific questions

Policy 3: New urban development on highly productive land [page 45]

How can this policy best encourage proactive and transparent consideration of highly productive land when identifying areas for new urban development and growth? No comment.
How can the proposed National Policy Statement for Highly Productive Land best align and complement the requirements of the proposed National Policy Statement on Urban Development? No comment.

Specific questions

Policy 4: Rural subdivision and fragmentation [page 46]

Should the National Policy Statement provide greater direction on how to manage subdivision on highly productive land (e.g. setting minimum lot size standards for subdivisions)? If so, how can this best be done? Please see response in relation to Policy 1 above as to how to manage network utility subdivisions on highly productive land.

Should the proposed National Policy Statement encourage incentives and mechanisms to increase the productive capacity of highly productive land (e.g. amalgamation of small titles)? Why/why not? No comment.

Specific questions

Policy 5: Reverse sensitivity [page 47]

How can the National Policy Statement best manage reverse sensitivity effects within and adjacent to highly productive land? Policy 5 is not limited to "reverse sensitivity"effects, but also references "incompatible activities". Please see the discussion above under section 3.4 for the relief sought by Transpower in respect of incompatible activities.

Specific questions

Policy 6 and Policy 7: Consideration of private plan changes and resource consent applications on highly productive land [page 49]

Should these policies be directly inserted into plans without going through the Schedule 1 process (i.e. as a transitional policy until each council gives effect to the National Policy Statement)? What are the potential benefits and risks?

Policy 6 does not apply to Transpower.

The potential risks of directly inserting Policy 7 into plans without going through the Schedule 1 process is there will be unintended consequences. For example, Transpower may need to undertake subdivision of land to facilitate the development of a new substation within a rural area, or the expansion of an existing substation and be precluded by the application of Policy 7.

Transpower considers Policy 7 should be amended so it either has limited scope to apply only to rural lifestyle subdivision and urban expansion, or the range of criteria to have regard to should be expanded to also be applicable to other uses. For example, clause c. should reference "operational need" as defined in the first set of National Planning Standards. This would allow decision makers to consider the technical constraints which mean the National Grid cannot avoid highly productive land.

There are significant public benefits from National Grid infrastructure, and there are technical and/or operational requirements (as referred to in Policy 3 of the NPSET and as defined in the National Planning Standards) which mean it needs to be located in that environment. These requirements differ from "functional need" (as defined in the National Planning Standards) which relates to activities that can only occur in that environment. National Grid infrastructure, such as electricity transmission lines, can occur in multiple environments but there are technical and operational reasons why such lines may need to span highly productive land including due to its linear and interconnected nature.

How can these policies best assist decision-makers consider trade-offs, benefits, costs and alternatives when urban development and subdivision is proposed on highly productive land?

Transpower considers Policy 7 should be amended so it either has limited scope to apply only to rural lifestyle subdivision and urban expansion, or the range of criteria to have regard to should be expanded to also be applicable to other uses. For example, clause c. should reference "technical and/or operational requirements" as referred to in Policy 3 of the NPSET. This would allow decision makers to consider the need to traverse, or be located in, an area due to technical or operational reasons (which as discussed above is considered to be distinct from "functional" need).

Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operations on highly productive land? Why/why not?

Policy 7 has not been limited to "rural lifestyle" subdivision. Transpower considers it should be limited to those uses the Government wishes to control through the NPSHPL. If Policy 7 simply refers to "subdivision" then it may have unintended consequences. For example, Transpower may need to undertake subdivision of land to facilitate the development of a new substation within a rural area, or the expansion of an existing substation. An option would be to exclude nationally significant infrastructure (and in particular the National Grid) from the subdivision policy.

Specific questions

Section 5.5: Interpretation

Do any of the draft definitions in the National Policy Statement need further clarification? If so, how?

Transpower considers it is important that the draft definitions are retained because they clarify the scope of the objectives and policies. Most notably, the definitions of "urban area" and "urban expansion" make it clear the related objectives and policies do not apply to the National Grid. It is also noted that the definition of "sensitive activities" is generally consistent with the definition in the NPSET, which is supported by Transpower.

Are there other key terms in the National Policy Statement that should be defined and, if so, how?

