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Tēnā koutou katoa

Submission on Planning Bill and Natural Environment Bill

Transpower strongly supports the direction of this reform. A step change in regulatory settings is essential to facilitating the infrastructure New Zealand needs to remain globally competitive, resilient, and to meet the increasing energy demands and climate challenges of our rapidly changing world.

New Zealand must invest in transmission and distribution infrastructure at an unprecedented scale across the motu to enable electrification and the leveraging of our world leading renewable energy endowment to deliver economic growth and increased energy resilience in an increasingly volatile global environment. New Zealand has an abundance of resources, including abundant renewable energy resources. This is an advantage not shared by other countries. Our electricity system is already ~90% renewable against an international average of ~30% and we expect our system will be 95% renewable by 2030. New Zealand has much of what the world wants and can thrive in these uncertain times if we are willing to leverage the resources at our disposal to attract investment and grow as we meet our climate targets. New Zealand needs an enabling planning environment to ensure our resources can be developed and the electricity delivered to consumers at lower cost to enable economic growth.

Meeting the pipeline of infrastructure delivery ahead requires a mature, national conversation about New Zealand's priorities. We think the planning system must recognise the national significance of the electricity network and the economic growth opportunity it presents in an electrifying world seeking low carbon energy. The planning system must provide clear and practical pathways for accelerated and lower cost delivery and strike the right balance between environmental protection and the economic wellbeing of a modern, resilient independent nation.

Transpower supports the intent of the Bills to:

- Recognise infrastructure as a critical national need;
- Take a more strategic planning approach to the long-term needs of businesses and communities;
- Build on successful elements of the current regime, such as designations, fast-track approvals and aspects of current national direction; and
- Remove unnecessary barriers and costs from planning and approvals processes.

Our experience also tells us that national instruments will be central to the success of the new system. If thoughtfully designed and informed by lessons from current regimes, these instruments will ensure national consistency, clear prioritisation and the many process efficiencies that will follow. As we move away from a single Resource Management Act, it will be vital to strengthen integration between the Bills and related legislation to ensure a cohesive, future-focused system. The transition to the new framework must also be seamless, minimising disruption and unnecessary process and churn.

Our submission outlines key enhancements to ensure the Bills achieve their objectives and deliver enduring benefits. We have approached this task with a constructive and solutions focused lens, reflecting our vast experience delivering nationally significant infrastructure within complex environmental and legislative settings.

Transpower is committed to working constructively with officials as the Bills progress and throughout the implementation phases. We appreciate the complexity of the task and the dedication of all involved – we look forward to our further engagement.

We are all part of the energy system of the future. We can make it an engine for a thriving and prosperous New Zealand if we choose to.

Nāku iti nei, nā

James Kilty
Chief Executive
Transpower

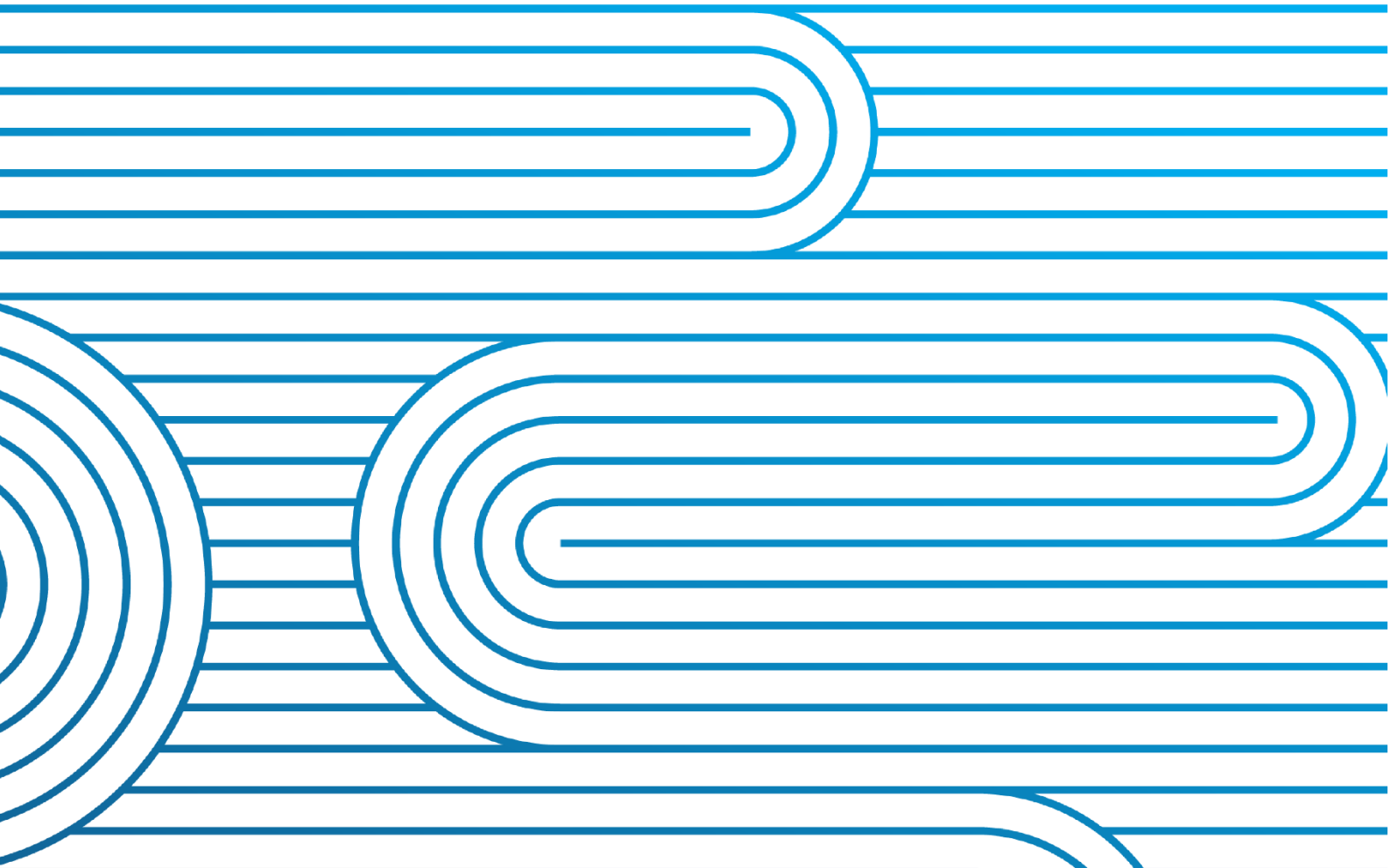
TRANSPOWER

Submission by Transpower New Zealand Limited

Planning Bill

Natural Environment Bill

13 February 2026



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Overview

Introduction to Transpower

1. Transpower New Zealand Limited (**Transpower**), the owner and operator of the National Grid, welcomes this opportunity to provide submissions on the Planning Bill (**PB**) and the Natural Environment Bill (**NEB**). It generally supports the reform of the Resource Management Act 1991 (**RMA**) and a move to a new planning and environmental management system. This submission highlights key areas of support and suggested changes that will improve the overall efficiency and effectiveness of the new regime.

2. The National Grid is fundamental to New Zealand's economy and energy security. It underpins electrification initiatives and enables renewable energy integration, industrial development, and commercial and residential electricity supply.

3. It plays a vital role in providing consumers with reliable, resilient, and affordable electricity. As electrification expands and New Zealanders rely more on electricity for energy, even taking account of significant increases in distributed energy resources, the National Grid's significance will only increase. Without a dependable and robust electricity supply, New Zealand's growth and productivity will suffer.

4. To ensure that the National Grid can continue to reliably supply electricity to where it is needed across New Zealand, new assets need to be built and significant work on the existing National Grid will be required. To give a sense of the scale of the challenge:

    - We anticipate around 14 major core National Grid upgrades will be required by 2035, including new lines and substations in Western Bay of Plenty, a new line at Wairakei in the Central North Island, as well as a significant customer project for a new line between Cromwell and Queenstown. Existing assets will also need to be replaced and upgraded as they reach end-of-life, including the Cook Strait Cables. These projects have a combined value of ~NZ$6 billion.

    - Existing overhead lines will need to be maintained and others upgraded to increase their capacity. Transpower's Clutha Upper Waitaki Lines Project (**CUWLP**), which was completed in 2022, is a recently completed capacity upgrade. CUWLP involved upgrading lines between Clutha and the Upper Waitaki Valley from around 600 megawatts to approximately 1,100 megawatts. The project has improved electricity supply to Southland during dry periods, and allows additional generation (as it becomes available) to be exported from Southland. By maximising the use of existing assets, Transpower can avoid or delay greenfield projects.

    - Our Security of Supply Assessment (June 2025) shows that the electricity sector increased newly commissioned generation by 350 megawatts since the last assessment in 2024. This new generation is around 3.5% of existing installed generation capacity, which is enough to power Wellington, the Hutt Valley and Kapiti on the average weekday. If this new generation cannot connect to the National Grid, there is a real risk that many of these projects could be delayed, deferred or dropped.

5. The resource management system must become more enabling of the construction and upgrading of the National Grid if we are to support an affordable and secure electricity supply as we electrify and grow Aotearoa.

Relevance of the resource management system to Transpower

6. Transpower is a regular participant in Resource Management Act 1991 (**RMA**) processes across New Zealand. It relies extensively on consenting and designating multitudes of small, medium and major National Grid projects. It also regularly engages in policy and planning work for all levels of RMA documents to support its existing and future infrastructure needs. We rely on those documents for all of our activities.

7. The importance and relevance of the National Grid within the RMA is recognised in two bespoke pieces of national direction – the National Policy Statement for Electricity Networks 2008 (**NPS-EN**) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**).

8. It is a common misconception that all National Grid transmission lines are designated – the reality is that only a very small proportion are. We rely heavily on the NESETA to enable the operation, maintenance and upgrade of existing assets. We also do not own the land that most of our lines are on – we rely on statutory rights under the Electricity Act 1992 to authorise entry onto land to inspect, operate and carry out works on these lines. For this reason, Transpower relies on the planning system to protect *existing* National Grid assets from the impacts of third party activities.

9. The resource management system not only regulates *new* National Grid assets, but also, importantly, manages the operation, maintenance and upgrade of the extensive network of *existing* assets across New Zealand. The bulk of the National Grid network was established over 60 years ago. It is the subject of a continual maintenance and upgrade programme to ensure assets remain operational, resilient and able to meet the evolving needs of New Zealanders. The assets will endure if they can be maintained.

10. The key routine works that Transpower undertakes on its existing lines in thousands of locations across New Zealand every year include:

    - Tree/vegetation trimming and clearance to maintain safe clearances between vegetation and our transmission lines;
    - Clearing, maintaining and upgrading access tracks so we can maintain our existing assets;
    - Making foundations stronger to withstand more frequent and more intense weather events;
    - Replacing, upgrading and/or adding conductors (wires) to existing towers;
    - Raising towers and conductors (e.g. when conductors sag (due to higher electricity load) requiring works to meet minimum ground to conductor clearances);
    - Tower/pole refurbishment (e.g. painting is required every 14-18 years to avoid corrosion); and

- Tower/pole replacement (e.g. replacing a lattice tower with a steel pole, remedying damage caused during storms, etc).

11. Given the National Grid extends across some 11,000 kilometres, our assets extend across all types of natural and built environments. The extensive linear nature of the National Grid means that it is not feasible or practicable to avoid all sensitive environments and so our assets are required to traverse them. The National Grid is also the connector between often remote electricity generation sources to the urban areas and major industries that use that electricity. Consequently, the National Grid is located within and traverses:

    - Cities and urban areas;
    - Rural areas;
    - Mountain ranges;
    - Streams, rivers, lakes and wetlands;
    - The coastal marine area;
    - Sensitive cultural and ecological environments, such as heritage and cultural areas, areas of indigenous biodiversity and outstanding natural features and landscapes (**ONFL**); and
    - Areas susceptible to natural hazards.

12. Operating such a vast and linear network in these diverse environments presents unique technical and operational challenges.

13. Regulation can be a significant enabler of, or impediment to, National Grid activities, hence Transpower's significant interest in the present reform. As this submission sets out, the RMA has created significant and unnecessary barriers to the operation and development of the National Grid, as well as inefficiencies. The current reform can, and should, correct those issues.

What Transpower needs from the Bills

14. Transpower requires a system that is enabling of all of its activities. The system needs to be efficient and effective. The various processes need to be clear and certain. The various regulatory checks and balances need to be proportionate to the activities they are managing.

15. At a practical level, the resource management system must allow Transpower to:

    - Develop new assets, including in sensitive natural and human environments. Linear infrastructure cannot always avoid these areas.
    - Undertake routine maintenance, repair and upgrade works to maximise the use of existing infrastructure in all environments where National Grid assets are located.
    - Protect its existing assets from incompatible activities (such as housing and large scale and intensively used buildings) that can compromise operation and maintenance, cause significant safety issues and lead to reverse sensitivity effects.

- Ensure Transpower can obtain approvals under both the PB and NEB in an efficient manner.

16. Achieving those outcomes in the new system will require:

- **Strong goals for infrastructure in both the PB and NEB:** The goals set the framework for the new resource management system. Enabling and protecting infrastructure must be a clear priority across both Bills.
- **Comprehensive and standardised policies and rules in national instruments that enable all National Grid activities and protect existing assets:** Transpower must be able to rely on national instruments to enable and protect its activities. It is inappropriate and inefficient for the National Grid to be regulated by every natural environment and land use plan. Re-litigation of national issues at the local level must be prevented. National instruments will also need to clearly resolve conflicts between the goals in the PB and NEB.
- **Achieving those outcomes will require a robust process and more time than is proposed in the transitional provisions:** A robust process for keeping the national instruments up-to-date and fit for purpose in the medium to long term is also required.
- **Proportionate and targeted management of National Grid activities:** All routine activities should be permitted given their essential nature. Their well understood effects can also be easily and effectively managed. The new system also needs to enable major upgrades and new builds, with clear and efficient consenting and designation processes that focus on managing material negative effects only.
- **A clear and robust pathway for enabling National Grid activities that breach environmental limits:** Transpower supports the proposed exemption pathway for infrastructure that breaches environmental limits, but amendments are needed to ensure it is effective.

Key aspects supported

17. The Bills and the wider policy direction go a considerable way towards achieving Transpower's needs. At a general level, we support:

- **The inclusion of a specific infrastructure goal** in the PB (although it needs to be strengthened to better enable new infrastructure and expanded to protect existing infrastructure) and other aspects of the Bills intended to better enable infrastructure.
- **The 'funnel' approach**, where national instruments do the heavy lifting by providing effective direction, standardisation and resolution of conflicts between goals. If done well, this approach will help avoid repetition and limit decision-maker discretion at each subsequent stage. In particular, Transpower envisages that Land Use Plans (**LUP**) and Natural Environment Plans (**NEP**) will be much less relevant to its activities under the new system. We hope this will mean that we can spend more resource delivering infrastructure and less on planning processes up and down the country.
- **Excluding visual amenity and landscape effects** from decision-making. These often local or even personal level effects are currently given significantly disproportionate

weight and focus under the RMA compared to the national and regional benefits of National Grid projects. They create substantial delays, costs and inefficiencies. Further, given operational and technical requirements, there is often little that can be done to National Grid infrastructure to change its appearance.

- **The continued role of designations**, as a core mechanism for enabling and protecting nationally significant infrastructure. Transpower particularly supports the streamlining of the designation process, including removing the requirement to assess alternatives and requiring matters of detail to be addressed through construction project plans.
- **The continuation of the Fast-track Approvals Act 2024 (FTAA)** to operate alongside the new Acts (via the proposed amendments to the FTAA in Schedule 11 of the PB). The Bills do not provide a 'one stop shop' enabling and fast consenting process similar to that provided in the FTAA. The existing FTAA fast-track process must remain available to allow infrastructure providers to expedite the consenting of critical projects.

18. As outlined in this submission, Transpower supports many other processes and initiatives contained in the Bills.

Key concerns and changes requested

19. As with any new legislation, clarity as to legislative purpose and clear, unambiguous provisions matter. The 30+ years of extensive litigation that was required to understand what the RMA means illustrates what can happen when purpose and drafting is not sufficiently clear. Much of Transpower's submission therefore focusses on improving and clarifying provisions to achieve their intent. The aim is to give participants greater certainty and limit future disputes.

20. Some key areas of focus are:

- **Integration between the Bills:** Transpower acknowledges the Government's desire that the new system be managed via two Acts instead of one. However, that approach creates significant risks for Transpower, who will be heavily reliant on *both* Acts for many activities. For example, it may be able to obtain approvals under one Act, but not the other. Consenting and permitting processes may become duplicative and inefficient. Gaps and inconsistencies may emerge between the two regimes. For example, the current distinction between effects managed by one Act versus the other is very unclear. It is therefore important that both Acts 'talk to each other' and clarify their respective boundaries. The key methods Transpower proposes to achieve this outcome are outlined throughout our submission.
- **National instruments:** Transpower seeks a comprehensive and fully integrated suite of national instruments that enable and protect the National Grid and avoid re-litigation of matters relating to the National Grid in lower order instruments. Achieving this nationally consistent direction requires:
    - **Clearer goals**: improving the language used for the various goals to ensure their intended outcomes are clear. In particular, the infrastructure goal in the PB needs to be improved. The NEB needs its own infrastructure goal. A climate change goal is also needed in both Bills;

- **Better integration**: processes and obligations to ensure conflicts within and between the differing goals under each Act are clearly resolved in the national instruments at the top of the funnel and not left to lower order instruments; and
- **Required topics for the first set:** an explicit statement of the topics to be covered by at least the first set of national instruments, including for the National Grid.

- **Environmental limits and related exceptions for infrastructure:** Transpower considers LUPs and NEPs should generally play a limited overall role in managing its activities. The main exception is the process for setting some environmental limits by regional councils. Environmental limits could become major impediments to Transpower's activities, given the challenges of avoiding the sometimes significant effects that result from linear infrastructure. The NEB acknowledges this issue. It provides a narrow exception for infrastructure that breaches limits. Transpower supports the concept, but has concerns with its workability and currently undefined state.

- **Short time for transition:** Transpower considers that the proposed transition timeframes to implement the system are extremely ambitious. As a result, they pose a significant risk to achieving the 'funnel'. A rush to achieve statutory deadlines could lead to compromised and deficient provisions, particularly in the national instruments. Transpower seeks an extension of the transition timeframes (with resulting changes in sequencing such that the regional spatial plans (**RSP**) are notified *after* all national instruments are issued) to enable the development of more comprehensive and effective system components. If lower order documents are prepared and notified before national instruments are settled, they will not benefit from the conflict resolution and the 'funnel' approach which the new system relies on.

- **Maximise the transitional effect of the new system:** Transpower supports the proposal to apply the new effect exclusions (e.g. so that landscape effects are not relevant) in consenting/designation processes during the transition. Existing RMA national direction must continue to apply through the system transition. But, new national instruments for the National Grid must have effect once issued, rather than waiting for the LUP and NEP plan making processes to catch up. Other provisions that can standalone during the transition and that will benefit system users should also come into effect from 'day one', such as the new notification tests and longer lapse periods and durations for infrastructure.

- **Designation and consenting processes:** Transpower considers that some of the new processes can be removed or improved. For example, the new designation test to assess "*strategic need*" is vague and likely to increase the burden of obtaining a designation. It is also unclear what the new requirement to recognise "*identified Māori land*" as "*taonga tuku iho*" requires of designating authorities. Other new concepts, such as an "*indicative location*" in an RSP, need to be clarified to avoid uncertainty and unnecessary conflict between infrastructure providers and affected landowners. Our submission identifies a range of other changes to improve important processes, such as extensions of lapse dates, improvements to the new "*construction project plan*" process, and clarity (and flexibility) for the ability to alter designations.

- **Permitted Activity Rules:** Transpower supports the intent to establish more permitted activities and reduce consent requirements overall. However, the Bills introduce a permitted activity registration framework with confusing drafting. It appears to allow councils to decline some permitted activities. The proposed process would be a significant step backwards from both permitted and controlled activities under the RMA, which is not the apparent intent. Further, the need to register all permitted activities would increase the administrative, time and cost burden on Transpower significantly.
- **Regional Spatial Plans:** Transpower considers RSPs could be a useful tool for infrastructure. Transpower expects RSPs will identify existing assets as well as a ~10-year pipeline of known future assets. However, while Transpower will have information on some longer-term projects that could be included in RSPs, that will not always be the case. Transpower's regulatory and operating framework (including requirements for Commerce Commission approvals), as well as projects that come on quickly to connect new generation and load, means some necessary and nationally significant projects will not be known at the time RSPs are developed. A pathway will be required for such projects to be included in RSPs.
- Given RSPs are intended to be an integral part of the new system, Transpower seeks changes to improve the process. RSPs need to work for projects at different stages of the planning process (by enabling more or less project information to be provided, and more or less detail to be included in the RSP). RSPs should also provide for unanticipated, but necessary, infrastructure that needs to be added 'out of sequence'. Further, to ensure high quality and consistent RSPs, Transpower considers national instruments will need to provide a 'template' prior to preparation of RSPs commencing.

21. Transpower has also identified a number of minor or technical improvements to be made to the drafting of the Bills. These improvements are included in the relief tables at the end of each topic, and not discussed in the body of the submission.

Topic 1 - Core provisions for decision-making (PB and NEB)

Goals:

The PB infrastructure goal needs to be strengthened and expanded, and the NEB needs an infrastructure goal

22. Transpower supports the inclusion of an infrastructure goal in the PB (clause 11(1)(e)). However, it must be amended to address the following issues:

Development of infrastructure:

- The infrastructure goal does not sufficiently support and enable the development of new and upgraded infrastructure. Other goals use stronger language (e.g. "*enable*"). It is not clear why the infrastructure goal uses less directive language ("*provide for*"). Given the difference in language, there is a real risk the infrastructure goal will be interpreted as being weaker than other goals.

- The reference to "*expected demand*" in the infrastructure goal is also problematic because it introduces an unnecessary test. The test also potentially conflicts with clause 14(1)(d), which states that the demand for a project is generally outside the scope of the PB. Further, National Grid projects are often responsive to new generation or new actual and/or expected demand. To address these issues, Transpower considers the goal should refer to meeting "*future needs*".

Protection of existing infrastructure:

- The infrastructure goal does not address the protection of existing infrastructure. The goal in clause 11(1)(a) may lead to some protection. But, that goal is so general it is unlikely to be adequate. Further, it is subject to a highly uncertain "*unreasonable effect*" threshold which does not provide any certainty that it can be relied on to support protection of infrastructure from direct effects and reverse sensitivity effects.

- Third party activities can have significant adverse impacts on the National Grid (see Case Study 1 below). Such effects can include damage to assets and resulting loss of electricity supply (potentially to thousands of consumers. Third party activities can cause significant safety issues where people develop or work too close to transmission lines. They can also compromise Transpower's ability to operate, maintain and upgrade its assets through direct effects and reverse sensitivity effects.

- It is therefore critical the goals explicitly refer to the need to "*protect*" existing infrastructure.

Case Study 1: Need to protect assets - Dwelling constructed under transmission line
In January 2023, Rotorua District Council granted consent for a new dwelling directly underneath a 110 kV transmission line. Consent was granted for a controlled activity, despite there being a non-complying rule in the plan to give effect to policies 10 and 11 of the then National Policy Statement for Electricity Transmission (**NPS-ET**) (to protect the National Grid). Transpower was not identified as an affected party by either the Council or applicant. We did not become aware of the proposal until a drilling rig was on the site to drill the foundation piles for the new dwelling. As a result, works on the site had to cease immediately due to safety concerns. Had Transpower been notified

of the proposal at the consenting stage, we would have been able to identify the correct rules in the plan and raise the need for the building to be set back from the line, and construction in close proximity to the National Grid to be managed to avoid putting the asset and people at risk.

This example is not isolated. We have numerous examples where Transpower has not been notified of proposed development under or around our assets, and numerous instances of construction activities that have resulted in machinery and other scaffolding making contact with, or coming too close to, transmission lines – putting both the network and the construction workers at risk.

23. Transpower is concerned about the lack of an infrastructure goal in the NEB. A failure to recognise the importance of infrastructure in the NEB goals would create a significant risk that a National Grid project would be designated or consented under the PB, but declined permits under the NEB. Further, the absence of an infrastructure goal means it is unclear whether the benefits of infrastructure would be relevant to decision-making under the NEB. Case Study 2 below, in relation to the High Voltage Direct Current (**HVDC**) project, highlights the need for infrastructure to be enabled, including in sensitive environments. We are concerned that the absence of an infrastructure goal, or weak infrastructure goals, will result in weaker national direction, creating barriers for projects.

Case Study 2: HVDC fibre cable replacement project (northern) and HVDC power cable replacement and upgrade

The North and South Island power systems are joined by an HVDC link. This link has three HVDC submarine power cables, along with smaller fibre optic cables. They are a critical component of operating the National Grid, and are used by New Zealand's main telecommunication companies for data and communications between both Islands.

The HVDC fibre cable project required a discretionary activity consent under the Greater Wellington Regional Coastal Plan. The planning documents did not identify Oteranga Bay (where the cables come ashore) as having significant ecological values or habitat for indigenous species. However, threatened banded dotterel have been recorded as using the area (including for nesting).

The Oteranga Bay part of the project ran during the banded dotterel breeding season. The operational requirements of the project (including suitable weather conditions, and scheduling of the international ship required to undertake the works) meant the breeding season could not be avoided. A number of management measures were employed to address ecological concerns, including frequent surveys for dotterel and a requirement to halt works if nesting birds were found in the defined works area. There was no halt to construction or need for a wildlife permit as nesting birds were not found within the construction area.

If the planning system had required adverse effects on any of the identified values to be avoided there would have been significant barriers to consenting this project, despite the importance of the project to the operation of the National Grid, overall security of electricity supply for the country, and other lifeline telecommunications infrastructure.

One of Transpower's upcoming projects involves laying new HVDC submarine cables and construction of new termination stations in the coastal environment. This project will occur in the same sensitive environment as the fibre project. Works may well occur during the banded dotterel breeding season, given its length, the limited ability to influence the timing of the cable laying ship being available, and need for extensive works to be completed before cable laying

occurs. It is essential the new planning system enables, and does not create hurdles, for this project, and others that will face similar challenges.

24. Clause 11(a) NEB enables the use and development of natural resources, but only within environmental limits. This goal is currently the only counterbalance to the other environmental protection-focused goals in the NEB. As discussed in Topic 7 below, National Grid activities will not always be able to comply with environmental limits. That is already recognised in the NEB by the pathway for significant infrastructure that breaches environmental limits (clause 86). Consequently, a specific infrastructure goal must be added to clause 11.

25. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 PB	Amend clause 11(1): *(e) to support, enable and protect ~~plan and provide~~ ~~for~~ infrastructure to meet current and future needs ~~expected demand~~:*
Clause 11 NEB	Insert new clause 11(g): *(g) to support, enable and protect infrastructure to meet current and future needs:*

A climate change goal is required in the PB and NEB

26. New Zealand's climate change objectives, including the statutory target of achieving net-zero greenhouse gas emissions by 2050, hinge on the rapid electrification of the economy. To meet this unprecedented demand, Transpower faces three significant undertakings:

- Refurbishing the National Grid (which was largely built in the 1950s and 1960s and is nearing end of life) so that we can continue to provide the reliable electricity transmission service New Zealand depends on;
- Expanding National Grid capacity to accommodate increasing demand from new and expanding communities, industrial customers electrifying processes (e.g. dairy factories converting their boilers from coal and gas to electricity), and new users of electricity (e.g. data centres and green hydrogen); and
- Connecting new renewable electricity generation at the pace and scale required to meet demand.

27. Further, the Explanatory Note of both Bills state that the new system is intended "*to make it easier to get things done … while also… adapting to the effects of climate change*".[1] Climate change adaptation is indirectly addressed in the natural hazard goal. However, the goals do not expressly encourage climate change mitigation actions.

[1] PB Explanatory Note, page 1; NEB Explanatory Note, page 1.

28. The general infrastructure goal in the PB does not adequately respond to this specific and significant national, and international, issue. Accordingly, Transpower considers a specific climate change goal is required.

29. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 PB and clause 11 NEB	Insert new clause 11(1)(x) PB and clause 11(x) NEB: *(x) to support reductions in greenhouse gas emissions and adaptation to the effects of climate change*

Amend the indigenous biodiversity goal so that it does not inappropriately constrain infrastructure activities

30. Transpower considers the goal "*to achieve no net loss in indigenous biodiversity*" (clause 11(d) NEB) could materially constrain infrastructure activities, as:

- A "*no net loss*" goal would continue the 'effects management hierarchy' approach developed during the later years of the RMA. This approach has added significant costs to infrastructure projects (for example, achieving no net loss and demonstrating that fact for linear infrastructure activities can pose huge and expensive logistical issues). It also does not always achieve the best ecological outcome (as demonstrated by Case Studies 3 and 4).

Case Study 3: Rigid effects management hierarchy for ecology not appropriate
Transpower's Manapouri-Tiwai line is located within part of the Fiordland National Park. Transpower must carry out vegetation trimming/felling under and around the line, to protect the line. Should trees contact or come too close to the line, flashover and potentially fire could result. This work cannot be avoided - it can only be managed. Instead of clearing all vegetation debris following felling, cut vegetation is placed under the line to provide a lower profile canopy that still allows cover for fauna. Ecological advice was sought on this approach. We understand this approach is preferable to replacement planting with nursery sourced plants, which risks the introduction of pests and pathogens. This case study demonstrates that a 'no net loss' approach (which often requires offsetting) is not always appropriate as it can preclude other options being explored which can still result in a good, if not better, ecological outcome.

Case Study 4: Rigid effects management hierarchy for ecology not appropriate
Transpower has a regulatory obligation to control vegetation under the Electricity (Hazards from Trees) Regulations 2003. However, vegetation trimming in 'natural areas' or on Department of Conservation-administered land, frequently triggers resource consent under NESETA. Transpower sometimes proposes larger trims to reduce repeated disturbance near sensitive environments (e.g. streams, slopes) and reduce overall effects – doing so reduces the frequency with which these locations need to be accessed, which has corresponding environmental benefits (e.g. less disturbance). However, an effects management hierarchy that requires effects to be 'minimised' and 'offset' can make it more difficult to obtain consent for larger trims.

- As currently drafted, the "*no net loss*" goal is absolute. Unlike the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) objective, it is not an "*overall*" goal to be implemented "*across New Zealand*" – an approach that recognises there will be 'unders and overs'. It is also unclear what baseline should be adopted for "*no net loss*" – is it the date of the legislation passing, or the date a decision is made under the legislation? The former approach might lead to projects being required to go well beyond addressing their impacts, and achieving indigenous biodiversity gains. Transpower considers a broader goal for indigenous biodiversity of "*protection where appropriate*" should be in the NEB. National instruments can then particularise what "*protect where appropriate*" requires in particular contexts.
- Clause 11 directs that decision-makers must "*seek to achieve*" the goals, however clause 11(d) NEB uses the wording "*to achieve*". The combined wording "*to seek to achieve… to achieve*" is unclear. It also has the potential to be interpreted as more directive language and elevate clause 11(d) above other goals in clause 11.

31. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 NEB	Amend clause 11(d): *(d) to ~~achieve no net loss in~~ protect, where appropriate, indigenous biodiversity:*

Amend PB goal addressing natural character, ONFL and historic heritage to reduce litigation risk and remove natural character from PB

32. The goal in clause 11(1)(g) of the PB[2] is highly relevant to Transpower. Our assets unavoidably intersect with and traverse ONFLs, areas of high natural character and significant historic heritage sites. Transpower supports the focus on "*identified values and characteristics*" in this goal. Identifying values and characteristics in national instruments or plans will provide certainty as to what is to be protected.

33. However, Transpower opposes the use of the phrase "*from inappropriate development*" in this goal. This phrase is used in RMA provisions and documents (such as the New Zealand Coastal Policy Statement (**NZCPS**)). In that context "*inappropriate*" has been interpreted by reference to what is to be protected, rather than other considerations (such as other goals).[3] It is likely that a court would consider this prior jurisprudence as relevant context for interpretation. Transpower considers alternative wording should be used to qualify the "*protect*" direction so that the RMA case law does not unintentionally carry over to the new system.

34. Transpower opposes the goal relating to "*natural character*" (clause 11(1)(g)(i) PB). Natural character is "*that character of a particular … environment which is borne of nature. It is, in a*

[2] To protect from inappropriate development the identified values and characteristics of—
(i) areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins:
(ii) outstanding natural features and landscapes:
(iii) sites significant historic heritage:

[3] *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 at [101].

word, its naturalness".[4] Natural character assessments are generally focused on biotic, abiotic and experiential values. In our experience, these assessments often result in 'double-counting' because the relevant values are generally also considered in landscape/visual and ecological assessments.

35. Visual amenity, views and landscape considerations are no longer relevant under the PB (clause 14), except for effects on ONFLs and high natural character areas. Ecological considerations are addressed in the NEB. Further, natural character mostly applies to areas that are intended to be regulated under the NEB (coastal marine area, wetlands, lakes and rivers), not the PB. Accordingly, the natural character goal is likely to create confusion as to which matters are within the scope of the PB or NEB.

36. Transpower therefore requests the deletion of the natural character goal.

37. If a natural character goal is retained, Transpower:

- Requests the goal be included in the NEB, and be removed from the PB; and
- Opposes the goal applying to areas of "*high*" natural character, which includes lower order natural character areas. Transpower considers the protection goal should only apply to "*outstanding*" natural character areas, which would align with the approach for landscapes and features. The concept of "*outstanding*" natural character areas is also well-understood (including because the term is used in Policy 13 NZCPS). Transpower's experience with the NPS-ET was that reference to "*high*" created uncertainty as to how to address "*outstanding*" and "*very high*" landscapes.

38. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 PB *Alternative relief:* New clause 11 NEB	Delete the natural character goal in clause 11 PB. In the alternative, move the natural character goal to clause 11 NEB and amend: *(g) to protect <u>where appropriate</u> ~~from inappropriate development~~ the identified values and characteristics of—* *(i) areas of ~~high~~ <u>outstanding</u> natural character within…* *<u>(A)</u> the coastal environment<u>;</u>~~,~~* *<u>(B)</u> wetlands<u>;</u>~~,~~ and* *<u>(C)</u> lakes and rivers and their margins:*

Amend natural hazards goals to avoid duplication between Bills and clarify relevance to infrastructure

39. It is intended that the NEB regulate natural hazard effects arising from the use or protection of natural resources and the PB regulate natural hazard effects arising from land

[4] *Preserve New Chum for Everyone Inc v Thames Coromandel District Council* [2025] NZHC 2688 at [26]. The criteria relevant to 'naturalness' include •the physical landform and relief; •the landscape being uncluttered by structures and/or 'obvious' human influence; •the presence of water (lakes, rivers, sea); •the vegetation (especially native vegetation) and other ecological patterns: *Wakatipu Environmental Society Inc v Queenstown-Lakes District Council* [2000] NZRMA 59 at [89].

development.[5] However, as the natural hazard goals are currently drafted, this split between the scope of the PB and NEB is not clear because it is not apparent exactly which natural hazards effects fall into the scope of each Bill. The reference to "*through proportionate and risk-based planning*" in the PB goal does not clarify that the sorts of natural hazard effects it seeks to manage relate to land development. The lack of clarity in the scope of the PB and NEB could result in duplication of natural hazard management (including natural hazards being considered in planning consent and natural resource permit processes).

40. Transpower notes that infrastructure is subject to its own bespoke requirements for managing natural hazard risks. Further, clause 146(4) of the PB excludes infrastructure from the power of a consent authority to refuse consent or impose conditions on a planning consent where there is a significant natural hazard risk. Transpower therefore supports the direction to undertake "*proportionate and risk-based planning*" in the goal, because it would allow a tailored approach for infrastructure.

41. Relatedly, clause 163 NEB and clause 146 PB enable a permit authority to refuse a land use permit, or grant it subject to conditions, where there is a risk from natural hazards associated with the use of land. As noted, an exemption for infrastructure activities from that power exists in clause 146 PB. Transpower considers that infrastructure activities should also be expressly exempt from clause 163 NEB, to ensure consistency and coherence across the new planning system.

42. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 PB	Amend clause 11(1)(h): *(h) to ~~safeguard communities from~~ manage the effects of natural hazards associated with land use and development through proportionate and risk-based planning:*
Clause 14 PB	Amend clause 14(2): *(2) This section does not restrict the management of …* *(e) the effects of natural hazards associated with land use and development.*
Clause 163 NEB	Amend clause 163(4): *(4) Subsection (1) does not apply to land use permits if the use of the land for which the permit is sought is:* *(a) construction, upgrade, maintenance, or operation of infrastructure; or* *(b) a primary production activity, as described in the national standards.*

Retain requirement to "*seek to achieve*" the goals

43. Transpower supports the requirement to "*seek to achieve*" the listed goals (clause 11 PB and NEB). More directive language (such as a requirement "*to achieve*" the goals) would be

[5] PB Explanatory Note, page 4; NEB Explanatory Note, page 3.

inappropriate. There are conflicts between the goals that will need to be resolved in PB and NEB national instruments. This less directive language is consistent with clause 45 PB and 69 NEB, which direct that "*not all goals need to be achieved in all places at all times*".

44. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 PB and NEB	Retain the requirement to "*seek to achieve*" the listed goals.

Relationships between key instruments

Retain directions on the relationships between key instruments, but amend to minimise litigation risks

45. Transpower supports clause 12(1) PB and NEB, which sets out the hierarchy of key instruments. It is consistent with the 'funnel' approach.

46. Transpower generally supports clause 12(2) PB and NEB which requires each key instrument to implement the instrument directly above it. Transpower considers the National Grid should be protected and works on it enabled through national instruments. Implementation through lower order documents should not be necessary or appropriate, if the national instruments do their job properly. The effects of (and on) the National Grid are well understood and can and should be managed at the national level**.** Further, it is appropriate to manage nationally significant infrastructure at the national level and in a nationally consistent way. It is for these key reasons that the NPS-ET and NESETA came into existence.

47. Transpower has faced significant challenges implementing the NPS-ET (now the NPS-EN). Over the last 18 years, Transpower has been required to engage in hundreds of planning processes to ensure the national direction has been properly given effect to. Yet, despite being required to give effect to the NPS-ET, each council plan contains bespoke National Grid 'enabling' policies and National Grid Yard and Corridor provisions (often with similar restrictions, but different wording). This approach is highly inefficient and expensive. It carries considerable risk of planning inconsistency if not monitored through diligent resource-hungry effort from infrastructure providers like Transpower. It contributes to higher than necessary operational costs that are ultimately passed on to consumers, and constrained growth.

48. Transpower therefore requests amendments to clause 12(2) and subclauses (3)(a) and (b) to recognise that lower order documents must not address matters that are covered in national instruments.

49. We understand the 'funnel' approach is intended to mean the goals will not be relevant to most decision-making under the PB and NEB. Instead, key national instruments will provide more specific direction on the goals, reducing the discretion or decision making in lower order planning documents like LUPs and NEPs. However, clause 12(3)(c) provides a number

of exceptions to that approach, which appear to be based on RMA case law (*King Salmon*).[6] The clause appears to accept that there will always be a level of uncertainty and conflict – even once higher order instruments have attempted to resolve it. Clause 12(3)(c) will allow persons to argue (in most, if not all, cases) that it is necessary to look beyond the higher order instruments, and re-litigate the appropriate balance between the goals. Transpower considers that for the 'funnel' approach to be achieved the clause 12(3) exception needs to be expressly limited only to where a goal is not addressed in a higher order instrument.

50. In terms of relief, Transpower's primary interest is that the National Grid is comprehensively managed through national instruments, and not subject to or reliant on lower order documents, save in the case of a defect in the national instrument (see specific relief in Topic 2).

51. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 12 PB and NEB	Amend clause 12 PB and NEB: *(2) Each key instrument (other than the national policy direction) –* *(a) must implement the instrument listed directly above it; and* *(b) must implement an instrument higher up the list if required by that instrument;* *(c) must not regulate or particularise matters covered in an instrument listed directly above it or higher up the list, unless required by that instrument.* *(3) A person exercising or performing a function, duty, or power under this Act in relation to a matter—* *(a) must consider the relevant provisions of the key instrument that directly affects the matter (for example, a spatial plan in the case of a land use plan or a land use plan in the case of a consent); and* *(b) must consider any relevant provisions of a higher order instrument, if, and only to the extent that~~,~~:* *(i) the matter is not addressed by the instrument listed beneath it; or* *(ii) the matter is addressed in a higher order instrument and that instrument specifies that lower order instruments must address the matter; and* *(c) must not consider a goal directly unless and to the extent that—* *~~(i)~~ the subject matter of the goal is not addressed in a higher order instrument ~~or, if applicable, the goal is not particularised in a higher order instrument; or~~* *~~(ii) there is uncertainty within a higher order instrument in relation to the goal; or~~* *~~(iii) there is conflict between higher order instruments in relation to the goal~~.* *(4) If a provision of this Act expressly allows or requires a person to consider the goals, the person—*

[6] *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38 at [85], [88], [150]-[153].

Clause, Bill ref	Relief requested
	(a) must, in complying with subsection (3)(a) and (b), consider the goals as they have been addressed or particularised in higher order instruments; and *(b) is still required to comply with subsection (3)(c).*

Effects inside and outside the scope of the PB and NEB

Retain clear direction on effects outside of the scope of the PB, but ensure positive effects are within scope

52. Transpower generally supports the intent of clause 14 of the PB. However, it is important that clause 14 only excludes consideration of negative effects relating to the listed topics, rather than positive effects.

53. This issue is most relevant to subclause (d), which excludes consideration of "*the demand for or financial viability of a project*". Transpower supports this exclusion applying to infrastructure. The demand for or financial viability of a project is a matter for the infrastructure provider (or other developer) to determine. Demand for or financial viability for infrastructure should not be questioned as part of decision-making under the PB.

54. However, it is important that the benefits of a project, including the demand and need for infrastructure, are relevant to decision-making (including where an individual project does not provide a significant benefit, but contributes to the significant benefits of the continued operation of the National Grid e.g. repainting towers). Because demand for a project is excluded from consideration, it could be argued that the benefits of meeting demand are also not relevant to decision-making.