One potential approach to excluding the National Grid from the scope of the NPSHPL is through the definitions. Three key terms that could be defined are "fragmentation", "incompatible activities" and "inappropriate," so as to provide that the National Grid (and potentially other nationally signficant infrastructure) is not: fragmentation, an incompatible activity, and an inappropriate form of subdivision, use, and development of highly productive land.

Transpower notes the definition of "primary production" is very broad and would capture some very large scale buildings such as packing sheds. Transpower recognises the need for such an exclusion. However, this exclusion highlights the lack of consideration of other activities such as infrastructure which may also need to be located on highly productive land due to technical or operational requirements.

Should there be minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/why not?

No comment.

Specific questions

Section 5.6: Implementation [page 52]

Do you think a planning standard is needed to support the consistent implementation of some proposals in this document?

No comment.

If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?

No comment.

Specific questions

Section 5.7: Timeframes [page 52]

What is the most appropriate and workable approach for highly productive land to be identified by council? Should this be sequenced as proposed? No comment.
What is an appropriate and workable timeframe to allow councils to identify highly productive land and amend their policy statements and plans to identify that land? No comment.

Please use the space below to provide any additional comments you may have.

General Submission of Transpower on the Proposed National Policy Statement for Highly Productive Land

Transpower's role

Transpower is the state owned enterprise that plans, builds, maintains – and owns or operates. New Zealand's high voltage electricity transmission network (the **National Grid**). The National Grid includes some 12,000 km of transmission lines and cables (overhead and underground), and 178 substations across the country. The National Grid is controlled by a telecommunications network with 300 telecommunication sites, which help link together the components that make up the National Grid.

The National Grid extends from Kaikohe in the North Island to Tiwai Point in the South Island, and in doing so links generators to distribution companies and major industrial users throughout New Zealand.

The assets in the National Grid are an extensive, linear, and connected system of lines and substations. Thus, activities or changes on one part of the system can affect other parts. The National Grid operates at a regional or national scale in terms of the location of assets and the distances over which electricity is transmitted.

Of these assets, 14,912 transmission line support structures (towers or poles) are in LUC 1-3[1] - just over a third of Transpower's asset base. National Grid substations intersect with LUC 1-3 104 times[2]. Further, Transpower has 4 communications sites within LUC 2-3 (see attached Maps A and B). The vast majority of these assets would have been established well before the LUC system was developed.

Electrification of the economy (such as transport and process heat) is important to New Zealand meeting its climate change commitments[3]. The National Grid has a critical role in New Zealand meeting its climate change commitments – new Grid connections (lines and/or capacity upgrades to existing assets) will be required. Ultimately, the National Grid will be required for many years into the future (and is critical to enabling wider social and economic wellbeing).

Transpower needs to be able to operate, maintain, upgrade and develop the National Grid in the most sustainable way for that outcome to be achieved.

Exclusion of Nationally Significant Infrastructure

Transpower's key concern is that the Proposed National Policy Statement for Highly Productive Land (the **NPSHPL**) does not expressly address the relationship between highly productive land and infrastructure. The NPSHPL appears to be aimed at avoiding rural lifestyle development and urban expansion from occurring on highly productive land which does not apply to Transpower, and infrastructure has only been addressed once throughout the entire discussion document. Nevertheless some of the provisions in the NPSHPL have been drafted in a broad way such that they will apply to all subdivision, use and development.

Proposed Policy 3 of the NPSHPL sets out when urban expansion can occur on highly productive land. Yet no similar policy pathway has been provided for infrastructure. Transpower is concerned the NPSHPL may potentially place constraints on infrastructure, such as the National Grid, that will be inappropriate and unintended, and contrary to other national policy (specifically the National Policy Statement on Electricity Transmission 2008 (the **NPSET**) discussed further below).