55. Clause 14(a)(i) NEB includes a specific provision requiring decision-makers to consider "*the positive effect of enabling activities under this Act*". Transpower considers the express requirement to consider the "*positive effect of enabling activities*" is helpful, particularly given the very limited recognition of the benefits of use and development of natural resources in the clause 11 goals. An equivalent provision should be included in the PB.

56. Transpower requests the following:

Clause, Bill ref	Relief requested
New clause 14A PB	Add new clause 14A: ***14A Considering effects of activities*** *Notwithstanding section 14, a person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must give particular consideration to the positive effects of enabling activities under this Act.*
Clause 14 NEB	Retain clause 14(a)(i) as drafted.

Clarify that effects excluded from the scope of the PB cannot be managed under the NEB

57. Clause 14(b) NEB excludes the consideration of effects regulated under the PB, but clause 14(c) enables the consideration of any other effect of the activity.

58. As a result, effects that are excluded from the scope of the PB (such as visual amenity and landscape) can be considered under the NEB. This outcome is contrary to the intent of the PB regime. It seems unintended and must be amended.

59. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 NEB	Amend clause 14: *A person exercising or performing a function, duty, or power under this Act ~~who is considering the effects of an activity on a person, people, or a natural resource~~, —* *(a) must ~~give particular~~ consider~~ation to effects such as the following~~, as far as each is applicable: …* *(b) must not consider:* *(i) effects regulated under the Planning Act 2025; or* *(ia) effects listed in section 14 of the Planning Act 2025;…* *(c) may consider any other effect of the activity, subject to paragraph (b).*

Retain exclusion for visual amenity and views, but expand to exclude views from public property

60. Transpower supports the intent of clause 14(1)(e) and (g) PB. Impacts on visual amenity and views are often raised by opponents to Transpower's projects, which causes significant cost, delay and uncertainty for approval processes. Impacts on visual amenity are often an unavoidable consequence of infrastructure development. RMA case law is clear that there is no right to a view.[7] Yet opponents continue to raise views in submissions, requiring the applicant to respond. An express statutory exclusion is therefore supported.

61. However, clause 14(1)(g) is confined to views from *private* property and therefore allows views from *public* property to be considered. There are frequently views of Transpower's projects from public property (e.g. roads, parks, Crown-owned land, etc). Allowing views from public property to be considered will perpetuate current issues.

62. The current drafting excludes consideration of visual amenity effects relating to the "*character, appearance, aesthetic qualities, or other physical feature*" of a use, development or building. This drafting adds an additional test that must be satisfied before visual amenity effects may be disregarded (as it must be both the visual amenity of a use, development or building *and* the visual amenity must be in relation to the character, appearance, etc). The drafting consequently increases the risk of legal challenge to this

[7] *Re Meridian Energy* [2013] NZEnvC 59 at [112].

exclusion. Transpower requests this text is included in a definition of "*visual amenity effects*" rather than the exclusion itself.

63. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 PB	Amend clause 14(1)(e) and (g): *(e) ~~the~~ visual amenity effects ~~of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature~~:* *(g) views from public or private property;*
Clause 3 PB	Insert definition of "*visual amenity effects*" into clause 3: *Visual amenity effects means the visual effects arising from the character, appearance, aesthetic qualities, or other physical feature of a use, development, or building.*

Retain exclusion for landscape, but expand to exclude features (excluding ONFLs)

64. Transpower supports excluding effects on landscape from decision-making (except for ONFLs, which are within scope due to clause 14(2)(b) PB). However, features that are below that outstanding threshold are not explicitly excluded from consideration. Transpower seeks that subclause (h)is amended so that effects on these lesser features are outside the scope of the PB.

65. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 PB	Amend clause 14: *(h) ~~the~~ any effect on landscape or features (except in accordance in (2)(b)):*

Exclude natural character effects from the scope of the PB

66. For the reasons set out at paragraphs 34-37 above, Transpower considers natural character should be explicitly excluded from the scope of the PB (whether or not it is added to the scope of the NEB).

67. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 PB	Insert new clause 14(1)(x): *(1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard…* *(x) any effect on natural character.*

Clause, Bill ref	Relief requested
Clause 14 PB	Delete clause 14(2)(a): *(2) This section does not restrict the management of—* ~~*(a) areas of high natural character within the coastal environment, wetlands, lakes, rivers, and their margins:*~~

Provide further direction on matters within the scope of the NEB, and not the PB

68. As identified at paragraphs 57-58 above, it is unclear how the management of land use is to be divided between the PB and NEB. It is important to clarify the line between the two regimes to avoid confusion and duplication. As it stands, clause 14 suggests that air, water, land and soils and indigenous biodiversity are within the scope of the NEB. It is silent on whether effects on the coastal marine area, lakes and rivers are relevant to NEB decision-making.

69. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 NEB	Amend clause 14: *(1) A person exercising or performing a function, duty, or power under this Act* ~~*who is considering the effects of an activity on a person, people, or a natural resource*~~*, —* *(a) must* ~~*give particular*~~ *consider*~~*ation to effects such as the following*~~*, as far as each is applicable:* *(i) the positive effect of enabling activities under this Act:* *(ii) the effects on natural resources including the coastal marine area, lakes, rivers, wetlands, air, water (freshwater, geothermal and coastal), land and soils, and indigenous biodiversity:*

Exclude matters regulated under the NEB from the scope of the PB

70. The PB requires decision-makers to disregard "*any matter where the land use effects of an activity are dealt with under other legislation*" (clause 14(1)(j)). This direction is supported in principle, given it should exclude matters regulated under the NEB. However, this exclusion is unclear given "*effect*" is broadly defined in both Bills, and it is unclear what particular effects are regulated under the PB and NEB respectively. There is a high risk that matters may be regulated under both Bills, or fall through the cracks and be regulated by neither. For example, it is unclear whether effects on wetlands arising from land use would be regulated under the NEB, or both the NEB and the PB. Further direction needs to be provided to clarify what effects are regulated under each Bill.

71. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 PB	Insert new clause 14(1)(x): *(1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard…* *(x) any matter regulated under the Natural Environment Act 2025, including land use effects of an activity on indigenous biodiversity, wetlands, lakes, rivers and the coastal marine area.*
General	Insert further direction throughout both Bills to clarify what effects are regulated under each piece of legislation and avoid duplication of regulation.

Amend clause 14 NEB to avoid elevating legal test

72. Clause 14 NEB introduces a requirement to give "*particular consideration*" to effects. This direction is a stronger requirement compared to specific decision-making tests later in the NEB (for example, the requirement to "*have regard to*" effects when considering a permit application (clause 156(1)).[8] It is unclear how the two directions will be read together, creating litigation risk.

73. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 14 NEB	Amend clause 14: *A person exercising or performing a function, duty, or power under this Act ~~who is considering the effects of an activity on a person, people, or a natural resource~~, —* *(a) must ~~give particular~~ consider~~ation to effects such as the following~~, as far as each is applicable:…*

Ensure the PB and NEB clearly establish an effects-based management approach

74. It is implied, but not expressly stated, that the PB and NEB framework establishes an 'effects based' approach. There is no reference to effects in the purposes of the Bills, and limited reference to effects in the goals. Effects are first substantively addressed in clause 14 PB (although that provision addresses effects *outside* the scope of the Act) and clause 14 NEB. To provide certainty for the implementation of the new regime, Transpower considers amendments are required to clearly establish that the PB and NEB framework is an effects-based management approach by including the management of effects in the system goals in clause 11.

[8] Courts have previously found that to "*have particular regard to*" is a stronger directive than "*have regard to*". To have "*particular*" regard to something requires the relevant matter to be considered separately and specifically from other relevant considerations (*McGuire v Hastings DC* [2001] NZRMA 557 (PC) and *Environmental Defence Soc Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38). To "*have regard to*" simply requires the decision-maker to give the matter "*genuine attention and thought*" (*Haddon v Auckland Regional Council* [1994] NZRMA 49 at page 616).

75. Transpower is also concerned that clause 15(1) of both Bills appears to create a management hierarchy for all effects, by requiring avoidance, minimisation or remediation, in preference to (or as a separate matter from) offsetting or compensation. Alternatively, it divides effects management approaches into two artificial groups, which is unhelpful. Even under the RMA, an effects management hierarchy only applies to some types of effects (e.g. effects on some freshwater and indigenous biodiversity environments). Clause 15(3) PB and clause 15(4) NEB then go on to clarify that "*The order in which an approach to managing effects appears in this section does not assign an order of importance to how effects are managed*". That approach is unnecessarily complex. It would be more straightforward for clause 15 to refer to management measures generally, rather than specific types of management levels.

76. Clause 15(1) PB and NEB also excludes mitigation as a type of management measure. Transpower considers references to "*minimise*" should be changed to "*mitigate*". Minimise is primarily a preventative or reduction strategy. A requirement to "*minimise*" effects is also inconsistent with the Government's intent that less than minor effects will not be relevant under the new system (clause 15(1)(b) in both Bills).

77. Statutory directives to "*minimise*" impacts tend to be associated with safety or risk, derived from workplace health and safety frameworks, where residual risk is tolerated provided it is reduced so far as reasonably practicable.[9] The underlying principle is that all risk should be avoided if possible. That is not consistent with the purpose or intent of the PB, which is premised on the notion that not all effects need to be addressed. Proportionality should be a touchstone for determining if and how to respond to effects. Transpower considers that "*mitigate*" is more consistent with the intent of the PB. It is a well-established planning law concept in New Zealand, embedded in decades of case law. It is consistently understood to refer to an array of management methods that alleviate, reduce, or moderate adverse effects.

78. Transpower considers "*mitigate*" is a more appropriate term to ensure all relevant management measures are considered by a decision-maker.

79. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 11 PB and NEB	Insert new goal into clause 11 PB and NEB: *(x) Appropriately manage the adverse effects of activities within the scope of this Act.*
Clause 15 PB and NEB	Amend clause 15(1)(a) PB and NEB: *(1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity –* *(a) must consider how ~~(i)~~ adverse effects are to be appropriately managed, and must only consider the adverse effects that remain after taking into account applicable measures to manage effects ~~avoided, minimised, or remedied, where practicable; or~~*

[9] The first major statutory use of the word "*minimise*" was in a management/duty context in the Health and Safety at Work Act 2015.

Clause, Bill ref	Relief requested
	~~*(ii) adverse effects are to be offset or compensated for, where appropriate; and*~~ Move clause 15(2) PB and NEB to subpart 4 PB / subpart 5 NEB, respectively. Delete clause 15(3) PB and clause 15(4) NEB.
Clause 15PB and NEB	Amend clause 15(1)(b) PB and clause 15(1)(b) NEB to remove unnecessary text, as the definition of "*effect*" already includes cumulative effects: *(b) must not consider a less than minor adverse effect* ~~*unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor.*~~
General PB and NEB	Replace reference to "*minimise*" with "*mitigate*" throughout the PB and NEB. Use "*manage*" where all management tools are intended to be available.

Duties and restrictions

75. The PB and NEB carry over general duties from the RMA, which Transpower considers are not needed and will only create unnecessary uncertainty in the new regime.

Noise

76. Clause 24 PB includes similar text to that contained in section 16 of the RMA regarding the duty to avoid unreasonable noise and requiring adoption of the best practicable option. Transpower understands that section 16 was included in the RMA as a rollover from the Noise Control Act 1982, and was needed as a transitional provision in the early days of the RMA.

77. Transpower submits that the framework established by the PB should be able to address noise effects without needing to revert to a general duty to achieve the outcomes sought.

78. In Transpower's experience, noise effects are adequately addressed through well-established noise standards, methods, measurements and/or monitoring. Because of its nature, the RMA's reasonable noise duty has also caused many debates and delays under the RMA. The duty cuts across the common understanding and meaning of "*reverse sensitivity*" as established by caselaw. That is, the vulnerability of an existing land use (such as Transpower's assets) to complaints from a new, more sensitive land use (for example, new houses and other noise-sensitive activities). The section 16 duty has been used to try and raise noise concerns in circumstances where noise was otherwise authorised and lawful under a plan rule, resource consent or designation. Transpower has then been required to incur huge cost and put in substantial time and effort to establish that (notwithstanding the activity in question being lawfully established) it was nevertheless "*reasonable*", in accordance with section 16.

79. A further concern with clause 24 PB is that the term "*reasonable noise*" is open to interpretation. In Transpower's experience, demonstrating compliance with that requirement is both costly and time consuming. Transpower's preference would be to

delete clause 24 entirely and allow national instruments and planning documents to prescribe reasonable noise levels. This approach will provide developers and asset operators with certainty as to their compliance with the law without the threat of a moving target of what is "*reasonable*". Alternatively, Transpower considers it would be appropriate to enable recourse to the general duty in clause 24 only where a noise limit in a plan, consent or designation is exceeded or where no limit applies.

80. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 24 PB	Delete clause 24. Or Amend so that the clause only applies either where a noise limit is exceeded, or there is no limit applied to an activity; and Retain the definition of "*Best Practicable Option*".

Avoid, minimise or remedy adverse effects

81. The proposed duty to avoid, minimise or remedy adverse effects (clause 25 PB; clause 26 NEB) has also been carried over from a similar provision in the RMA.

82. Transpower is committed to responsible environmental stewardship in its activities. However, other provisions of the PB and NEB already require appropriate management of adverse effects. This general duty clause is accordingly redundant. Transpower (and other system users) should be able to rely on national standards, plan provisions, and consents/designations granted under the PB and permits granted under the NEB. It should not be exposed to the possibility of court proceedings alleging breach of such a general duty, despite undertaking activities in accordance with these standards, plan and permit requirements. Transpower therefore considers that this duty should be removed from the PB and NEB.

83. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 25 PB	Delete clause 25.
Clause 26 NEB	Delete clause 26.

Topic 2 - National Instruments (PB and NEB)

What Transpower needs

80. Given the national significance of the National Grid and the fact it traverses all environments, it is imperative the new system includes comprehensive national instruments that enable and protect it. National Grid policies and rules cannot be open for re-litigation through plan making processes. RMA instruments cannot be rolled over with little change, given the new system is intended to be much more enabling.

81. To support that outcome, Transpower needs the Bills to:

- Require national policy direction to address all of the goals in the Bills at all times;
- Mandate national standards on infrastructure (including the National Grid) to be included in the first set to be developed;
- Provide stronger direction that national policy direction must resolve conflicts within and between the Bills' goals;
- Extend the timeframes for developing the national instruments;
- Require early consultation with infrastructure operators on relevant national instruments, as well as consultation on material amendments considered following the submissions phase;
- Require a full draft of a national instrument to be notified for submissions (not early concepts or a partial draft); and
- Better enable efficient minor and/or technical updates to national instruments.

National instruments that enable and protect the National Grid

National instruments addressing infrastructure must be mandatory, and must be comprehensive

82. Transpower must be able to rely on national instruments to enable and protect the National Grid in a consistent way across New Zealand. The national instruments must be comprehensive and address the full suite of activities Transpower undertakes. Re-litigation of matters relevant to the National Grid at lower levels must be prevented.

83. Transpower therefore supports the requirements for national policy direction and national standards in each Bill (clauses 53 and 58 PB and clauses 77 and 82 NEB).

84. Strong and comprehensive national policy direction will be critical to the success of the 'funnel' approach (clause 12 PB and NEB). As drafted, there is no explicit requirement in the PB or NEB to provide national policy direction that addresses infrastructure (or any other goal for that matter). This omission (compounded by the compressed timeframes for their development) creates a risk that the national policy direction will not address all goals or sufficiently reconcile the tensions between them.

85. To address these matters, Transpower requests an amendment requiring that all goals be addressed in national policy direction.

86. The Explanatory Note to the Bills states that the national policy direction will be "*a short, targeted document made up of objectives, policies and directives that provide direction on the goals, including how to manage conflict between these matters*".[10] Transpower is concerned that a short, targeted document will be insufficient to address the needs of the National Grid, and other infrastructure, at the highest level of the new system in a meaningful way. A document that is too 'short' or 'targeted' has the potential to be so high level as to be meaningless and therefore enable re-litigation of matters relevant to the National Grid in lower order documents. As discussed at paragraphs 45-50 above, re-litigation of matters in lower order documents under the RMA has been the source of excessive and unnecessary work and cost in order to ensure national direction instruments are reflected in lower order documents. It is important that the failures of the RMA are not repeated.

87. As discussed above at paragraphs 46-48, we consider the national instruments will need to be at least as comprehensive as the existing NPS-EN and NESETA. However, there is a need to improve and expand these documents to be more enabling to reflect the new system. For example, the removal of visual amenity and landscape effects from consideration means many existing RMA rules and controls will no longer be relevant. And, Transpower can foresee substantially more permitted activities being included in national instruments to enable routine activities.

88. To achieve these improvements, Transpower proposes a range of amendments to processes for developing national instruments. Transpower will also continue to engage with officials on the scope and content of the new national instruments for the National Grid that reflect the enabling intent of the new system.

89. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 53 PB and clause 77 NEB	Amend clause 53 PB and clause 77 NEB: *There must always be national policy direction <u>for all goals</u>.* Note: A new transitional provision will be required so this requirement does not apply until the deadline for the first set of national policy direction to be in place.
Clause 58 PB and clause 82 NEB	Amend clause 58 PB: *There must always be national standards—* *(a) providing direction on the evidence base supporting combined plans; and* *<u>(ab) to support, enable and protect</u> <u>infrastructure; and</u>* *(b) ~~on the establishment of~~ <u>providing</u> standardised plan provisions.* Amend clause 82 NEB:

[10] PB Explanatory Note, page 7; NEB Explanatory Note, page 7.

Clause, Bill ref	Relief requested
	There must always be national standards, including to support, enable and protect infrastructure.
Clause 83 NEB	Amend clause 83 NEB to ensure the purpose informs the Minister's decision-making and to align with clause 59(2) PB: *(1) The purpose of national standards is to do 1 or more of the following:…* *(1A) Before making national standards, the Minister must be satisfied that the proposed national standard achieves its purpose.*

Resolving conflicts between the Acts

90. To avoid confusion and inefficiency, national instruments must resolve conflicts between the goals in the PB and NEB. A significant failing of RMA national direction was that it was siloed and did not resolve tensions across the national policy statements. As a result, Transpower and many other RMA participants have spent considerable time, effort and cost in litigious processes seeking to resolve policy intent.

91. There is a risk of this problem perpetuating under the PB and NEB as currently drafted. There is currently no requirement in the Bills to resolve conflicts within and across the two sets of national policy direction. There is merely a discretion to "*help*" do so (clause 54 PB, clause 78 NEB), or to do so "*as far as reasonably practicable*" (clause 45(2)(c) PB, clause 69(2)(c) NEB). This terminology is simply not strong enough given the importance of the national instruments. The need to resolve conflicts is also secondary to the primary purpose of the national policy direction to particularise the specific goals within each Act and directing how they must be achieved (clause 54(2) PB, clause 78(2) NEB). The discretion to resolve conflicts continues in the provisions for the national policy direction content (clause 55(1)(b) PB, clause 79(1)(b) NEB).

92. The Bills must include more explicit requirements to resolve conflicts within and between the goals in the Bills. As noted earlier in this submission, the extensive linear nature of the National Grid means that it is not feasible or practicable to avoid all sensitive environments. In fact, much of the existing National Grid is located within sensitive environments. Any requirement to avoid impacts on sensitive environments is not practicable given the potential consequences for security of supply (see Case Study 5 below). Essential works must be carried out. New projects will also be unable to avoid sensitive environments. As discussed earlier, Transpower is currently engaging with the community in relation to new lines and substations in the Western Bay of Plenty. A new line is also required around Wairakei in the Central North Island. To illustrate the scale of sensitive environments in these locations, Transpower carried out some constraints mapping. This constraints mapping (contained in **Appendix A**) highlights that avoidance of sensitive environments will be difficult, if not impossible, for linear projects.

93. Accordingly, national instruments must reconcile the conflicts between the goals relating to infrastructure and sensitive environments and must ensure there is a pathway that enables nationally significant, linear infrastructure. Otherwise, the significant inefficiencies, effort and cost of the current regime will continue.

Case Study 5: the 'Hairini case'[11]
Policies that direct avoidance of sensitive environments can impact projects. Transpower sought to realign sections of its Hairini to Mount Maunganui 110 kV transmission line – by removing the line off Te Ariki Park and over residential properties and moving it into the road corridor (and onto an existing line). A tower structure was also proposed to be removed from the harbour. The key driver for the project was the proximity of one of the pole structures to an erosion prone cliff, which was giving rise to resilience concerns. Tauranga Environmental Protection Society Inc and Maungatapu Marae Trustees from Ngāti Hē opposed the realignment as the project would traverse an outstanding natural landscape and a replacement structure would be located in front of the Maungatapu marae. Ultimately, Transpower was prevented from pursuing this project by the High Court due to the associations with the outstanding natural landscape (Rangataua Bay), which had cultural significance and which was protected by strong avoidance policies. Avoidance of Rangataua Bay was considered impossible due to the project relating to an existing line that crossed the harbour. The consequences of consent being declined are significant. The resilience concerns for electricity supply into Mount Maunganui and Papamoa relating to the poles on the cliff face have not yet been able to be addressed.