The National Grid provides a number of critical and essential functions across New Zealand. Society could not function, nor could we maintain or improve our standards of living, without a secure electricity system of which the National Grid is an essential part. Electricity underpins the economic growth and

[1] 1059 structures are in LUC 1, 5577 are in LUC 2 and 8276 are in LUC 3.
[2] In total, less than 104 substations will be in LUC1-3 – some substations will be in more than one category.
[3] Transpower's "Te Mauri Hiko – Energy Futures" work explained why decarbonisation depends on expanding our renewable electricity base and our ability to electrify parts of the economy. We have predicted that electricity demand will grow significantly from 2020 and may double from 2050. The Interim Climate Change Committee's "Electricity Inquiry – Final Report" reinforced the importance of electrification to meeting New Zealand's climate change response.

the economic goals of New Zealand. It enables social and community development, contributing actively to the lives of people in New Zealand. Without the National Grid, electricity that is generated at power stations throughout New Zealand could not reach distribution companies and power our homes, businesses, schools, communities or major industrial and rural users. This has been recognised by the Court:

> *"Electricity is a vital resource for New Zealand. There can be no sustainable management of natural and physical resources without energy, of which electricity is a major component."*[4]

Transpower considers the NPSET effectively manages the effects of transmission on other activities. Transpower considers that any tension between primary production activities and the National Grid is best managed by way of the status quo i.e. implementation of the existing NPSET policies. For example, Policy 4 requires that decision-makers must have regard to the extent to which any adverse effects of new transmission infrastructure or major upgrades have been avoided, remedied, or mitigated by the route, site and method selection.

The National Grid has operational requirements and engineering constraints that both dictate and constrain the way it is managed, including due to its linear and interconnected nature. These requirements and constraints mean it will not always be feasible to avoid highly productive land. The operational requirements relating to the Grid are set out in various legislation, rules and regulations governing the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, and the Electricity (Hazards from Trees) Regulations 2003. In light of the above, Transpower considers that nationally significant infrastructure should be excluded from the NPSHPL, and the exclusion be made explicit.

Relationship between the Proposed NPSHPL and the NPSET

It is not clear how the Proposed NPSHPL is to be reconciled with the NPSET.

The NPSET was developed under the Resource Management Act 1991 and recognises the importance of the National Grid, both as an asset in its own right and also in terms of the role that it plays in the functioning of the country. At a high level, the NPSET was needed for two reasons. Firstly, to protect the Grid from underbuild (buildings being constructed under the lines, compromising the Grid). Secondly, to recognise the difficulties in obtaining RMA approvals for National Grid – with its long linear infrastructure and operational and technical constraints on where it can be located.

The NPSET recognises the need to operate, maintain, develop and upgrade the National Grid as a matter of national significance. The NPSET, along with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), formalise the national significance of Transpower's infrastructure – something that is not shared by other utilities or infrastructure operators. These documents also mandate particular provisions dealing with the protection and promotion of Transpower's current and future infrastructure (as well as imposing constraints or consent requirements that do not apply to other utilities and infrastructure operators).

The NPSET recognises that the efficient transmission of electricity on the National Grid has special characteristics, including:

a. technical, operational and security requirements which can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects, with some effects potentially being significant;

b. the fact the operation, maintenance, upgrade and development of the National Grid can be significantly constrained by the adverse environmental impacts of third party activities and development; and

c. the adverse environmental effects of the National Grid are often local – while the benefits extend beyond the local to the regional and national – making it important that those

[4] *Genesis Power Ltd v Franklin District Council* (2005) 12 ELRNZ 71; [2005] NZRMA 541 (ENC)

exercising powers under the Act balance local, regional and national environmental effects, including beneficial effects.

Transpower relies on the NPSET to ensure that regional policy statements and district and regional plans adequately provide for and protect the National Grid. Without the NPSET, and particularly the restrictions on development mandated by policies 10 and 11, large scale and intensive development has occurred under National Grid lines. This development has compromised Transpower's ability operate, maintain, develop and upgrade the lines.

It is crucial that the NPSHPL does not dilute the effectiveness of the NPSET and/or threaten the security of the National Grid. Sustainable management of natural and physical resources cannot occur without energy, of which the National Grid is a major component.

The NPSET provides the National Grid with 'special status' in planning and resource consent processes throughout New Zealand. This recognition is consistent with the Government's wider objective of both protecting and providing for the essential infrastructure (being the National Grid) to achieve and sustain economic outcomes.