94. Transpower supports the ability for national standards to give directions that "*specify whether an application for a planning consent for an activity must be notified or precluded from being notified for public or targeted submissions*" (clause 60(1)(f) PB, equivalent at clause 84(1)(f) NEB). It is important that Transpower is notified of applications that may impact the National Grid so those impacts can be considered in an informed way (see Case Study 1 above). The RMA does not explicitly allow rules requiring notification, and Transpower has faced strong opposition to such rules as a result. Finally, there should be an option for written approval to be obtained to avoid notification.

95. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 45 PB and clause 69 NEB	Amend clause 45 PB and make equivalent amendments to clause 69 NEB: *(2) The Minister must have regard to the following principles:* *(a) achieving compatibility between the goals is to be preferred over achieving one goal at the expense of another:* *(b) not all goals need to be achieved in all places at all times:* *(c) any conflicts within <u>and between</u> <u>the goals and within</u> the proposed national instruments <u>must</u> ~~should~~ be resolved in that document as far as reasonably practicable.* *<u>(d) In this subsection, "goals" means the goals in section 11 of this Act and the goals in section 11 of the Natural Environment Act 2025.</u>* *(5) If the proposed national instrument contains new content, the Minister must consider all existing national instruments <u>under this Act</u>*

[11] *Tauranga Environmental Protection Society v Tauranga City Council* [2021] NZHC 1201.

Clause, Bill ref	Relief requested
	and the Natural Environment Act 2025 for the purpose of ensuring there is a coherent set of national instruments.
Clause 46 PB and clause 70 NEB	Amend clause 46 PB and make an equivalent amendment to clause 70 NEB: *(2) If after having complied with subsection (1), the Minister proposes to issue a national instrument, the Minister must establish and follow a process that includes the following steps:* *(a) the public and iwi authorities must be given notice of…* *(iii) how the proposal achieves the relevant goals;* *(iiia) how the proposal resolves conflicts within the goals in section 11 of this Act and between the goals in section 11 of this Act and section 11 of the Natural Environment Act 2025; and*
Clause 54 PB and clause 78 NEB	Amend clause 54 PB and make equivalent amendments to clause 78 NEB: *(1) The purpose of national policy direction is ~~to do 1 or both of the following~~:* *(a) to particularise the goals and direct how they must be achieved~~:~~; and* *(b) to ~~help~~ resolve conflicts within the goals in section 11 of this Act and between the goals in section 11 of this Act and the goals in section 11 of the Natural Environment Act 2025.* *~~(2) The purpose in subsection (1)(a) is the primary purpose of national policy direction….~~* *(4) Before making national policy direction, the Minister must be satisfied that the proposed national policy direction achieves the purpose in sub-section (1) ~~its purpose~~.*
Clause 54 PB and clause 78 NEB	Retain clause 54(3) PB and clause 78(3) NEB.
Clause 60 PB and clause 84 NEB	Amend clause 60(1)(f) PB and make equivalent amendments to clause 84(1)(f) NEB: *(f) specify whether an application for a planning consent for an activity must be notified or precluded from being notified for public or targeted submissions:* *(i) in all cases, or* *(ii) unless written approval from a specified person is obtained :*
Clause 55 PB and clause 79 NEB	Amend clause 55(1) PB and make equivalent amendments to clause 79(1) NEB: *(1) National policy direction~~—~~* *~~(a) must give direction on matters of policy; and~~* *~~(b) may~~ must state objectives, policies, or directives that apply to key instruments specified in the direction.*
Clause 57 PB and clause 81 NEB	Amend clause 57(1) PB and make equivalent amendments to clause 81(1) NEB:

Clause, Bill ref	Relief requested
	(1) If the purpose of a proposed national policy direction is to ~~help~~ resolve conflicts within the goals in section 11 of this Act and between the goals in section 11 and the goals in section 11 of the Natural Environment Act 2025…
Clause 60PB	Retain the ability for national standards to give directions to allow, restrict or prohibit an activity (clause 60(1)(a) PB).

Delete restriction on national policy direction that narrows the role of territorial authorities

96. Transpower supports clauses 56(1) PB and 80(1) NEB, which indicate that only national policy direction may set the way in which a goal may be achieved.

97. Transpower opposes the test in clauses 56(2)(a) PB and 80(2)(a) NEB, which requires that national policy direction "*does not unreasonably restrict the ability of territorial authorities … to manage land use*". The whole point of the national policy direction is to ensure matters are addressed at the top of the 'funnel'. In doing so, it must restrict the ability of territorial authorities to manage land use. However, this test (which is also highly subjective) has the potential to severely constrain the ability for national policy direction to be sufficiently directive for national matters, such as the National Grid and other providers of nationally significant infrastructure.

98. Clause 56(2)(b) PB and clause 80(2)(b) NEB are limited to the goals within each Bill. They do not apply to goals in the other Bill. Therefore, the subclause will not assist with integration and addressing conflict between the two Bills. Transpower considers this subclause is unnecessary, provided its suggested amendments to clause 54 are made (i.e. all national policy direction must resolve conflicts between the goals in both Bills – see section immediately above).

99. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 56 PB and clause 80 NEB	Retain clause 56(1) PB and clause 80(1) NEB. Delete clause 56(2)(a) and (b) PB and 80(2)(a) and (b) NEB.

A process and timeframe to enable comprehensive and high-quality national instruments

100. Transpower is concerned about the short transition timeframes for preparing the first national instruments within the Bills. National policy direction will need to cover a broad range of matters and resolve complex issues. Nine months (from Royal assent) is unlikely to be sufficient time to develop provisions, undertake meaningful engagement and consultation, and subsequently refine the direction in response to submissions. If the process is rushed, national policy direction could:

- Simply 'roll over' RMA national policy statements (and therefore not reflect the enabling intent of the new system);

- Fail to address all of the goals; and/or
- Inadequately resolve conflicts between the goals.

101. The same issues apply to preparing national standards. There is nine months from Royal assent to prepare the first set and a further nine months for the second set.

102. The process for making national instruments (in clause 46 PB) does not require a draft to be released for comment/feedback. There is no hearing process or other opportunity for submitters to speak to their submissions. Transpower is concerned the proposed national instrument that is notified might be incomplete or contain poorly developed concepts, making submitter feedback on a proposal and robust decision-making very challenging. In addition, national instruments to enable and protect the National Grid will need to be in place via the first suite of national instruments so they can inform the development of RSPs.

103. As discussed above, the new system must include national policy direction for the National Grid as well as comprehensive and specific national standards that both enable and protect National Grid assets. Transpower needs to be closely involved when preparing national instruments, to ensure they are fit for purpose (given infrastructure is complex, and what is appropriate for one infrastructure network may not be appropriate for another). Notably, the national standards are likely to be highly complex, requiring specialist operational and technical input.

104. The complex issues with development of noise standards illustrates this point. Often, district plan rules require a night time noise limit of no more than 45dBA, and sometimes 40dBA. While this limit is common, it is not appropriate as a standard to be imposed on all transmission infrastructure – it cannot be picked up and applied in PB standards. In particular, background noise limits could already be higher, due to matters such as road noise, or operation of industry and other existing land uses in the area. Being required to meet 45dBA, or potentially being faced with a consent requirement, would only constrain the infrastructure development and/or impose unnecessary costs to install quieter equipment. Some existing substation sites also have equipment that exceeds 45dBA, sometimes significantly. Existing designations recognise this situation and acknowledge that noise will reduce when noisy generating equipment is replaced at 'end of life' by quieter equipment. Requiring existing sites to meet a quieter standard could result in bringing forward replacement works and/or preventing further development of existing sites.

105. In relation to the process for making national instruments:

- *Early consultation required:* Clause 46(3) PB enables, but does not require, the Minister to consult with interested persons on a proposed national instrument. Transpower considers that the PB must *require* consultation with relevant stakeholders prior to notification of a proposed national instrument. In particular, Transpower requests the Bills require that infrastructure operators are consulted on national instruments relevant to infrastructure.
- *Further consultation required on material amendments:* Material amendments to a notified national instrument could have significant unintended consequences (see Case Study 6). Ideally, the process should allow submitters to participate in hearings given the critical importance of national instruments. In the alternative, Transpower requests

the Bills require that infrastructure operators are consulted on any material amendments proposed to any notified national instruments relevant to infrastructure.

- *Process improvements required:* The current process provides no opportunity for further submissions (i.e. responding to matters raised in another person's submission) or a hearing or other opportunity for submitters to speak to their submission. These are important safeguards to ensure robust and comprehensive decisions are made.

106. The risks outlined with drafting policy and regulation at speed are demonstrated by the recent development of the National Environmental Standard on Detached Minor Residential Units (**NES-DMRU**), described in Case Study 6.

Case Study 6: Amendment to proposed NES-DMRU provisions post-consultation period fails to achieve policy intent
Transpower submitted on the NES-DMRU proposal, supporting the provisions that continued existing protection of the National Grid. However, there was no opportunity for further submissions or to be heard, or to provide feedback on the substantial redraft of the relevant provision of the NES-DMRU. The final provision (which came into effect in January 2026) is now vague and uncertain. A clear, simple provision has been replaced by a provision with complex drafting that is difficult to interpret. The NES-DMRU now allows houses to be built underneath National Grid lines (in certain circumstances at least) without obtaining a resource consent. This outcome removes the protections afforded by the NPS-EN and contained in district plans around the country. It could result in the National Grid being compromised, as the provision risks significant safety and operational consequences for unconstrained development in such close proximity to high voltage assets. We have engaged with officials in relation to the issues with the final wording and understand there are no policy reasons for the change in approach – the intention was to continue the protection of the National Grid. The final drafting and policy intent do not align. This example demonstrates how, despite best intentions, mistakes are likely to happen when policy and regulation is drafted at speed and without sufficient input from experts and industry.

107. As a final matter, Transpower requests an amendment to clause 62(1)(f) PB and clause 90(1)(f) NEB to allow for technical changes to a national standard to be made through a truncated process, on application by a relevant stakeholder. To give some context, the NESETA refers to a significantly outdated technical standard relating to electric and magnetic fields (**EMF**). Transpower now complies with the new standard, which is based on an improved scientific understanding of these matters – as required by the NPS-ET (now the NPS-EN). Outdated standards can have consequences for infrastructure operations. While Transpower can meet the more restrictive standard in this instance, we are concerned that the inconsistency between the NPS-EN and NESETA contributes to debate from infrastructure opponents that a very low EMF standard should be met, when the science has confirmed that increasingly higher standards do not give rise to concerns about health effects. However, despite repeated requests for the NESETA to be updated, we understand from officials that the change was considered to require a full ministerial approval process, which was not forthcoming. To avoid this scenario in the future, Transpower proposes that technical amendments to national standards can be processed without the usual full process. A standing panel with appropriate technical expertise could be appointed to preside over such changes. This panel could ensure that national standards for

infrastructure remain up to date, to enable infrastructure to be efficiently operated and developed.

108. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 1, clause 5 PB	Amend clause 5 of Schedule 1 PB: *First set of national instruments under both Acts to be issued* *(1) No later than 18~~9~~ months after Royal assent—* *(a) the national policy direction under this Act must be issued; and* *(b) the national policy direction under the Natural Environment Act 2025 must be issued.* *(2) After the first national policy direction is issued under this Act,—* *(a) national standards setting the evidence base supporting combined plans required by section 58 must be issued within 18~~9~~ months after Royal assent:* *(ab) national standards on standardised provisions for infrastructure must be issued within 24 months after Royal assent:* *(b) national standards on other standardised provisions required by section 58 must be issued within 24~~18~~ months after Royal assent.* *(3) After the first national policy direction is issued under the Natural Environment Act 2025—* *(a) national standards required by section 83(1)~~6.5~~(a), (b), and (d) of that Act must be issued within 24~~9~~ months after Royal assent; and* *(b) national standards required by section 83(1)~~6.5~~(c) of that Act must be issued within 30~~18~~months after Royal assent; and* *~~(c) national standards required by section 6.8(1)(b) of that Act must be issued within 9 months after Royal assent.~~* *Regional spatial plan to be notified* *(4) After the national standards required under (2) and (3)(a) ~~first national policy direction is~~ issued under this Act, a draft regional spatial plan for each region—* *(a) must be publicly notified within—* *(i) 30~~15~~ months after Royal assent; or* *(ii) 6 months after the national standards required under (2) and (3)(a) are~~first national policy direction is~~ issued; and* *(b) must be decided (in accordance with sections 22 and 23) within 12~~6~~ months after it is publicly notified.*
Schedule 1, clause 6 PB	Retain the ability for any transitional timeframes to be extended by Order in Council.
Clause 62(1)(f) PB and clause 90(1)(f) NEB	Amend clause 62(1)(f) PB and make equivalent amendments to clause 90(1)(f) NEB: *(1) The Minister or a technical panel appointed by the Minister may amend a national standard without complying with section 70 if the amendment is needed for 1 of the following reasons:*

Clause, Bill ref	Relief requested
	(a) to align with a New Zealand Standard within the meaning of section 4 of the Standards and Accreditation Act 2015:... *(f) to make changes that are no more than minor in effect, to correct errors, or to make <u>other</u> ~~similar~~ technical alterations.* Consequential amendments will be required to enable the Minister to appoint a technical panel to make amendments to national standards without full process.
Clause 46 PB and clause 70 NEB	Amend clause 46 PB and make equivalent amendments to clause 70 NEB: *<u>(1A) Before the Minister publicly notifies a national instrument that addresses infrastructure, the Minister must—</u>* *<u>(a) provide infrastructure operators with a draft of the proposed national instrument; and</u>* *<u>(b) give infrastructure operators adequate time and opportunity to consider the document and provide advice on it; and</u>* *<u>(c) have particular regard to any advice received from infrastructure operators on the document.</u>* *(2) If after having complied with subsection <u>(1A) and</u> (1), the Minister proposes to issue a national instrument, the Minister must establish and follow a process that includes the following steps:* *(a) the public and iwi authorities must be given notice of—* *(i) the proposed national instrument (the proposal)<u>, which must be a full draft of the proposal</u>; and…* *<u>(4A) The Minister may appoint a board of inquiry to inquire into, and report on, the proposed national instrument.</u>* *<u>[Add operative provisions for board of inquiry process based on sections 47-51 RMA prior to 2024 amendments]</u>* *(3) The Minister may, at any time, consult on the proposal with any person who may have an interest in it.* *<u>(3A) If after the close of submissions on a proposal that addresses infrastructure, the Minister is considering a material amendment to the proposal, the Minister must consult with infrastructure operators on the material amendment.</u>…* *(5) When preparing the report and recommendations required by subsection (2)(c), the chief executive must consider—* *(a) any matter that the Minister must consider, have regard to, or be satisfied of before making the national instrument; and* *(b) whether the proposal provides for 1 or more goals; and* *(c) any advice received from a technical advisory group established under this section; and* *<u>(ca) any advice received from infrastructure operators; and</u>* *(d) any advice received from iwi authorities.* *…(7) The time given for advice under subsection (1)(b) or submissions under subsection (2)(b) must not be less than 20 working days <u>for the first national instruments and where multiple national instruments are</u>*

Clause, Bill ref	Relief requested
	proposed at the same time, the time given for submissions under subsection (2)(b) must not be less than 40 working days.
Clause 46 PB and clause 70 NEB	Retain the requirement to "*notify*" a national instrument.

Topic 3 - Spatial Planning (PB)

What Transpower needs

109. RSPs could be a useful tool for infrastructure. Transpower needs RSPs to:

- Enable existing and planned National Grid infrastructure and protect existing assets, including by implementing national instruments and not re-litigating the matters they address;
- Accommodate projects at different stages of project planning. Transpower has limited information on projects that are planned 10+ years in the future;
- Allow flexibility for unanticipated infrastructure to be addressed in 'out of sequence' updates to RSPs. A large proportion of National Grid projects are reactive to new generation and demand;
- Not require "*strategic need*" to be established;
- Enable early and meaningful engagement with infrastructure providers prior to notification of RSPs; and
- Provide national consistency, by following an RSP 'template' set out in national instruments.

RSPs must enable and protect the National Grid

Require RSPs to implement national instruments (including exceptions to environmental limits), and clarify the role of RSPs in relation to infrastructure funding

110. As discussed throughout this submission, Transpower seeks a comprehensive and fully integrated suite of national instruments that enable and protect the National Grid. It is essential that the management approach for the National Grid is not re-litigated through lower order instruments, including RSPs.

111. The PB uses a range of language to explain the relationship between RSPs and national instruments. Clause 47 PB requires local authorities and spatial plan committees to:

- "*comply with*" the directions of a national instrument; and
- "*implement*" its provisions in the manner specified in the instrument.

112. Clause 67(c) PB also requires an RSP to "*implement*" national instruments under the PB and the NEB within environmental limits.

113. However, Schedule 2, clause 2(2)(a) states an RSP must be "*consistent with*" national instruments, as well as environmental limits.

114. Transpower seeks consistent language to ensure RSPs must "*implement*" national instruments.

115. Transpower is concerned RSP processes could undermine the role of national instruments (including exceptions to environmental limits) and interfere with Transpower's funding processes:

- Clause 67(a) says RSPs must "*set the strategic direction for development and public investment priorities in a region*". As noted above, it is essential that RSPs cannot re-litigate the direction already set in national instruments. Further, it needs to be clear that RSPs cannot direct Transpower's investment priorities.
- Clause 67(b) requires RSPs to "*enable integration at the strategic level of decision making*". Clause 68 seems to be intended to explain what "*integration*" means. It limits integration to the PB, NEB, Land Transport Management Act 2003 and Local Government Act 2002. Transpower supports that limitation, but considers it needs to be made more explicit.
- Clause 67(c) requires RSPs to "*implement national instruments … in a way that provides for use and development within environmental limits*". This phrase could result in PB national standards being interpreted as subject to environmental limits. This outcome conflicts with the exception pathway for infrastructure that breaches environmental limits (clause 86 NEB). It is also inconsistent with the intention that national instruments will resolve conflict between goals.
- Clause 67(d) says RSPs must "*support a co-ordinated approach to infrastructure funding and investment by central government, local authorities, and other infrastructure providers*". Transpower requires Commerce Commission approval for funding for its projects. It is critical the PB does not suggest RSPs will have any influence over that process.

109. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 67 PB	Amend clause 67: *A regional spatial plan must—* *(a) set the strategic direction for development and ~~public~~ central government and local authority investment priorities in a region for a time frame of not less than 30 years; and* *(b) enable integration at the strategic level of decision making under this Act and the Natural Environment Act 2025 (in the manner described in section 68); and* *(c) implement national instruments made under this Act and the Natural Environment Act 2025 ~~in a way that provides for use and development within environmental limits~~; and* *(ca) implement environmental limits (subject to any infrastructure exception developed under section 86 of the Natural Environment Act 2025); and* *(d) support a co-ordinated approach to infrastructure funding and investment by central government~~,~~ and local authorities~~, and other infrastructure providers~~; and*

Clause, Bill ref	Relief requested
Schedule 2, clause 2 PB	Amend Schedule 2, clause 2: *(2) A regional spatial plan must ~~be consistent with~~ implement—* *(a) environmental limits (subject to any infrastructure exception developed under section 86 of the Natural Environment Act 2025); and* *(b) national instruments; and* *(c) any water conservation order that applies in the region.* *(3) A regional spatial plan must provide for the matters referred to in subclause (1)…* *(b) ~~consistent with~~ in a manner that implements national instruments.*

Amend the RSP framework to provide flexibility for future and unanticipated projects

110. The mandatory matters an RSP must identify and provide for include "*existing and future key infrastructure*" (Schedule 2, clause 3 PB).

111. Transpower expects RSPs will be able to identify and provide for existing National Grid assets as well as a ~10-year pipeline of known future assets. However, based on the proposed framework, RSPs may be less helpful for other projects:

- *Future projects*: Transpower's regulatory and operating framework (including requirements for Commerce Commission approval) means that it does not have a comprehensive and detailed '30-year plan' for its infrastructure. While some future projects are well understood, Transpower will have limited information about some future projects beyond a ~10-year horizon. We are unlikely to be able to map an indicative location for those projects.
- *Unanticipated projects*: A large proportion of National Grid projects are reactive to unforeseen load growth (e.g. data centres, industrial electrification), or generation developments. Transpower has little advance visibility of when and where these projects will be required.

112. Given the uncertainty around the location and timing of future and unanticipated electricity transmission projects, Transpower will not always be able to spatially identify these projects in the timeframes contemplated for RSPs. To be effective, the framework must therefore:

- Ensure that the amount of project information that is expected to be provided to a spatial planning committee is commensurate to its anticipated timing and proposed approach to identification of the project in the RSP;
- Provide a variety of tools to identify future projects in RSPs (e.g. from proposed designations, to indicative locations, to other mapping tools, to text that explains what future projects might be needed); and
- Enable out-of-cycle review and updating of RSPs to incorporate nationally significant infrastructure without delay (e.g. on the request of a core infrastructure operator,

update to the New Zealand Infrastructure Strategy, or relevant Commerce Commission decision).

113. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 4 PB	Amend Schedule 2, clause 4: *Quality and completeness of information* *(1) A spatial plan committee must ensure that its draft regional spatial plan is,—* *(a) as far as practicable, based on robust and reliable evidence and other information that is proportionate to the level of detail required in the particular context; and* *(b) prepared in accordance with any requirements in national instruments or regulations about the methodology and data or other information that must be used.* *(2) The spatial plan committee must not use an uncertainty or inadequacy in the available information as a reason to omit content from its regional spatial plan if the committee considers that including the content is necessary to meet the requirements of clause 2 or 3.* *(3) If the spatial plan committee is using information that is uncertain or inadequate, the committee must have regard to—* *(a) the extent of and reasons for the uncertainty or inadequacy; and* *(ab) how content can be included in its regional spatial plan in a way that recognises the uncertainty or inadequacy in that information; and* *(b) how content in its regional spatial plan that is based on the information may become more detailed or otherwise be improved over time, including through—* *(i) actions that support the development of more certain or complete information; and* *(ii) provision for the plan to be reviewed under clause 31 in circumstances where the committee expects more certain or complete information may be available.* *Scale and level of detail* *(4) The spatial plan committee must be satisfied that each matter that is represented spatially ~~covered~~ in its regional spatial plan is provided for at a spatial scale that is appropriate to the matter.* *(5) The spatial plan committee must also be satisfied that its regional spatial plan provides for each matter at a level of detail that—* *(a) reflects—* *(i) the evidence and other information available about the matter; and* *(ii) the extent of work or planning already undertaken on any relevant activity or proposal (for example, a project that is in the early stages of planning is likely to be addressed in less detail); and* *(b) gives sufficient flexibility to enable the persons who have a role in implementing or progressing the plan to do so in the most appropriate and efficient way~~; and~~*

Clause, Bill ref	Relief requested
	~~*(c) subject to paragraphs (a) and (b), is sufficient to give reasonable certainty to those persons about the matter.*~~ *How information is set out* *(6) The spatial plan committee must consider how to set out its regional spatial plan in a way that is easy for interested parties and other members of the public to use and understand~~*~~, including through the appropriate use of maps and other visual illustrations of spatial matters~~*~~.* *(6A) The spatial plan committee must consider the most appropriate way to cover a matter in its regional spatial plan, including through the appropriate use of maps, other visual illustrations of spatial matters, and/or text to explain a region's current and future needs.*
Schedule 2, clause 31 PB	Amend Schedule 2, clause 31: *(1) A spatial plan committee may review its regional spatial plan…* *(aa) at any time to address changes to infrastructure to be delivered within the region as identified in:* *(i) a strategy report published under section 17 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019; or* *(ii) any other statutory strategy, policy, or plan related to infrastructure; and* *(ac) at any time following a request from a core infrastructure operator;* *(ab) at any time following a Commerce Commission decision to confirm funding for development of infrastructure;*
Schedule 2, clause 71 PB	Amend Schedule 2, clause 71 to ensure a spatial plan committee can carry out a review specified in clause 31(1) (see relief above): *(1A) There must always be a spatial plan committee for each region.*

Remove need to establish "*strategic need*" for indicative locations of projects

114. Transpower opposes the proposed "*strategic need*" test for designations for the reasons set out in Topic 4 below. We consider the test is even less appropriate in relation to applications to have "*indicative locations for any future designations*" identified in an RSP (Schedule 2, clause 7 PB). For projects at an early stage of planning, Transpower will not have completed its analysis of area, corridor and route options. Without having done that work, it may be difficult to sufficiently identify the "*strategic need for the future designation in that indicative location*". Further, it would be inappropriate for a decision-maker to determine if a given project has a strategic need, given those decisions are for the relevant provider and/or the relevant regulator to make. Transpower considers the application should instead be required to provide information on the benefits of enabling the project.

115. Transpower considers it would be more appropriate for the requiring authority to be required to provide information on the benefits of enabling the project. Those benefits will need to be considered when the decision-maker determines whether to include an indicative location in the RSP (particularly if there is a potential conflict with other matters to be addressed in the RSP).

116. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 7 PB	Amend Schedule 2, clause 7(3): *(3) An application in response to an invitation under subclause (1)(a) must include a description of the benefits of enabling the project~~an assessment of the strategic need for the future designation in that indicative location~~.*

Require existing assets and designations to be spatially mapped

117. Schedule 2, clause 6 PB would allow an RSP to include information on existing infrastructure and designations, but does not require it. Transpower requests that the spatial extent of existing assets and designations be automatically reflected in RSPs. Existing assets and designations should not require any consideration or assessment by the spatial planning committee.

118. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 6 PB	Amend Schedule 2, clause 6: *(1) A regional spatial plan may incorporate the following from the region's operative land use plan or natural environment plan: …* *(b) information that reflects decisions about~~=~~* *~~(i)~~ whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in legislation~~:~~* *~~(ii) designations:~~…* *(1A) A regional spatial plan must incorporate information that reflects existing regionally or nationally significant infrastructure and decisions about designations from the region's operative land use plan…*

Clarify the mandatory infrastructure matters to be addressed in RSPs

119. Schedule 2, clause 3 PB sets out the mandatory matters that must be included in an RSP. Transpower supports infrastructure being a mandatory matter.

120. However, it is unclear what the various references to infrastructure mean (e.g. "*key infrastructure*", "*other infrastructure services*", and "*infrastructure supporting activities*" in Schedule 2, clause 3(d), (e) and (g) respectively). Transpower considers Schedule 2, clause 3 should clearly state that regionally and nationally significant infrastructure is a mandatory matter to be identified and provided for in RSPs.

121. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 3 PB	Amend Schedule 2, clause 3: *(1) The mandatory matters referred to in clause 2(1)(a) are as follows:*

Clause, Bill ref	Relief requested
	(d) sites, corridors and opportunities for existing and future ~~key~~ infrastructure, including: *(i) regionally and nationally significant infrastructure;* *(ii) infrastructure that may be needed to serve future urban areas;* *~~corridors and strategic sites and opportunities to make better use of existing infrastructure~~:* *~~(e) other infrastructure services that may be needed to serve future urban areas~~:* *…* *(g) infrastructure supporting activities:*

Improve the RSP process

Require early engagement with infrastructure providers

116. Transpower considers early engagement with infrastructure providers is necessary to properly inform RSP development.

117. Clause 69(1)(g) PB gives local authorities discretion to decide how they will work with a range of persons, including core infrastructure providers (such as Transpower). However, the lack of mandatory consultation risks inadequate engagement and consequential poor quality draft RSPs. Transpower requests amendments to clause 69 and Schedule 2 to require consultation with core infrastructure operators during RSP development.

118. Transpower supports the requirement for designating authorities to be invited to:

- apply to have "*indicative locations for future designations*" identified in a draft RSP; or
- "*notify a proposed designation*" through the RSP (Schedule 2, clause 7 PB).

119. Transpower requests the timeframe for responding to an invitation be extended from 20 working days to 40 working days so that designating authorities have sufficient time to meaningfully respond to the invitation. Significant commercial decisions may need to be made about whether to seek inclusion of projects in RSPs, particularly if the project is in the investigation stage and public consultation and engagement has yet to commence.

120. The timeframe requested is reasonable when compared to the 30-working day timeframe in the RMA for requiring authorities to give notice of whether they require any existing designation to be included, with or without modification, in a proposed plan.

121. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 7 PB	Amend Schedule 2, clause 7(2): *(2) A designating authority must submit any application in response to an invitation under subclause (1) within 40 ~~20~~ working days of the date on which the invitation is sent.*

Clause, Bill ref	Relief requested
Clause 69 and new clause 69A PB	Retain clause 69(1)(g). Add new clause 69A: *Consultation with core infrastructure operators* *(1) A spatial plan committee must consult core infrastructure operators in the region in preparing the draft regional spatial plan.* *(2) Consultation under subsection (1) must include –* *(a) prior notification that a draft regional spatial plan is to be prepared; and* *(b) providing the draft regional spatial plan to core infrastructure operators before public notification of the plan; and* *(c) seeking core infrastructure operators' views on the draft or relevant parts of the draft regional spatial plan.*

RSPs must implement a national RSP template

122. RSPs are a new tool. The PB provides little direction on the form and contents of RSPs. Accordingly, there could be significant regional variation. Quality may also differ, particularly given the short timeframe over which RSPs are proposed to be developed (to be notified within 8 months of the first set of national standards and before the second set of national standards, and to be decided within 6 months).

123. To address these issues, Transpower considers the first set of national standards should contain a 'template' for RSPs that must be implemented in each region.

124. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 58 PB	Amend clause 58(a): *There must always be national standards—* *(a) providing direction on the evidence base supporting combined plans and the structure and form of regional spatial plans; and…*
Clause 60 PB	Amend clause 60(3): *(3) National standards may include requirements relating to—* *(a) the structure and form of a plan or regional spatial plan:*
Schedule 1, clause 5 PB	Amend Schedule 1, clause 5(2): *(2) After the first national policy direction is issued under this Act,—* *(a) national standards setting the evidence base supporting combined plans and directing the structure and form of regional spatial plans required by section 58 must be issued within 9 months after Royal assent:* *(b) national standards on standardised provisions required by section 58 must be issued within 18 months after Royal assent.*

Clause, Bill ref	Relief requested
Schedule 2, clause 1 PB	Retain Schedule 2, clause 1 requiring a regional spatial plan to be in the form prescribed by any national standards or regulations.

Align the decision-making test for proposed designations using the RSP pathway with the other pathways

122. A designating authority's decision-making role is very different depending on whether a proposed designation is sought through the RSP pathway or the other pathways. The different tests mean the RSP pathway is likely to be seen as less favourable than the other pathways and therefore it is unlikely to be used to its potential by designating authorities.

123. Where a proposed designation is sought through the LUP process or standard process (Schedule 3, clause 29 and Schedule 5, clause 26), the designating authority's decision-making role is equivalent to the current RMA approach (section 172). A designating authority must:

- Decide whether to accept or reject (in whole or part) the panel or territorial authority's recommendations;
- May modify the proposed designation if the modification was (a) recommended by the panel or (b) not inconsistent with proposed designation as included in the proposed plan or notified; and
- Must give reasons for any rejection or modification.

124. In contrast, if the RSP pathway is used (Schedule 2, clause 20) the role is very different:

- For each rejected recommendation, the designating authority must "*decide an alternative solution*". It is unclear what an "*alternative solution*" is, but this requirement appears to be inconsistent with the removal of the requirement for the designating authority to assess alternatives. This requirement mirrors the provisions addressing decisions to be made by the Minister and the local authority on RSPs. However, it does not work for designations;
- There is no power to modify the proposed designation; and
- The designating authority must consider whether the decision is "*consistent with the requirements of this Act that are … related to the contents of spatial plans*". It is unclear what this requirement means. It could be interpreted as requiring consistency with Schedule 2, clauses 2 and 3, or it could be interpreted more broadly. Again, this requirement has been taken from the other RSP decision-making provisions, but does not work for designations.

125. Transpower considers the designating authority's decision-making role must be the same regardless of which pathway is chosen.

126. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 20 PB	Amend Schedule 2, clause 20: *(1) This clause applies to a recommendation made by the independent hearings panel that relates to a proposed designation that a designating authority has notified in a draft regional spatial plan.* *(2) The designating authority must—* *~~(a) decide whether to accept or reject the recommendation~~ within 30 working days from the date the designating authority receives the independent hearings panel's recommendations~~; and~~ advise the relevant territorial authority whether the designating authority—(a) accepts the recommendation in whole; or* *(b) accepts the recommendation in part and rejects it in part; or* *(c) rejects the recommendation in whole.* *(2) The designating authority may modify the proposed designation if, and only if, that modification* *(a) is recommended by the panel; or* *(b) is not inconsistent with the proposed designation as notified in the draft regional spatial plan.* *~~(b) for each rejected recommendation, decide an alternative solution,~~* *~~which—~~* *~~(i) may or may not include elements of both the draft regional spatial plan as notified and the independent hearings panel's recommendation in respect of that part of the draft plan; but~~* *~~(ii) must be within the scope of the submissions.~~* *~~(3) When deciding whether to accept or reject a recommendation, the designating authority must consider whether their decision is consistent with the requirements of this Act that are—~~* *~~(a) related to the contents of spatial plans; and~~* *~~(b) relevant to that decision.~~*

Retain mandatory hearings and appeal rights

125. Transpower supports the mandatory requirement for hearings to be held as part of the RSP process (Schedule 2, clause 16 PB). Hearings are an essential safeguard to ensure RSPs are high quality.

126. Transpower also supports the availability of appeal rights in relation to RSPs (Schedule 2, clauses 24 and 25 PB). Appeal rights provide an important 'check and balance' including in relation to whether RSPs have implemented national instruments.

127. Transpower seeks amendments to Schedule 2, clause 26 to clarify that:

- The right to appeal is limited to circumstances where Transpower rejects or modifies a recommendation of the spatial planning committee or territorial authority. This

approach will continue to ensure the process is robust, while limiting public participation consistent with the policy intent underlying the new system.

- The right of appeal is not available to any submitter, regardless of how involved they were in the process. Only persons who submitted on a proposed designation and presented evidence should be able to appeal a decision of a designating authority.

128. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 2, clause 16 PB	Retain Schedule 2, clause 16 which states a hearing must be held on a draft regional spatial plan.
Schedule 2, clauses 24 and 25 PB	Retain Schedule 2, clauses 24 and 25 which provide for appeals to the Environment Court on points of law and merits respectively.
Schedule 2, clause 26 PB	Amend Schedule 2, clause 26: *(1) A person who submitted on a draft regional spatial plan or a local authority may appeal to the Environment Court in respect of a decision of a designating authority under clause 20 that rejects in part or whole a recommendation of the panel or modifies a designation in a manner that was not recommended by the panel.* *(2) However, a person may appeal under subclause (1) only if the person referred to the particular aspect of the existing or proposed designation to which the decision relates in the person's submission on the draft regional spatial plan.*

Topic 4 - Designations (PB)

What Transpower needs

127. Transpower supports the retention of designations in the new system. Designations are a core mechanism and hugely important to enable and protect nationally significant infrastructure.

128. Transpower needs the PB to:

- *Retain designations as a planning tool:* Designations are unique in that they provide for route and site protection and signal development intentions to the community. This route protection role has been undermined by RMA practice, and needs to be supported by the new legislation. Further, the PB must ensure designating authorities can choose between seeking a land use consent or designation.
- *Amend the decision-making tests*: Transpower supports the removal of the alternatives assessment test. However, the proposed strategic need test will be almost impossible to satisfy and is not a matter for the planning system. It should be removed. The PB must also provide certainty as to what the new requirement to recognise "*identified Māori land*" as *"taonga tuku iho"* requires of designating authorities.
- *Ensure requiring authorities automatically become designating authorities*: The PB needs to list all three of Transpower's existing requiring authority approvals (not just one).
- *Retain distinction between designation and construction project plan stage*: Transpower supports the intent for significant effects to be addressed at designation stage, with matters of detail left to later.
- *Amend lapse tests to enable route protection:* Transpower considers the default lapse period for designations should be 15 years (not 10 years). A lapse period should also be able to be extended without having to prove "*substantial progress or effort*" has been made where the project is still planned to occur.
- *Enable other infrastructure authorities to become designating authorities*: Transpower supports the intention, but drafting amendments are required to improve the process for other infrastructure operators to be approved as designating authorities.
- *Enable temporary transfer of powers to another designating authority:* Transpower supports the intention, but drafting amendments are required to ensure the related designating authority approval can be transferred (as well as a designation itself).
- *Retain processes for securing designations:* Transpower supports the availability of multiple pathways for securing designations.

Retain designations to enable and protect infrastructure

Retain designations as land use approvals

129. Transpower supports the continued role of designations as a key land use authorisation for infrastructure. Transpower supports Schedule 5, clause 17(1)(c) and (2) PB, which confirm that activities authorised by a designation are not subject to plan or national rules.

Retain designations as protection mechanism

130. Transpower supports the protection aspect of designations. The continued need for Transpower to authorise works that might prevent or hinder its designated works remains crucial (Schedule 5, clause 4(1)(c)).

Ensure designations prevail over national standards

131. Section 43D RMA addresses the relationship between national environmental standards and designations. This section has created a number of issues for Transpower. The effect of section 43D is that new designations cannot be used for National Grid land use activities regulated by NESETA (including transmission lines, access tracks, vegetation removal and earthworks). This approach reduces the approval tools available for no clear purpose. It has also required Transpower to obtain consents *and* designations for effectively the same activity when existing lines are undergrounded (i.e. land use consent for works under the NESETA and a designation to protect the route and asset). This process is inefficient and unnecessarily complex. Requiring authorities should be able to determine which tool is appropriate in which circumstance, rather than being constrained.

132. For that reason, Transpower supports the proposed clause 42(1) and Schedule 5, clause 4(b)(i), which envision national rules that allow a designation to be more enabling than the rules. However, as drafted, it would require every rule to specify whether a designation may be more enabling than it. Transpower considers a national standard should be able to address the relationship once.

133. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 42 and Schedule 5, clause 4 PB	Amend clause 42: *(1) A designation or a construction project plan may be more enabling than a national rule—* *(a) if the standard or rule expressly allows the designation or construction project plan to be more enabling than it; and* *(b) in which case, this subsection prevails over the other provisions of this section.* Amend Schedule 5, clause 4(1)(b): *(b) the designating authority may use land for a project in way that contravenes a national rule, if—* *(i) the use of land for the project is authorised by the designation; and*

Clause, Bill ref	Relief requested
	(ii) the national standard or rule expressly allows a designation to be more enabling that the national rule or section 42 otherwise allows the designation to prevail over the national rule; and
Schedule 5, clauses 6 PB	Amend Schedule 5, clause 6 to clarify the relationship between earlier and later designations: *(3) A designating authority that holds a later designation must not do anything authorised by the later designation that would prevent or hinder implementation of an earlier designation on the designated area of land, unless specifically authorised by an approval granted under clause 43 from each designating authority that holds an earlier designation.* *(4) In this clause,—* *earlier designation, in relation to any other designation on the same area of land, means a designation that first applied to that area before the other designation (even if ~~that~~ the designation conditions have ~~has~~ been altered after the other designation applied to the area, but not an alteration that expands the boundary of that designation).*
Schedule 5, clause 32 PB	Amend Schedule 5, clause 32(2)(a) for accuracy: *(2)(a) describe the project to which the proposed designation relates; and*
Schedule 5, clause 17 PB	Retain Schedule 5, clause 17(1)(c) and clause 17(2) as drafted.
Schedule 5, clause 4 PB	Retain Schedule 5, clause 4(1)(c) PB as drafted.

Amend decision-making tests to better enable infrastructure

Remove power to consider the goals

134. It is unclear why Schedule 5, clause 24(1)(b)(i) requires the recommending authority to consider the goals when considering a proposed designation. This requirement is contrary to the 'funnel' approach that is central to the new system. Transpower suggests the reference to "*goals*" is deleted, as there will be no need to consider goals if national instruments effectively address infrastructure and resolve conflicts with other goals.

Support removal of requirement to assess alternatives

135. Transpower strongly supports the removal of the requirement to assess alternative sites, routes or methods (Schedule 5, clause 24(2) PB). This test has led to significant delays and uncertainty for little apparent environmental benefit. We will still undertake alternatives assessment work for our internal processes. However, there is no need for that work to be the subject of submissions and tested by the recommending authority.

Remove proposed "*strategic need*" test

136. The "*strategic need*" test is addressed in Topic 3 to the extent it applies to indicative locations for future designations. Transpower also opposes the requirement for a proposed designation to:

- Contain an "*assessment of strategic need for the project in the location of the designation footprint*" (Schedule 5, clause 13(2)(e) PB); and
- For a recommending authority to have regard to "*the strategic need for the project in the location proposed*" when considering a proposed designation (Schedule 5, clause 24(1)(a)).

137. Transpower considers the "*strategic need*" test:

- *Will be almost impossible to satisfy:* For linear infrastructure, there are an almost infinite number of potential routes. It will be almost impossible to establish a "*strategic need*" for the project to only be established in the location proposed.
- *Is not a matter for the planning system*: It extends into matters beyond the scope of the planning system. It relates to investment decision-making, which is the function of designating authorities. Transpower's statutory role includes determining when and where transmission infrastructure is required to meet system reliability and future demand. Funding is approved by an independent regulator – the Commerce Commission. Further, re-examining strategic need at the designation stage risks duplicating or contradicting decisions made under other statutory regimes.

138. The need to have particular regard to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority (section 171(b)(ii) RMA) has been used by opposers as a 'stick', rather than a 'carrot' and created an unnecessary hurdle. Transpower considers there is a real risk the "*strategic need*" test would have a similar effect.

139. The designation tests should, however, require consideration of the benefits of the infrastructure. Under the RMA, undue focus is placed on negative effects. The approach taken in the FTAA, which requires prioritisation of infrastructure benefits, is a good example of a more positive legislative approach to assessing the beneficial outcomes of infrastructure.

140. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5, clauses 13 and 24 PB	Amend Schedule 5, clause 13(2)(e): *(2)(e) include a description ~~an assessment~~ of the benefits of enabling ~~strategic need for~~ the project ~~in the location of the designation footprint~~*; Amend Schedule 5, clause 24(1)(a): *(a) the benefits of enabling ~~strategic need for~~ the project ~~in the location proposed~~.* Amend Schedule 5, clause 24(2): *(2) ~~The requirement in subclause (1)(a) to have regard to the strategic need for the project in the location proposed~~ There is no* *~~(a) does not~~ requirement for the recommending authority to – …~~; and~~.* *~~(b) does not apply if –~~*

Clause, Bill ref	Relief requested
	(2A) ~~(i) the~~ Any relevant spatial plan that identifies the project in a location consistent with the location of the designation footprint can be used as evidence that enabling the project will have significant benefits.~~; or *~~(ii) the designating authority has an interest in the land within the designation footprint sufficient to undertake the project.~~*
Schedule 5, clauses 13 and 24 PB	Amend Schedule 5, clause 13(3): *(3) The assessment of the effects of confirming the designation on the built environment must include an assessment of the proposed designation against any relevant provisions of—* *(a) ~~the goals,~~ the national policy direction, and a national standard in accordance with section 12; and* *(b) the land use plan and any proposed land use plan.* Amend Schedule 5, clause 24(1): *(1) When considering a proposed designation and any submissions received, the recommending authority must have regard to—…* *(b) any relevant provisions of--* *(i) ~~the goals~~, the national policy direction, and a national standard in accordance with section 12; and* *(ii) the land use plan and any proposed land use plan; and…*

Clarify the new requirement to recognise "*identified Māori land*" as "*taonga tuku iho*"

141. Transpower acknowledges the proposed goal (clause 11(i)(iii) PB) "*to provide for Māori interests through… enabling the development and protection of identified Māori land*". Transpower has a particular interest in the specific requirements applying to spatial planning and designation processes in Schedule 2, clause 10 and Schedule 5, clause 2 PB. Transpower is a heavy user of designation processes and our extensive linear infrastructure means those requirements will apply to many of our projects.

Definition of "*identified Māori land*" is broad

142. The definition of "identified Māori land" is very broad. We have existing assets that are crossed by this land. We would seek to avoid identified Māori land through our route selection process. However, this may not always be possible given how extensive these areas are (as can be seen by Figures 1 and 2 below, which only show Māori Freehold Land, in areas where Transpower has investigations underway for new lines and other assets).

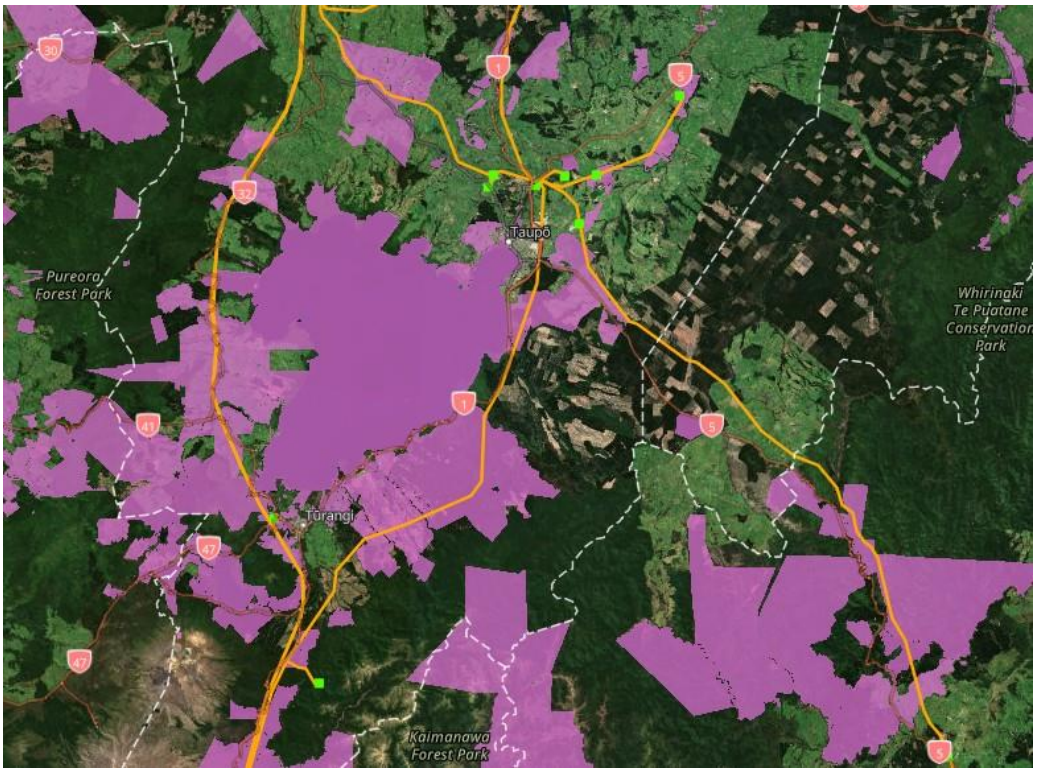


Figure 1: Central Plateau – Māori Freehold Land shown in magenta.

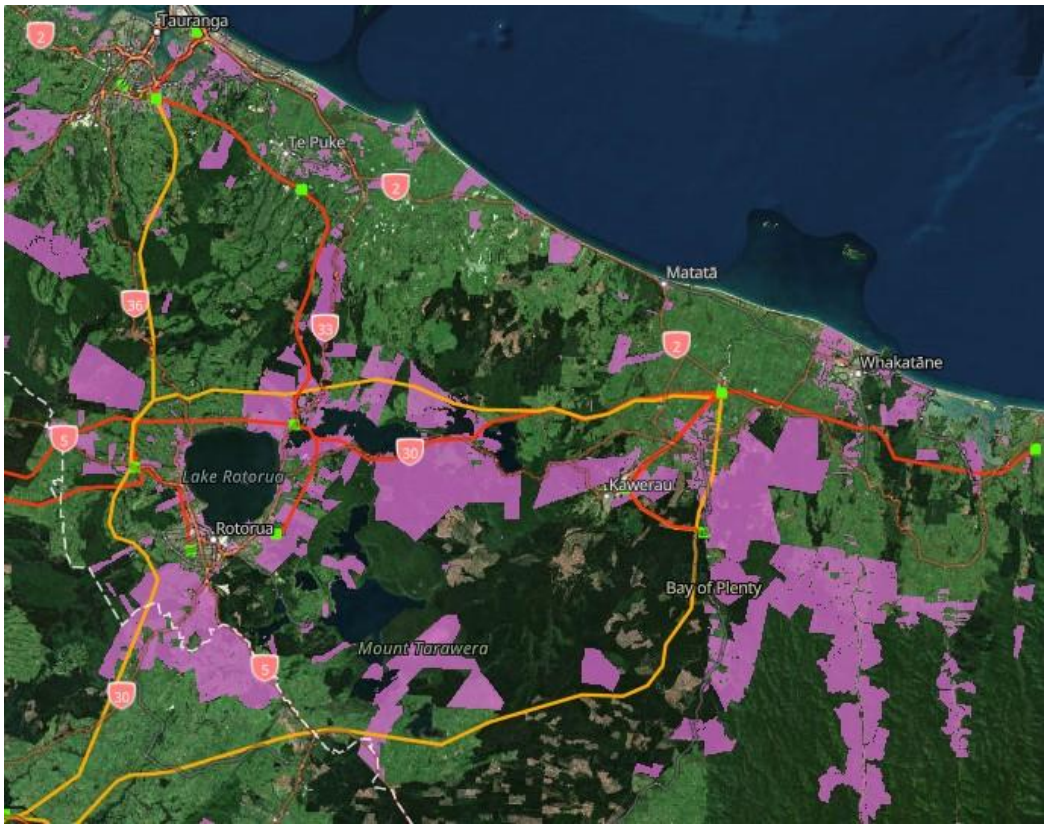


Figure 2: Western Bay of Plenty – Māori Freehold Land shown in magenta.

143. Transpower has experience applying the "*identified Māori land*" definition under the FTAA. The definition is very similar to the proposed definition in the PB (clause 3). Practically, there are limitations in terms of the steps that we can reasonably take to confirm whether land is caught by the definition. While some of the land categories can be easily identified

through title checks, other land categories are difficult to identify with certainty. For example:

- At paragraph (e), "*general land owned by Māori*" is difficult to identify with certainty. It could involve both current and historic title searches. In cases where land has been subsequently subdivided, it would involve tracking back through every subdivision since 1967. This exercise would be expensive and time-consuming.
- At paragraph (g), "*land owned by a Treaty settlement entity*" cannot always be easily identified. Particularly if the land is vested in an entity that is not the post-settlement governance entity, or was acquired by the exercise of rights under a Treaty settlement.

144. Clarification about the steps that are required to be undertaken to identify this land, given how extensive investigations could be, is sought.

It is unclear what designating authorities need to do in order to "*recognise*" identified Māori land as "*taonga tuku iho*" and "*consider*" the "*rights and interests of owners*"

145. As explained above, Transpower's proposed designations may inevitably intersect with identified Māori land, despite seeking to avoid this land. We accordingly require clarity on what we must do to satisfy the requirements set out in Schedule 5, clause 2 PB. Further, it is essential the requirements do not undermine Transpower's ability to plan for and provide transmission infrastructure that meets the current and future needs of New Zealanders.

146. Transpower considers the words "*recognise*" and "*consider*" in the clauses indicate that the requirements are procedural in nature. However, other terminology used in Schedule 5, clause 2 (e.g. "*taonga tuku iho*" and "*the rights and interests of owners… to retain, control, use, and occupy the land for the benefit of present and future generation*") suggest that what is to be recognised and considered is very strong in nature. It is inevitable that a designation will impact the owner's ability "*to retain, control, use, and occupy the land".* Accordingly, it is not clear to Transpower what is required when reading the clauses as a whole. Because those requirements are new and untested, there is no existing case law or practice to draw on. Transpower seeks clarification about what these new requirements mean for designating authorities.

147. Transpower also notes that the same requirement applies to both spatial planning committees when making a spatial plan (for indicative infrastructure locations) and designating authorities when proposing a designation (for confirmed infrastructure locations). It is unclear whether the PB intends the requirements to be applied in the same manner, despite it being inevitable that less information will be available at spatial plan stage compared to designation stage. There may be "*identified Māori land*" within an indicative location, but it may ultimately be avoided when the eventual route is chosen. Without clarification of what the spatial planning committee is required to do, the test could be used as a reason to reject an indicative infrastructure location during the spatial planning process.

148. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5, clause 2 PB	Clarify that designating authorities are required to take reasonably practicable steps to locate identified Māori land. Non-statutory guidance may also be useful as to the steps that are required to be undertaken.
Schedule 5, clause 2 PB	Clarify what designating authorities are required to do to satisfy the requirements in Schedule 5, clause 2 of PB to "*recognise*" identified Māori land as "*taonga tuku iho*" and "*consider*" the "*rights and interests of owners*".
Schedule 2, clause 10 PB	Similar to the above, clarify what a spatial planning committee is required to do to satisfy the requirements in clause 10 of Schedule 2.

Ensure existing requiring authorities and designations continue into the new system

149. Transpower supports the intention for requiring authorities to automatically continue as designating authorities under the new system (Schedule 1, clause 27 PB). However, Schedule 1, clause 28 contains an incomplete list of requiring authority approvals, and includes just one of Transpower's three approvals.

150. Transpower supports RMA designations automatically becoming designations in the new system (Schedule 1, clause 26).

151. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 1, clause 26 PB	Retain Schedule 1, clause 26.
Schedule 1, clause 27 PB	Retain Schedule 1, clause 27.
Schedule 1, clause 28 PB	Amend Schedule 1, clause 28: *The following approvals, if in force immediately before the specified transition date, continue in force under Part 2 of Schedule 5 of this Act: …* *(f) Resource Management (Approval of Transpower New Zealand Limited as Requiring Authority) Order 1992:* *(fa) Resource Management (Approval of Trans Power New Zealand Limited as Requiring Authority) Notice 1994:* *(fb) Resource Management (Approval of Transpower New Zealand Limited as Requiring Authority) Notice 1997:*

Ensure matters of detail are managed through construction project plans

152. Transpower supports the distinction between addressing significant adverse effects at the designation stage, and managing other adverse effects through construction project plans (Schedule 5, clauses 24(1)(d) and 25(1)(b) PB). This approach is consistent with early RMA practice. Unfortunately, that practice has evolved to require more and more matters to be addressed at the designation stage. The result is:

- Long and complex contestable public processes;
- Less flexible designations; and
- Much greater territorial authority control and management of project details than is envisaged by the current section 176A RMA outline plan process.

153. Transpower also supports Schedule 5, clause 25(1)(a), which requires a condition on a construction project plan to be "*no more onerous than necessary*". It seeks the clause is retained.

154. Transpower requests that "*avoid, minimise or remedy*" is replaced with "*manage*" in clause 37 of Schedule 5 PB, so that it does not exclude other types of management measures (e.g. offsetting or compensation).

155. Transpower also requests an amendment to Schedule 5, clause 40. This clause requires publication of construction project plans (on an internet site) but does not specify how long they must remain publicly available. The drafting creates uncertainty and the risk of ongoing administrative obligations beyond the construction phase. The benefit of making these plans publicly available is not clear. Nevertheless, clarifying that construction project plans may be removed once construction is complete aligns with their temporary purpose and supports an efficient system.

156. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5, clauses 25 and 25 PB	Retain Schedule 5, clause 24(1)(d) and clause 25(1)(b). Retain Schedule 5, clause 25(1)(a).
Schedule 5, clause 37 PB	Amend Schedule 5, clause 37: *(1) The purpose of a construction project plan for a project authorised by a designation is to—* *(a) confirm the final design of the project; and* *(b) set out how any adverse effects of the project or its construction on the built environment will be <u>managed</u> ~~avoided, minimised, or remedied~~ <u>(unless already addressed in the designation conditions)</u>.* *(2) A construction project plan…* *(b) must identify any adverse effects of the construction on the built environment; and*

Clause, Bill ref	Relief requested
	(c) must set out how the designating authority will manage ~~avoid, minimise, or remedy~~ those effects (including any effects managed by designation conditions); and
Schedule 5, clause 40 PB	Amend Schedule 5, clause 40: *(1) A designating authority must publish a construction project plan on an internet site to which the public has free access.* *(2) A designating authority must publish a plan—* *(a) as soon as reasonably practicable after it is confirmed; or* *(b) if the designating authority is the territorial authority, as soon as is reasonably practicable after deciding it.* *(3) A designation authority may remove a construction project plan from the internet site on completion of construction.*

Amend lapse extension tests to enable continued route protection

157. The 10-year default lapse period for a designation (Schedule 5, clause 49 PB) reflects the recent changes made to section 184 of the RMA. However, designations are an important tool for projects that are planned for more than 10 years in the future. Designations provide route protection and signal development intentions to the community. Transpower therefore considers the default lapse period should be 15 years as a minimum. This change is consistent with the intent of the new system to take a more strategic approach to planning for infrastructure (e.g. RSPs must look 30 years into the future).

158. For similar reasons, Transpower considers the test for extending a lapse period (clause 49(3) PB) should be amended for designations given their route and site protection and development signalling role. In some cases, a designating authority will not have made "*substantial progress or effort*" towards giving effect to a designation because of a change in projected demand. However, there may still be a reasonable need for the works in the future, such that the lapse of the designation would be inconsistent with protecting the route (see Case Study 7).

159. Further, Transpower considers a designating authority must be able to apply for a lapse extension more than three months before the designation would lapse. Otherwise, it will have insufficient time to either give effect to the designation or lodge a replacement proposed designation (see Case Study 7).

Case Study 7: Lapse extensions for designations
The designation for Transpower's planned Brownhill-Otahuhu underground cable was due to lapse in 2025. Due to a change in electricity demand growth projections, the upgrade was not needed before that time. No physical works had commenced to contribute to "*substantial progress or effort*" required to be shown to secure a lapse extension. Ultimately, Transpower was able to show that it had made substantive progress or effort by other means. However, it could not make such an application until 3 months before the designation expired. Consequently, had the Council declined an extension, Transpower would have no further options available to it (such as commencing sufficient physical works to retain the designation). The project remains critical for electricity supply to Auckland and Northland. It is projected to be needed between 2030-2040. The route protection also remains critical, given the potential to lose

the ability to use the route due to incompatible underground and above ground development that is likely to occur without the protection in place. It is inefficient to require a designating authority to make "*substantial progress or effort*" to retain a designation, if that work is not actually required for the project for some time. It should be possible to seek an extension of a lapse period where the designation is still needed, and the route protection afforded by it remains justified.

160. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5, clause 49 PB	Amend Schedule 5, clause 49(1): *(1) The lapse period of a designation is—* *(a) either—* *(i) ~~10~~15 years after the date the designation is included in the land use plan; or* *(ii) any other period specified in the designation when it was incorporated into the plan; and…* Amend Schedule 5, clause 49(2): *(2) A designation lapses on the expiry of its lapse period unless—* *(a) it is given effect to before the end of that period; or* *(b) the territorial authority decides, on an application made by the designating authority within 12 ~~3~~ months before the expiry of the lapse period, to fix a longer lapse period.* Amend Schedule 5, clause 49(3): *(3) A territorial authority may extend a lapse period under subclause (2)(b) only if satisfied that:* *(a) substantial progress or effort has been made, and is continuing to be made, towards giving effect to the designation; or* *(b) the designating authority demonstrates that it still intends to construct the project.*

Enable other infrastructure operators to obtain designations

161. Transpower supports the intent of Schedule 5, clause 11. This clause enables the Minister to approve other infrastructure operators as designating authorities. The clause provides a clear pathway for nationally or regionally significant infrastructure providers (beyond Ministers, local authorities, and core infrastructure operators) to access the designation regime where justified.

162. For example, renewable electricity generators may seek approvals to designate electricity transmission infrastructure (e.g. transmission line and/or substation) as part of a renewable electricity generation project. Enabling such a designation to be sought by the generator would save time and costs for all parties and would provide much needed flexibility and control. A Transpower customer wanting to connect to the National Grid would be able to manage the entire project approvals process (consents and designation) rather than relying on Transpower to separately designate a critical component.

163. However, as drafted, other infrastructure operators are unlikely to be incentivised to be approved as designating authorities. An application can only relate to "*a particular project*" (Schedule 5, clause 11). It would be highly inefficient for infrastructure operators to apply for each individual project.

164. Further, the requirement to "*provide a significant public benefit*" in clause 11(2)(a) and (3) may also be challenging for individual projects. We consider that these additional hurdles are unnecessary, given the Minister has a broad discretion to approve an application (Schedule 5, clause 11(6)).

165. We also consider that the "*nature*" of a project should be considered, not merely the "*size and scale*" in determining whether a designation is justified for the project.

166. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5, clause 11 PB	Amend Schedule 5, clause 11(1): *(1) Any person that operates infrastructure may apply to the Minister for approval as a designating authority in relation to a particular project or infrastructure operation that is infrastructure.* Delete Schedule 5, clause 11(2)(a) and (3). Amend Schedule 5, clause 11(5)(b): *(5)(b) the extent to which the size, nature, and scale of the project justifies a designation.*

Enable temporary transfer of powers to another designating authority

167. Under the RMA, a requiring authority cannot seek a designation for another requiring authority (for example, the NZ Transport Agency Waka Kotahi cannot seek a designation to enable the relocation of a transmission tower to facilitate a road widening project).

168. Schedule 5, clause 51 appears to be intended to remedy this issue. However, as drafted, it will not be effective because it does not:

- Enable the temporary transfer of the original infrastructure operator's designating authority approval. The designating authority approval is critical to giving the user the legal status to obtain a new or altered designation (Schedule 5, clause 8(4) PB); and
- Does not enable the new designating authority to seek a new or altered designation, which will be necessary to relocate infrastructure.

169. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5, clause 50 PB	Amend Schedule 5, clause 50 to expressly allow transfers of part of a designation: *(1) If financial responsibility for a project (or part of a project) authorised by a designation is transferred from one designating authority to another, –*

Clause, Bill ref	Relief requested
	(a) responsibility for any relevant designation (or part of a designation) is also transferred; and *(b) the designating authority that is transferring responsibility must advise the Minister and the relevant territorial authority of the transfer.* *(2) The territorial authority must, without using the process in Schedule 3, amend its land use plan and any proposed plan to note the transfer.*
Schedule 5, clause 51 PB	Amend Schedule 5, clause 51: *(1) A designating authority ~~that holds a designation~~ (the original designating authority) may temporarily transfer ~~responsibility for all or part of~~ its ~~designation~~ designating authority approval to another designating authority (the new designating authority) to enable the new designating authority to seek a designation or alteration to designation to relocate any infrastructure for which the original designating authority has financial responsibility ~~to which the designation relates.~~* *(2) The new designating authority must give the territorial authority and the Minister written notice of the temporary transfer that –* *(a) includes the original designating authority's consent to the transfer; and* *(b) describes the infrastructure to be relocated.* *(2A) The new designating authority may seek a proposed designation for the relocated infrastructure as if it were the original designating authority.* *(3) If a construction project plan is required for the ~~relocation~~ relocated infrastructure under clause 36, the new designating authority may prepare the construction project plan as if it were the original designating authority.* *(4) The original designating authority must give the territorial authority and the Minister written notice of when the temporary transfer is complete, at which point the designating authority approval ~~responsibility for the designation~~ transfers back to the original designating authority.* *(4A) For clarity, the original designating authority retains the ability to use the designating authority approval during the period it is transferred to the new designating authority.* *(5) …*

Retain multiple processes for securing designations, but narrow appeal rights

170. Transpower also supports the three pathways for securing designations: (1) standard "*Notice of Proposed Designation*" to territorial authority; (2) incorporation via the RSP, and (3) incorporation via the LUP during its development.