The explicit exclusion of the National Grid from the NPSHPL would address Transpower's concerns and be the most efficient approach to address the National Grid and give effect to the NPSET. In the event that nationally significant infrastructure is not excluded from the NPSHPL then Transpower seeks the following to ensure that existing assets are appropriately ddressed and new assets seek to avoid highly productive land:

a. Defined terms that the National Grid and associated NPSET mandated corridors (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land;
b. Policy clarification that the National Grid and associated NPSET mandated corridors (and potentially other nationally significant infrastructure) is not: "fragmentation", an "incompatible activity", and an "inappropriate" form of subdivision, use, and development of highly productive land. This could sit within Objective 3 and potentially Policy 2 and Policy 5;
c. Inclusion of a new policy or amendment to Objective 3 that new National Grid infrastructure (and potentially other new nationally significant infrastructure) should seek to avoid locating within highly productive land as far as practicable given the constraints imposed by the operational need[5] of the network;
d. Inclusion of a new policy that: "Planning and development of new substations should seek to avoid adverse effects on highly productive land."

Transpower would welcome the opportunity to meet with members of the Highly Productive Land Project Team to discuss the above options.

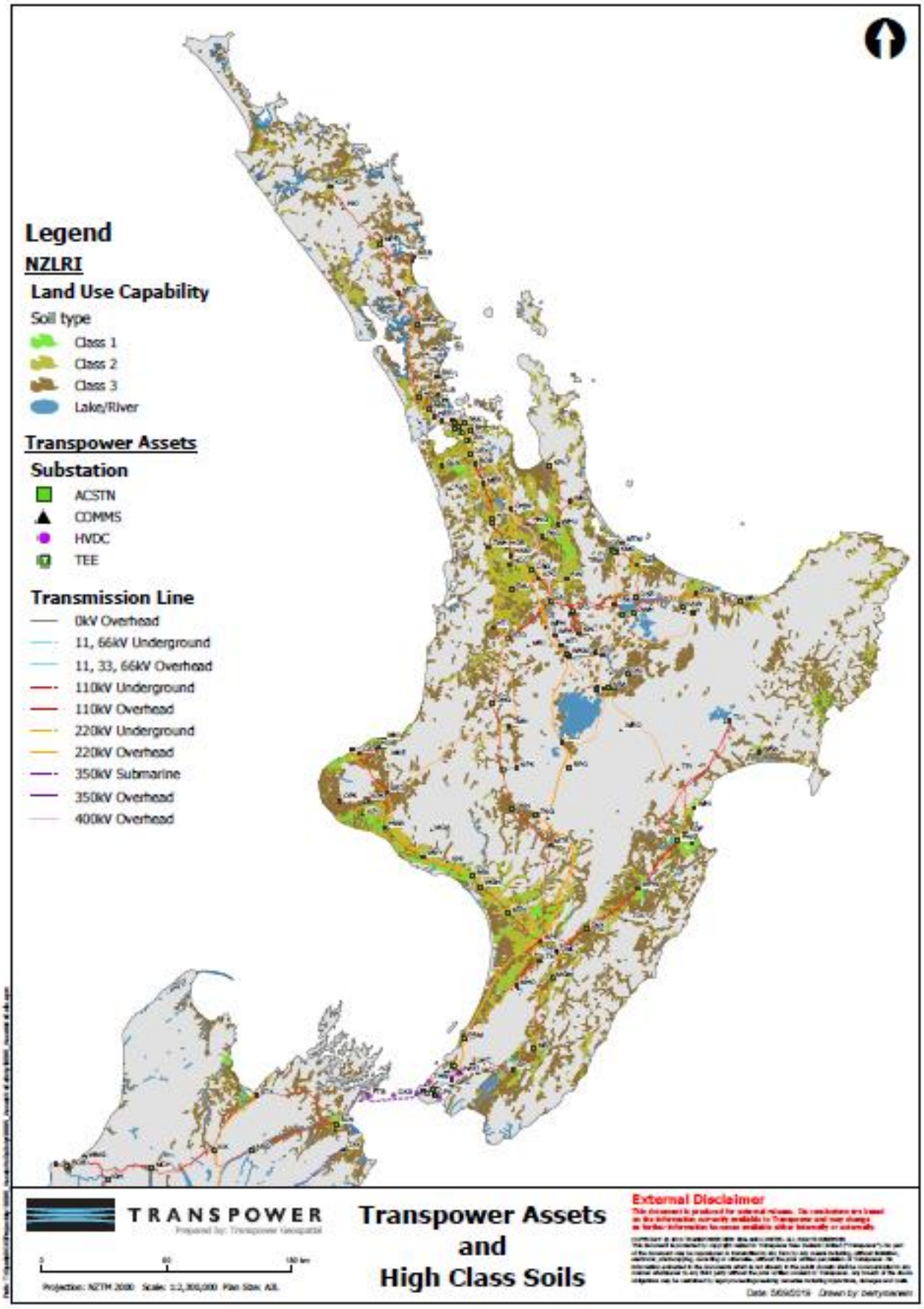
Transpower's submission

Transpower has provided answers to the questions in the discussion document on the basis that the questions and answers may be analysed and assessed by different members of the Highly Productive Land Project Team.

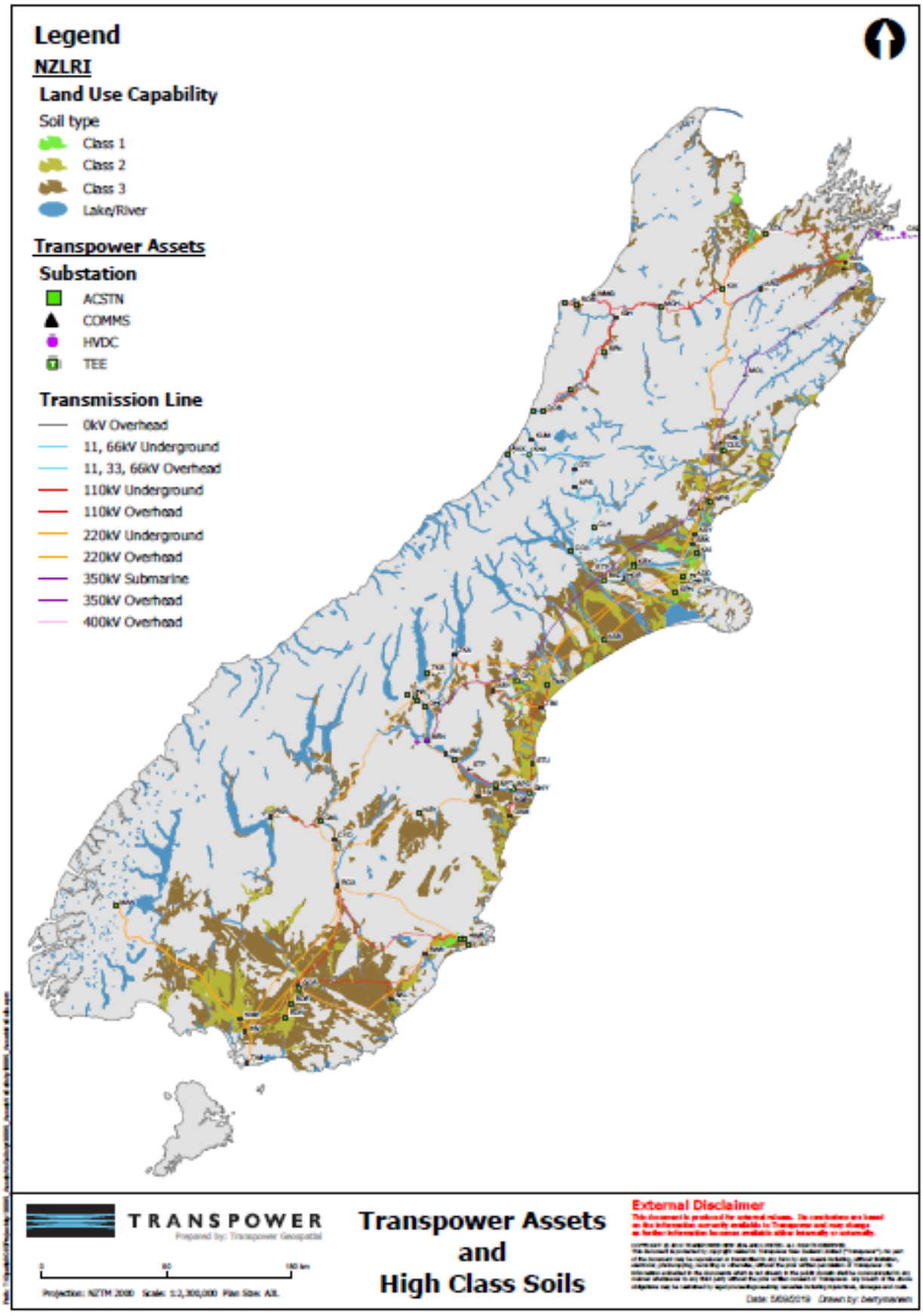
Therefore, Transpower has either cross-referenced to earlier questions or repeated a number of points throughout its submission so those reading and analysing the individual questions have a good understanding of Transpower's interests in the Proposed NPSHPL and the implications for the National Grid.

[5] Note, we have used "operational need" as defined in the National Planning Standards.

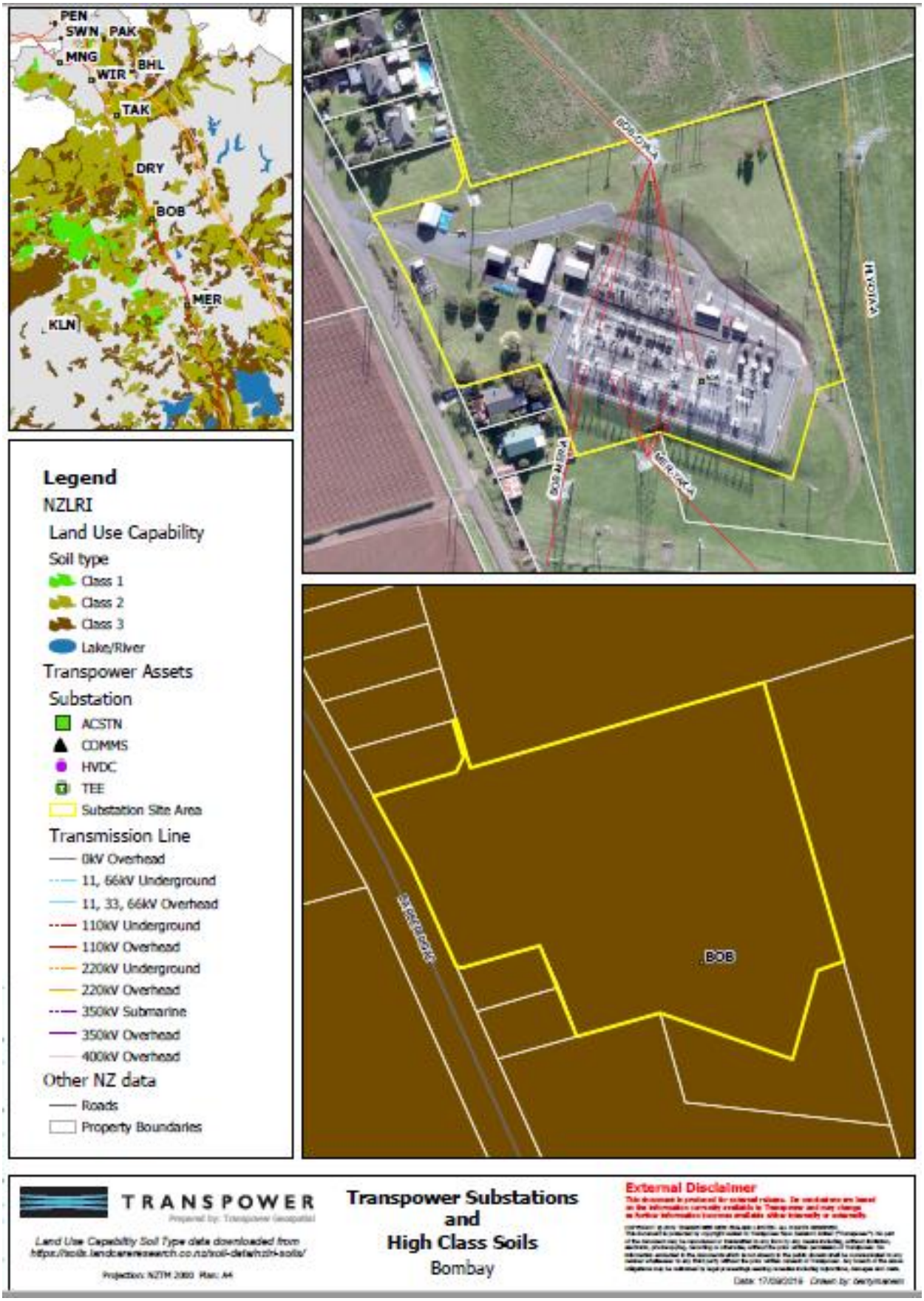
MAP A - MAP OF TRANSPOWER'S ASSETS IN THE NORTH ISLAND AND HIGH CLASS SOILS



MAP B - MAP OF TRANSPOWER'S ASSETS IN THE SOUTH ISLAND AND HIGH CLASS SOILS



MAP C - BOMBAY SUBSTATION



Appendix A

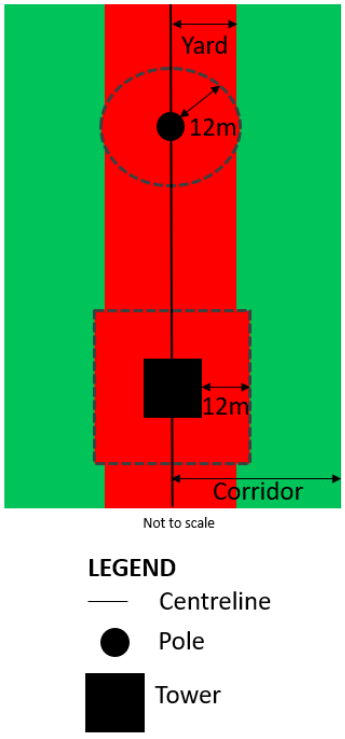
NPSET-mandated corridors: rules Transpower seeks in relation to primary production activities

Transpower seeks provisions that control specific types of farming and horticultural buildings and structures directly under its transmission lines (including associated support structures) in district plans. These controls are provided through a corridor management approach, and sought across New Zealand to give effect to policies 10 and 11 of the NPSET. The approach is made up of a framework of objectives, policies, rules and definitions which manage activities, buildings and structures within a specified distance of the National Grid lines and substations. The rules relate to land use, subdivision and earthworks.

The buffer corridor approach has been developed based on a standard width depending on the voltage of the National Grid line and structure type. In summary, the width for land use (defined as the National Grid Yard) is calculated as the distance from the centreline between the support structures to the point where the conductor would swing under everyday conditions, typically 12 metres (10 metres for some lower voltages).

The subdivision 'National Grid Subdivision Corridor' width is based on the distance from the centreline between the support structures to a point where the 95th percentile conductor would swing under high wind conditions. It is important that the swing of conductors can be taken into account in the subdivision process so that the allotment(s) can be safely developed and used. The width varies, but is up to 37m from the centreline. Land use could occur within this wider area, provided safe separation distances are maintained from the conductors (wires) and access to the support structures is maintained.

The image below depicts the National Grid Yard (in red) and Subdivision Corridor (in green).



Transpower is satisfied that some primary production activities are appropriate within the Yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the Grid. Certain structures (such as rural hay barns, pump sheds and implement sheds) are less problematic within 10-12 metres of the line (noting that they will still need to be set back from the support structures) on the basis they are unlikely to "build out" a line.

The access or use of these primary production structures can be restricted (due to work occurring on a line) without causing animal welfare or business disruption issues, and do not introduce intensive infrastructure or heavily frequented workplaces with long durations of exposure to risk.

The provisions proposed by Transpower would allow for paddocks, fencing (as high as deer fences), landscaping and small sheds, and larger farm buildings in proximity to conductors not used for intensive farming purposes. Grazing, cropping, car parking activities, and mobile irrigators are not restricted.

Conversely, examples of development that have severely restricted or blocked Transpower's ability to effectively access its assets include dairy sheds, piggeries, poultry sheds and commercial greenhouses, as well as sensitive activities (eg residential activities) and certain earthworks. As these activities can cover an extensive area of land and it may be expensive and impractical to disrupt or require these activities to be relocated while Transpower carries out work on its assets. The rules Transpower seeks should prevent these types of activities from establishing under National Grid lines.