171. In relation to the standard designation process, Transpower supports the:

- Amended notification test, particularly the requirement for effects to be "*more than minor*" to trigger notification (Schedule 5, clause 17).
- Designating authority retaining decision-making power (Schedule 5, clause 26).
- Retention of appeals to the Environment Court (Schedule 5, clause 28), subject to the submission points below.

172. As drafted, the PB allows a submitter to appeal against a decision of a designating authority in all cases (Schedule 2, clause 26; Schedule 3, clause 35; and Schedule 5, clause 28). Transpower considers the right to appeal should be limited to circumstances where Transpower rejects or modifies a recommendation of the spatial planning committee or territorial authority. This approach will continue to ensure the process is robust, while limiting public participation consistent with the policy intent underlying the new system.

173. Further, Transpower does not consider any submitter should be able to appeal, regardless of how involved they were in the process. To create a higher bar, we consider submitters should only have a right of appeal if they presented evidence during the designation process.

174. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 5 and clauses 97 and 98 PB	Amend Schedule 5, and clauses 97 and 98 to enable changing of plan provisions via designations.
Schedule 5, clause 17 PB	Retain Schedule 5, clause 17.
Schedule 5, clause 26 PB	Retain Schedule 5, clause 26.
Schedule 3, clause 35 PB	Amend Schedule 3, clause 35: *The following persons may appeal to the Environment Court against any aspect of a decision of a designating authority under clause 29 that rejects in part or whole a recommendation of the panel or modifies a designation in a manner that was not recommended by the panel:* *(a) a submitter on the proposed land use plan, but only if:* *(i) their submission addressed—* *(~~i~~A) the particular aspect of the existing or proposed designation to which the decision relates; and* *(~~ii~~B) the matter to which the appeal relates; and* *(ii) the submitter presented evidence in their submission or to any hearing:*
Schedule 5, clause 28, PB	Amend Schedule 5, clause 28: *(1) Any 1 or more of the following persons may appeal to the Environment Court against the whole or any part of a decision of a designating authority under clause 26 that rejects in part or whole a recommendation of the territorial authority or modifies a designation in a manner that was not recommended by the territorial authority:* *(a) the relevant territorial authority (unless the designating authority is that territorial authority):* *(b) a submitter, but only if:* *(i) their submission addressed the particular aspect of the existing or proposed designation to which the decision relates; and* *(ii) the submitter presented evidence in their submission or to any hearing.*

Clause, Bill ref	Relief requested
	(2) A notice of appeal under this clause must…
Schedule 5, clause 47 PB	Retain Schedule 5, clause 47 which enables minor alterations to a designation without a full process, but amend it to clarify that minor alterations to designations are available for all designating authorities (not just territorial authorities): *(1A) A designating authority that holds a designation may, at any time, notify a territorial authority of a proposed alteration to the designation that it seeks to be considered using the process in subsections (1) – (3).* *(1) A territorial authority may, at any time, alter a designation in its land use plan or a proposed designation in a proposed land use plan without using a process in Part 3 or 4 of this schedule, or Schedule 3, if subclause (2) or (3) applies…*

Topic 5 - Consenting and Permitting (PB and NEB)

What Transpower needs

175. Much of Transpower's work involves routine works on existing National Grid assets that are essential for maintaining a safe and reliable electricity supply. The PB and NEB must set a framework for these works to be permitted activities. The proposed mandatory registration regime for activities would be a significant backwards step compared to the RMA, and must be fixed.

176. For development of new assets, Transpower needs the PB consenting and NEB permitting framework to:

- Ensure the amount of information required to support an application is proportionate to effects, and focused on what is necessary to inform decision making;
- Require conditions to be proportionate and limited to relevant effects;
- Ensure consent/permit lapse periods and duration timeframes enable infrastructure;
- Support integrated decision making for wildlife approvals;
- Exempt infrastructure from the precautionary principle and adaptive management;
- Retain the proposed direction on the classification of activities;
- Retain the proposed "*more than minor*" and "*significant*" notification thresholds; and
- Retain the maximum consent/permit processing timeframes for specified energy activities, and the ability for the applicant to suspend processing.

Amend permitted activity provisions to ensure routine National Grid activities are genuinely permitted (PB and NEB)

177. Transpower supports the intent for the new system to permit more activities. However, the proposed requirement for a permitted activity to be registered in most cases is opposed (clauses 38 and 180 PB and clauses 39 and 202 NEB). The mechanisms are unclear and confusing as currently drafted, particularly clause 38(1)(b) PB and clause39(1)(b) NEB, given they cross-refer to parts of the Bill addressing conditions of consent. Many of those provisions do not neatly apply to permitted activities. As a result, clause 38 PB and clause 39 NEB could be read to require all permitted actions to be registered. And, clause 180 PB and clause 202 NEB appear to perversely enable councils to decline permitted activities. These outcomes do not appear to be intended.

178. Transpower's routine works on existing National Grid assets need to be permitted through national instruments. Transpower undertakes thousands of these activities across the country every year. Typical activities include vegetation trimming and clearance and earthworks, as well as confined activities within waterbodies associated with existing support structures. The effects of such activities are well understood, generally minor in nature and always readily managed by known best practices and management plans. Requiring registration (clause 38 PB), applications (clause 180(2) PB), and allowing a council

to reject those applications (clause 180(3) PB) will impose significant and unnecessary costs and time delays, as well as uncertainty. Collectively, the regime as currently drafted would be a significant backwards step compared to the RMA.

179. Transpower considers that the ability to give notice to a council, and enable it to monitor (with associated monitoring fees being payable) may add benefit to the new regime for some activities. However, any registration requirements that require approval by council becomes an additional consent category, under another name.

180. Registration requirements should only be required in very narrow circumstances. Such circumstances could include where a council requires a fee to be paid for monitoring, where the allocation of a resource needs be monitored or where a condition contains a degree of specialist/technical judgment such that a qualified expert needs to confirm how a permitted activity condition will be met (e.g. a permitted activity condition requiring compliance with a management plan prepared by a suitably qualified person).

181. However, registration should not be required simply to confirm a condition can and will be met generally, or how a condition will be met. Permitted activities and their conditions should be sufficiently clear for users to know they can comply. The enforcement provisions can be relied on if a council is concerned that an activity is being undertaken that is not permitted and requires consent.

182. A major review and rewrite of the permitted activity registration provisions is required to ensure the new system enables the routine activities that are necessary to "*keep the lights on*".

183. Transpower also considers it would be helpful during early implementation of the new Acts for the government to consult on an example set of potential permitted activities that may be suitable for registration. This approach will help refine the approach for the first national standards.

184. Transpower requests the following:

Clause, Bill ref	Relief requested
Clauses 3 and 38 PB and clause 39 NEB	Delete the following clause 3 definition: ~~*permitted activity means an activity to which section 32(2) applies*~~ ~~*permitted activity rule means a rule that specifies conditions for carrying out a permitted activity (see section 30(a)(ii))*~~ Amend clause 38 PB and make equivalent amendments to clause 39 NEB: *(1) A permitted activity rule* <u>*may state that*</u> ~~*must (a) require*~~ *an activity* <u>*must*</u> ~~*to*~~ *be registered* <u>*where subsection (2) applies;*</u> ~~*or (b) relate to a matter described in section 151 or Part 1 of Schedule 7*~~*.* <u>*(1A) Where a permitted activity rule does not specify registration requirements, the activity does not need to be registered.*</u> *(2) A permitted activity rule referred to in subsection (1)* ~~*(a) must*~~ <u>*may*</u> *provide that an activity is* ~~*a permitted activity*~~ <u>*to be registered*</u> *only if…* Transpower requests the remainder of clause 38(2) PB and clause 39(2) NEB is closely reviewed and rewritten to:

Clause, Bill ref	Relief requested
	• Ensure the clauses provide clear and limited triggers for when a rule may require registration. • Potentially, provide separate triggers for subdivision and reclamation as the current drafting appears to envisage additional conditions applying to those activities.
Clause 180 PB	Amend clause 180: *(1) This section applies to a person proposing to carry out an activity in accordance with a permitted activity rule that requires an activity to be registered (see section 38).* *(2) The person must, in writing~~,—~~* *~~(a)~~ notify the relevant consent authority that they propose to carry out a permitted activity in accordance with the permitted activity rule~~; and~~* *~~(b) include in the notification —~~* *~~(i) a description of how any conditions set by the permitted activity rule will be met; and~~* *~~(ii) any other information required by the permitted activity rule.~~* *(3) The consent authority must, within 10 working days of receiving the notification, —* *~~(a) determine, on the information provided, whether the permitted activity rule will be met; and~~* *~~(b) notify the person of that determination.~~* *~~(4) If the consent authority determines that the permitted activity rule will be met, the consent authority must —~~* *(a) register the activity; and* *(b) carry out any monitoring of the activity required to ensure that the permitted activity rule is met:* *(4) A registered permitted activity shall be treated as if it were an appropriate planning consent that contains all of the conditions that required registration of that activity.*

Amend information requirements so that applications must be focused and proportionate (PB and NEB)

185. Transpower supports in principle the direction that the level of information included in an application for a planning consent or natural resource permit must be "*proportionate*" to the "*scale and significance*" of the activity/matter (clause 109(3) and (4) and Schedule 6, clause 6(1) PB; clause 130(3) and (4) and Schedule 2, clause 1 NEB). One of the key issues with the RMA has been the ever-expanding information requirements.

186. However, the wording is ambiguous because "*matter*" is undefined. It could be interpreted broadly and lead to unnecessary information requests. Further, an "*activity*" could be significant, but have minimal effects. Transpower considers it is more appropriate for applications to be proportionate to the *effects* to be managed.

187. Transpower also opposes the additional requirement for an application to be "*sufficiently detailed and adequate*" (Schedule 6, clause 1 PB and Schedule 2, clause 1 NEB). Transpower considers this additional test is likely to drive consent authorities to request *more* information, and therefore perpetuate the RMA issues.

188. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 6, clause 1 PB and Schedule 2, clause 1 NEB	Amend Schedule 6, clause 1 PB and make equivalent amendments to Schedule 2, clause 1 NEB: *Information included in an application for a planning consent must—* ~~*(a) be sufficiently detailed and adequate to enable the consent authority to undertake its assessment; and*~~ ~~*(b)*~~ *be proportionate to the scale and significance of the effects of the activity.*
Clause 109 PB and clause 130 NEB	Amend clause 109(3) PB and make equivalent amendments to clause 130(3) NEB: *(3) An applicant must ensure that information required by subsection (2)(b) is provided at a level of detail that is proportionate to the scale and significance of the effects of the activity* ~~*matter*~~ *to which the application relates.*

Ensure conditions are proportionate and relevant (PB and NEB)

189. Conditions must be focused on managing relevant effects. Under the RMA, decision makers have increasingly imposed disproportionate controls on matters that are not central to managing relevant effects (e.g. prescribing detailed construction methodologies, sequencing, or operational practices). Embedding such operational detail into consent or permit conditions can lead to unnecessary compliance burden, repeated condition variations, or disputes, without delivering commensurate environmental benefit.

190. For designations, the PB requires conditions to be "*no more onerous than necessary to manage a relevant adverse effect"* (Schedule 5, clause 25 PB). Transpower considers that same test should apply to consent and permit conditions.

191. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 150 and clause 168 NEB	Amend clause 150 PB and make equivalent amendments to clause 168 NEB: *(1) When granting a planning consent, the consent authority may include any condition it considers appropriate after being satisfied that—* *(a) subsections (2) and (3) are complied with; and* *(b) any requirements in section 151 for particular consents or conditions are complied with; and* *(c) the condition is no more onerous than necessary to manage a relevant adverse effect.*

Clause, Bill ref	Relief requested
Clause 152 PB and clause 170 NEB	Retain clause 152 PB and clause 170 NEB to enable an applicant to request a review of the draft conditions of the consent. This step is very important given the practical implications of conditions that decision makers are often unfamiliar with.

Amend consent and permit durations to enable infrastructure (PB and NEB)

192. For long-lived infrastructure, time-limited land use consents and natural resource permits are generally inappropriate. Infrastructure is permanent or long-term in nature (e.g. structures can have an 80-100-year lifetime). Effects are well-understood and can be managed through conditions and monitoring. Requiring re-consenting due to consent expiry creates unnecessary cost, uncertainty, and regulatory churn, without delivering better environmental outcomes (see Case Study 8).

Case Study 8: High costs for reconsenting of tree-trimming consents
Transpower has had tree trimming consents granted for as little as 10 years. Yet, trees in the vicinity of lines need to be trimmed for the lifetime of the tree. Re-consenting serves no valuable purpose, and another consent would need to be obtained for the same works. In reality, these type of consents have meant it has cost Transpower upwards of $10,000 to trim a tree once. This example shows how re-consenting due to short duration consents creates unnecessary cost.

193. Transpower requests that clause 163 PB is amended so that planning consents default to an unlimited duration, unless the applicant requests a shorter period. Transpower also seeks a default unlimited duration for land use permits granted under clause 17 NEB (through amendments to clause 179).

194. Transpower does not oppose a maximum 35-year duration for discharge permits. Discharge permits relate to activities whose effects and receiving environments may change over time, and where periodic reassessment remains appropriate. A 35-year duration strikes a reasonable balance between long-term operational certainty for infrastructure providers and the ability to respond to changes in environmental limits, standards, and technology.

195. Other infrastructure-related permits that do not authorise consumptive discharges, but are not strictly permanent land-use activities, warrant longer-term certainty. A 50-year duration appropriately reflects their long planning horizons and asset lives. And, it provides a clear mechanism for review through compliance, monitoring, and enforcement where circumstances materially change.

196. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 163 PB	Amend clause 163(3): *(3) ~~The maximum period for which a~~Any other planning consent is ~~may be~~ granted ~~is~~for an unlimited period.*
Clause 179 NEB	Amend clause 179:

Clause, Bill ref	Relief requested
	(1) A natural resource permit authorising a renewable energy activity or a long-lived infrastructure activity must specify the period for which it is granted. *(2) The period specified under subsection (1) must be not less than 35 years after the date of commencement of the permit unless—* *(a) the applicant requests a shorter period; or* *(b) a national standard expressly allows a shorter period; or* *(c) the permit authority decides to specify a shorter period after considering a request from a relevant group for a shorter period for the purpose of managing any adverse effects on the natural environment.* *(3) In making a decision under subsection (2)(c), the permit authority must consider—* *(a) the need to provide for adequate management of any adverse effects on the natural environment; and* *(b) the benefits of providing certainty of long-term permit duration.* *(4) The specified period must <u>not</u> be <u>less</u> ~~not more~~ than—* *<u>(aa) unlimited in the case of a land use permit;</u>* *(a) 50 years after the date of commencement of the permit, in the case of a permit that authorises any <u>activity</u> ~~structure~~ that would otherwise contravene section 18 or 19:* *(b) 35 years after the date of commencement of the permit, in the case of any other permit that authorises a renewable energy activity or a long-lived infrastructure activity.* *(5) This section is subject to section 181(b) (lapsing of permits).*

Provide longer lapse periods for infrastructure (PB and NEB)

197. Clause 165 PB provides default lapse periods for planning consents of 5 years, except for renewable energy consents (10 years). This lapse period also applies to permits (clause 181 NEB). As noted under Topic 4, nationally significant infrastructure requires long lead times. Large-scale infrastructure projects require thorough planning, design, procurement and often staged delivery that exceed 5 years.

198. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 165 PB	Amend clause 165 (which applies to permits by virtue of clause 181 NEB): *(1) A planning consent lapses on the date specified in the consent or, if no date is specified—* *(a) 10 years after the date of commencement if the consent authorises a renewable energy activity <u>or regionally or nationally significant infrastructure</u>; and…* *(2) However, a consent does not lapse under subsection (1) if, before the consent lapses,— …*

Clause, Bill ref	Relief requested
	(c) in the case of a consent authorising a renewable energy activity, the consent authority decides at the consent holder's request to ~~shorten~~ extend the period after which the consent lapses under subsection (1)(a).

Support integrated decision-making for wildlife permit approvals (NEB)

199. Transpower supports the intent of clause 128 NEB, which enables a wildlife approval to be included as part of a permit. This incorporation is a positive and pragmatic step. It recognises the need to streamline approvals for activities—such as electricity transmission works—that can interact with protected wildlife, particularly indigenous birds, lizards and bats.

200. As explained earlier in this submission, Transpower seeks the retention of the 'one stop shop' FTAA process. But that process is not appropriate for all projects, due to their size and scale. Enabling a wildlife approval to be obtained as part of a permit will allow some efficiency gains for other projects.

201. However, the clause 128 decision-making framework for how wildlife approvals are to be assessed needs to be clarified. It does not establish a single, integrated process between the NEB and the Wildlife Act 1953. As drafted, the provision risks uncertainty, duplication, and delay.

202. In particular:

- Clause 128 does not specify which matters must be considered when deciding a wildlife approval, who the decision-maker is for Wildlife Act purposes, or how Wildlife Act tests are to be applied within the NEB permit process.
- There is no clarity on how notification, submissions, or participation rights apply to the wildlife approval, creating risk of procedural challenge.
- Without an expressly integrated process, applicants may still need to seek separate approvals under the Wildlife Act, undermining the efficiency and certainty that clause 128 appears intended to provide.

203. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 3 NEB	Amend clause 3 to add a new definition: *wildlife approval means a lawful authority for an act or omission that would otherwise be an offence under sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953*
Clause 128 NEB	Amend clause 128: *A natural resource permit may include a wildlife approval~~, which is a lawful authority for an act or omission that would otherwise be an offence under sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953~~. Any application for a wildlife approval under this Act will be processed in accordance with Schedule X.*

Clause, Bill ref	Relief requested
New Schedule X NEB	Add a new Schedule X that: • Sets out the information requirements for a permit application that includes a wildlife approval (based on Schedule 7, clause 2 of the FTAA with necessary modifications); • Requires the Director-General of Conservation to provide a report to the decision-maker addressing the decision-making criteria; • Sets out decision-making criteria for determining an application and imposing conditions (based on Schedule 7, clauses 5 and 6 of the FTAA with necessary modifications – including removing reference to "*the purpose of this Act*"); and • Clarifies the status of a wildlife approval granted under the NEB (based on Schedule 7, clause 7 of the FTAA with necessary modifications).

Exempt infrastructure from the precautionary principle and adaptive management (NEB)

204. Transpower opposes the codification of the precautionary principle and adaptive management approach in clauses 166 and 167 NEB. The clauses would apply to all applications for a permit and all effects managed under the NEB.

205. Transpower supports robust effects management where there is genuine uncertainty. However, codifying the precautionary principle (clause 166) risks producing more onerous, risk averse permitting outcomes, particularly for nationally significant electricity transmission infrastructure. It also undermines the funnel approach, as it introduces a new, conservative test at the final decision-making stage.

206. Adaptive management (clause 167) is also poorly suited to many infrastructure activities. Transmission projects typically cannot commence at a small scale or be reversed easily. They do not fit the assumptions underlying the adaptive management approach.

207. Transpower requests the following:

Clause, Bill ref	Relief requested
Clauses 166 and 167 NEB	Amend clauses 166 and 167 so that: • Nationally significant infrastructure is exempted. • In the alternative, the clauses only apply to applications for discretionary activities, where the full range of effects is intended to be assessed.

Retain direction on classification of activities (PB and NEB)

208. Transpower supports the underlying principle in clause 31 PB and clause 32 NEB that activities should be classified as:

- Permitted where an activity is acceptable, is anticipated, or achieves the desired level of use and development or adverse effects are known and manageable; and
- Restricted discretionary where one or more effects of an activity require a specific assessment.

209. Transpower considers these principles will support routine works (which are clearly "*anticipated*") being permitted activities, and development of new assets being restricted discretionary activities.

210. However, there are some subjective terms used in the principles. Transpower seeks an amendment to clause 31 PB and clause 32 NEB to specify that national policy direction will inform what activities are considered to be "*acceptable, [a]nticipated, or achiev[e] the desired level of use and development*".

211. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 31 PB and clause 32 NEB	Amend clause 31 PB and make equivalent amendments to clause 32 NEB: *When exercising or performing a function, duty, or power under this Act, a person must be guided by the following principles:* *(a) an activity should be classified as a permitted activity if—* *(i) the activity is acceptable, is anticipated, or achieves the desired level of use and development, including as specified in a higher order instrument as defined in section 12 of this Act; or* *(ii) any adverse effects of the activity are minor or are known and can be managed; or* *(iii) a specific assessment of the activity or part of the activity is not required:*
Clauses 36 and 37 PB and clauses 37 and 38 NEB	Retain clauses 36 and 37 PB and clauses 37 and 38 NEB, which constrain the scope of conditions and matters of discretion for restricted discretionary and discretionary activities. The ability to confine discretion to specified matters improves certainty and reduces unnecessary consenting and permitting risk.
Clause 32 PB and clause 33 NEB	Minor technical amendments for clarity: Amend clause 32(2)(a) PB by replacing "*land use consent*" with "*planning consent*" for consistency with other clauses in this section. Amend clause 32(2)(b) PB and clause 33(2)(b) NEB by combining (i) and (ii) as they are applied together: *(2) If the activity is classified as a permitted activity,—* *(a) the activity does not require a planning ~~land use~~ consent; but* *(b) the activity must comply with any requirements—* *~~(i)~~ in a permitted activity rule~~; and~~*

Clause, Bill ref	Relief requested
	~~(ii)~~ in each instrument listed in subsection (1).
Clause 163 PB	Amend clause 163(2) PB by replacing "*permit*" with "*consent*". *(2) The maximum period for which any of the following planning consents may be granted is 35 years from the date of commencement of the consent ~~permit~~:*
Clause 139 PB and clause 156 NEB	Amend clause 139 PB so that it acknowledges the matters to be disregarded that are set out in clause 138 (which would otherwise need to be considered under clause 139): *(1) Subject to section 138 and subsection (2), the consent authority must have regard to …* Make an equivalent amendment to clause 156 NEB.

Retain "*more than minor*" and "*significant*" notification thresholds (PB and NEB)

212. Transpower supports the notification threshold where effects are "*more than minor*" in clause 125 PB. Transpower also supports the notification threshold where effects are "*significant*" in clause 146 NEB. These thresholds ensure notification is reserved for activities with a level of adverse effects that warrant public participation.

213. Transpower requests the following:

Clause, Bill ref	Relief requested
Clauses 125-127 PB	Retain the "*more than minor*" adverse effects threshold in clauses 125-127 PB.
Clauses 146-148 NEB	Retain the "*significant*" adverse effects threshold in clauses 146 NEB.

Retain maximum decision-making timeframes for specified energy activities (PB and NEB)

214. Transpower supports clause 118 PB and clause 139 NEB, which establish clear maximum timeframes for processing consent/permit applications for specified energy activities. Certainty and timeliness in decision-making are critical to efficient planning and delivery of infrastructure projects. Transpower also supports the provision for applicant-initiated suspension to processing applications.

215. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 118 PB and clause 139 NEB	Retain clause 118 PB and clause 139 NEB that set firm statutory timeframes for specified energy activities (including National Grid works) and allow applicant-initiated suspension.

Topic 6 - Plan Making (PB and NEB)

What Transpower needs

216. Under the new system, national instruments will provide a comprehensive regime for the National Grid. As a result, LUPs and NEPs will have very limited relevance to the National Grid. Apart from providing a location for its designations, Transpower does not consider LUPs will be needed to enable and protect the National Grid. It will, however, be important that LUPs are not able to unwind or add to national instruments. NEPs will also have confined application to the National Grid, as environmental limits may be relevant. However, national instruments may provide exemptions to those limits.

Retain requirement for LUPs and NEPs to implement national instruments (PB and NEB)

217. Transpower supports:

- Clauses 78-80 PB, which require LUPs to incorporate nationally standardised plan provisions into a plan where directed by national instruments. In particular, Transpower supports clause 79 which only allows a plan to include bespoke plan provisions if authorised, or not precluded, by national instruments.
- Clause 85 PB, which provides that regulations prevail over rules in a LUP where there is a conflict. This clause will help ensure that regulations are not undermined by inconsistent local plan rules.
- Clause 95 NEB, which requires NEPs to implement national instruments and the RSP.

218. The PB enables a person to apply for a planning consent to change plan provisions. Transpower considers explicit direction is required to ensure such plan changes do not undermine national instruments.

219. Transpower requests the following:

Clause, Bill ref	Relief requested
Clauses 78-80 PB	Retain clauses 78-80 requiring LUPs to include standardised plan provisions as directed by a national instrument, limiting bespoke provisions, and obligations when preparing and deciding LUPs.
Clause 85 PB	Retain clause 85, which states regulations prevail over LUP rules if they are inconsistent.
Clause 95 NEB	Retain clause 95 requiring NEPs to implement national instruments and the RSP.
Clauses 97 and 98 PB	Amend clause 97(2): *(2) A plan may be changed in accordance with section 98 only if the change implements national instruments, involves the application of standardised plan provisions to the area, and does not include any bespoke provisions (see also section 144).*

Clause, Bill ref	Relief requested
	Amend clause 98(2) and (3): *(2) The territorial authority must decide, in accordance with section 80, whether the change to the provisions by the consent would result in plan provisions that implement national instruments and are more appropriate for the area than the operative plan provisions that apply to that area.* *(3) If the territorial authority decides that the standardised plan provisions identified in the consent or consents implement national instruments and are more appropriate, it must, without using the process in Schedule 3, amend its land use plan to replace the operative plan provisions that apply to the area with the standardised plan provisions identified in the consent.*

Ensure appeal rights are available if plans are contrary to national instruments (PB and NEB)

220. Despite its expectation that LUPs and NEPs will be of limited relevance to the National Grid, Transpower may need to become involved in plan making processes if councils promote provisions which are contrary to national instruments. And, the LUP will be relevant to designations. It is therefore important that the process is robust.

221. Transpower's key concern is that the PB and NEB unduly narrow appeal rights. It is critical that Transpower has the ability to challenge plans that are contrary to national instruments. Providing appeal rights in those circumstances is also consistent with the funnel approach. Transpower seeks amendments to Schedule 3 PB to ensure rights of appeal to the Environment Court are available where a local authority may have incorrectly implemented a national instrument.

222. Transpower supports clause 118 NEB as it provides a useful mechanism for the Environment Court to resolve disputes about whether a NEP properly implements national policy direction, national standards, or the relevant RSP. It provides another avenue to ensure matters already settled at higher levels are not re-litigated through plan-making processes. However, core infrastructure operators should be able to refer a dispute to the Environment Court (as well as the Minister, the regional council and the spatial plan committee).

223. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 3, clause 32 PB	Amend Schedule 3, clause 32: *(1) A submitter may appeal to the Environment Court against a local authority's decision under clause 27 to –* *(a) include a standardised plan provision in a proposed plan (including the spatial application of a provision); or* *(b) exclude a standardised plan provision ~~or matter~~ from a proposed plan; or* *(c) include any provision in a proposed plan that does not implement or is inconsistent with a national instrument.*

Clause, Bill ref	Relief requested
	(2) However, a submitter may only appeal under this clause if they referred to the subject matter of the decision in their submission. *(3) The right of appeal under this clause is limited to a question of law.* *(4) Subclause (3) does not apply to the extent that an appeal relates to –* *(a) the spatial application of a provision on a specified topic or standardised plan provision; or* *(b) whether the local authority has complied with section 80(3) of this Act (for a proposed land use plan) or section 97(3) of the Natural Environment Act 2025 (for a proposed natural environment plan).*
Clause 118 NEB	Amend clause 118(2): *(2) The Minister, the regional council responsible for the natural environment plan, a core infrastructure operator or the spatial plan committee responsible for the regional spatial plan may refer the dispute to the Environment Court.*

Retain limited scope of Environmental Court directions and regulatory relief framework (PB)

224. Transpower supports clause 105 PB limiting the Environment Court powers to direct a local authority to undertake certain actions to provisions in a LUP. Those powers should not extend to national policy direction or national standards. To do so would enable national policy direction or standards to be undermined.

225. Transpower supports the regulatory relief framework (Schedule 3, part 4 PB) being limited to a narrow class of planning controls. Currently, the framework only applies where a rule is reasonably likely to have a significant impact on the reasonable use of land and the rule relates to a "*specific topic*" (as defined in clause 3). The topics are ONFLs, significant historic heritage, sites of significance to Māori, and areas of high natural character. It is important for Transpower that National Grid Corridor controls do not create eligibility for regulatory relief. Regulatory relief mechanisms could be used to erode or remove National Grid Yard and Corridor rules.

226. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 105 PB	Retain clause 105 so that Environment Court may give directions in respect of land impacted by a LUP.
Clause 3 PB	Retain the definition of "*specified topic*".
Schedule 3, part 4 PB	Retain Schedule 3, part 4 on regulatory relief.

Topic 7 - Natural Environment Limits (NEB)

What Transpower needs

227. Environmental limits have high potential to significantly constrain Transpower activities.

228. As discussed earlier, Transpower has undertaken constraints mapping in two locations where future National Grid works are needed (contained in Appendix A). The mapping highlights that avoiding sensitive environments will be difficult, if not impossible, for linear infrastructure projects.

229. Routine works on existing National Grid assets could also be constrained by environmental limits. For example, access tracks are often required to carry out foundation refurbishment and routine vegetation clearance is often required around existing National Grid lines to avoid tree-fall into lines and fire risks (see Case Studies 9 and 10 below). Many existing lines are located within indigenous biodiversity areas, where an environmental limit could apply to works.

Case Study 9: Tower refurbishment works cannot be avoided

Transpower has assets in the Denniston Plateau, which is a scheduled wetland in the West Coast Regional Plan. To carry out foundation refurbishment works, a short section of additional access track was required to be constructed to the back legs of the tower – shown by the red notations on the image below. In this case, Transpower was able to obtain the consent required to authorise the access track works, but it took many months to do so. Strict application of limits might make consents even more difficult, or impossible, to obtain in a similar scenario. Transpower needs to be able to maintain its existing assets, including to avoid or delay greenfield projects. Any requirement to avoid sensitive environments is not practicable, given the potential consequences for security of supply. This project highlights the issues with applying limits to routine works.

Case Study 10: Tree trimming works cannot be avoided
Transpower had a project which required clearance of vegetation that had grown too close to the conductors (wires) of two spans of a transmission line (of ~700m length). If vegetation grows too close to a transmission line, it can result in flashovers (where electricity arcs) and start a fire. The work required trimming of some species and removal of targeted individual trees. The transmission line is located in a significant ecological area and has several waterways and natural wetlands nearby. Initial advice from the consultant ecologist was that to achieve no net loss would generate a need to provide 9.2ha of offsetting. The alternative was to actively manage the vegetation, requiring more frequent visits and potentially incremental offsetting requirements ultimately resulting in increased disturbance of the area and increased costs. Transpower needs to be able to maintain safe clearances between vegetation and our transmission lines, and work needs to occur in the most efficient manner possible. This project highlights a number of issues with applying limits to routine works. We cannot avoid the clearance work – it must occur, in order to protect both the line and the vegetation around it.

230. Transpower does not oppose the environmental limits framework, provided a workable exemption pathway is provided for nationally significant infrastructure.

Amend the infrastructure exemption pathway so it is mandatory and to ensure it will work for nationally significant infrastructure

231. Transpower strongly supports the principle of an infrastructure exemption pathway (clause 86). Transpower advocated strongly for this pathway in the lead up to the PB and NEB being released.

232. However, the use of the word "*may*" in clause 86 means the Minister would have a *discretion* to include an infrastructure exemption pathway.[12] The discretion means that, even if a pathway is included in the first national standards, it could be removed in the future. Transpower considers the NEB should *require* national standards to include an infrastructure exemption pathway.

233. Transpower is concerned that the infrastructure exemption pathway only applies to "*significant infrastructure activities*" and "*categories of infrastructure activity with significant public benefits*". This drafting could mean that the pathway cannot apply to activities that are not of themselves significant (such as routine clearance of vegetation around transmission lines), but are essential for the ongoing operation of significant infrastructure. Transpower considers the pathway should be available for all activities associated with "*nationally significant infrastructure*". That term is well understood from RMA practice. And, it applies to the infrastructure itself, rather than the particular activity.

234. Transpower supports the requirement in clause 86(2)(b) that the pathway be available only where the user has "*taken all practicable steps to carry out the activity without breaching*

[12] Section 86(1) reads: *National standards may establish a consenting pathway for significant infrastructure activities that breach or are likely to breach environmental limits.*

environmental limits". The term "*practicable*" is well understood from RMA case law. It incorporates technical, financial and operational considerations.

235. Transpower opposes clause 86(2)(c)(i), which would require users to "*minimise any breach of environmental limits as much as reasonably possible*". RMA case law establishes that "*possible*" is a very high bar, and financial costs are discounted – almost anything is possible.[13] Transpower considers the term "*practicable*" should be used instead.

236. Transpower opposes the requirement in clause 86(2)(c)(ii) for users to "*manage the environmental effects of the entire activity (not just the effects related to a breach of an environmental limit)*". This requirement could effectively change a restricted discretionary activity into a discretionary activity. It could require effects that are not contained in matters of discretion to be considered, even if they are unrelated to the environmental limit that would be breached. Transpower considers this requirement should be limited to managing any other *relevant* environmental effects of the activity.

237. Finally, it is not clear what is meant by "*opportunity costs*" in subclause (4)(b). Transpower seeks that the subclause is clarified.

238. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 86 NEB	Amend clause 86: *(1) National standards must ~~may~~ establish a permitting ~~consenting~~ pathway for nationally significant infrastructure and significant infrastructure activities that breach or are likely to breach environmental limits.* *(2) Before making national standards establishing a permitting ~~consenting~~ pathway under this section, the Minister must be satisfied that—* *(a) the pathway is available only to nationally significant infrastructure and categories of infrastructure activity with significant public benefits; and* *(b) the pathway is available to a user only after they have taken all practicable steps to carry out the activity without breaching environmental limits; and* *(c) users of the pathway will be required to—* *(i) minimise any breach of environmental limits as much as reasonably practicable ~~possible~~; and* *(ii) manage any other relevant ~~the~~ environmental effects of the entire activity (not just the effects related to a breach of an environmental limit)...*
Clause 86(4)(b) NEB	Clarify what is meant by "*opportunity costs*" in clause 86(4)(b).

[13] *Tauranga Environmental Protection Society Inc v Tauranga City Council* [2021] NZHC 1201 at [149].

Amend requirements to avoid and manage breaches of an environmental limit for consistency with the infrastructure exemption pathway

239. Transpower is concerned that the regional council requirement to take certain actions when they consider an environmental limit is or is likely to be breached (clauses 66 and 67 NEB) conflicts with the exemption pathway (in clause 86).

240. The requirements apply regardless of whether an environmental limit is breached as a result of the use of the infrastructure exemption pathway (clause 67(4)). Accordingly, there is a reasonable likelihood that an infrastructure operator might obtain a permit for works under the pathway, but then have the permit conditions adjusted afterwards by the regional council. This approach would create significant business and operational uncertainty and it would completely undermine the infrastructure exemption pathway. Any requirements may also be practically impossible to comply with if infrastructure is already established.

241. The requirements may also cause reputational damage to infrastructure operators in circumstances when they are operating in accordance with an infrastructure exemption.

242. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 66 NEB	Amend clause 66: *(1) A regional council must avoid breaching an environmental limit.* *(2) A regional council must evaluate the likelihood of a limit being breached if—…* *(3) If a regional council is satisfied that a breach of an environmental limit is likely to occur, the council must—…* *(b) take any other action the council considers necessary to avoid breaching the environmental limit, including—…* *(iii) reviewing the conditions (specified in the plan) that apply to natural resource permits and making any necessary adjustments:…* *(3A) To avoid doubt, (3)(b)(iii) does not apply to a breach of an environmental limit or an over-allocation that results from the use of an infrastructure pathway established by national standards made under section 86.*
Clause 67 NEB	Amend clause 67: *(1) A breach of an environmental limit must be managed in accordance with the requirements of this subpart.* *(2) A regional council must publicly notify, in accordance with any requirements in national standards made under this subpart,—* *(a) any breach of an environmental limit; and* *(b) the cause and extent of the breach.* *(3) If an environmental limit is breached or is likely to be breached, a regional council must—…* *(c) take any other action the council considers necessary to remedy the breach, including—…*

Clause, Bill ref	Relief requested
	(iii) reviewing the conditions of a permit and making any necessary adjustments; or…. *(4) To avoid doubt~~, a regional council must comply with subsection (2) regardless of whether~~ (2)(b) and (3)(c)(iii) do not apply to a breach of an environmental limit or an over-allocation is a result of the use of an infrastructure pathway established by national standards made under section 86.*
Clause 52 NEB	Clause 52(3) should expressly require a decision maker to prioritise matters that promote achievement of the goals, being the cornerstone of the NEB framework. Amend clause 52: *(3) A decision maker must prioritise the most urgent and important matters and, for that purpose, must—* *(a) consider—* *(i) the extent, scale, and impacts of any environmental degradation; and* *(ii) the trend, direction, and pace of the degradation; and* *(iii) the difficulty in reversing the degradation if action is delayed; and* *(ax) consider how those matters may be managed in a manner that promotes the goals; and* *(b) decide the most appropriate response in light of ~~that~~ those considerations…*
Clauses 52 and 59 NEB	There is a high risk of judicial review associated with requirement for a decision-maker to use the "*best obtainable information*". Amend clause 52: *(4) A decision maker must ensure that the notification draft and the final draft are based on the best obtainable information.* *(5) Despite subsection (4), a lack of full scientific certainty is no reason to delay making a decision needed to prevent significant or irreversible harm to the natural environment or enable the use and development of natural resources.* Amend clause 59: *(1) In this subpart, the best obtainable information means information that the decision maker is satisfied—* *(a) is as robust, transparent, and accessible as reasonably practicable ~~possible~~; and* *(b) is obtained from information that is available or can be reasonably obtained at the time; and* *(c) is obtained in a manner that is proportionate to the effects of the decision.* *(2) When considering whether information is the best obtainable information, the decision maker must be guided by any criteria prescribed in regulations but is subject to section 52(5).*

Topic 8 - Emergency Works (PB and NEB)

What Transpower needs

243. As a lifeline utility operator Transpower can, and does, rely on the emergency works provisions in section 330 RMA to authorise emergency activities where these are required to ensure the continued operation and security of the network.

244. Transpower supports the inclusion of emergency provisions within clause 275 PB and clause 301 NEB. The 30-day time frame in which to apply for consents or permits (clause 276 PB and clause 302 NEB) is also supported.

245. Notwithstanding the above support, Transpower has an issue with the term "*immediate*" within the provisions.

Replace the term "*immediate*" with "*urgent*"

246. The PB (from clause 275) and NEB (from clause 301) largely replicate the emergency provisions of the RMA. Transpower notes that these clauses have been drafted using somewhat unclear terms, as was the case with the previous RMA provisions. Transpower has largely found these provisions workable, provided consent or permit authorities take a pragmatic and sensible approach to interpretation and application of these provisions.

247. However, a key interpretation problem in applying these clauses arises in what is meant by "*immediate*" preventative / remedial measures. For Transpower, many of the unexpected and urgent emergency scenarios that face the National Grid require solutions that can take days, weeks or even months to implement, due to the scale of the infrastructure and the often complex engineering required.

248. For example, where an eroding bank threatens infrastructure, Transpower will seek to implement measures to limit or mitigate the erosion immediately. But, in reality, the design solution, contracting and then undertaking the work can take some time. Adding additional time to then prepare applications and obtain resource consents further slows progress, at a time when the works are urgent and delay can result in catastrophic failure or damage.

249. For example, if a tower is damaged by a flood event, Transpower will take immediate steps to provide a temporary fix to ensure power supplies are restored. The permanent solution is similarly urgently but is necessarily delivered over a longer period. Standard consenting processes, even where expedited, generally cannot provide consents in time. In such circumstances Transpower relies on emergency works provisions. Inappropriate emergency works provisions could risk electricity outages and greater damage occurring to assets.

250. Transpower requests the following:

Clause, Bill ref	Relief requested
Clause 275 PB and clause 301 NEB	Amend clause 275 PB and make equivalent amendments in clause 301 NEB: *(1) Where-…* *(e) an adverse effect on the environment which requires ~~immediate~~ urgent preventive measures; or* *(f) an adverse effect on the environment which requires ~~immediate~~ urgent remedial measures; or…*
Clause 276 PB and clause 302 NEB	Retain the clause and reference to the 30-day timeframe within clause 276(2) PB and clause 302(2) NEB.

Topic 9 - Transition (PB and NEB)

What Transpower needs

251. Transpower supports a timely transition from the RMA to the new system. A timely transition is vital to enable smooth and continued implementation of critical current and planned activities.

252. Transpower generally supports the proposed provisions transferring authorisations and approvals under the RMA to the new regime. As detailed earlier in this submission, Transpower considers the transition timeframes must be extended to:

- Support the development of quality planning documents, particularly national instruments; and
- Ensure higher order documents are in place before lower order documents are prepared.

253. Further, Transpower considers amendments to the transitional provisions are required to:

- Avoid any inadvertent lapsing of authorisations;
- Ensure effects outside the scope of the PB and NEB are fully excluded from RMA decision-making during the transition period;
- Ensure existing (RMA) national direction continues to apply through the system transition, and any new national instruments have effect once issued; and
- Maximise opportunity for elements of the new system to come into effect during the transition period.

Amend deemed regional consent provisions to avoid any inadvertent lapsing of authorisations

254. Schedule 1, clause 14 PB makes it clear that land use consents *granted or deemed to be granted* under the RMA are to be treated as land use consents under the PB. However, the equivalent provision applying to regional consents (Schedule 1, clause 15) only applies to regional land use consents, discharge permits, water permits, or coastal permits *granted* under the RMA.

255. The current drafting means that any permissions pre-dating the RMA, that are "*deemed*" regional consents by the RMA, would not be transitioned into the new regime. Much of Transpower's current infrastructure was initially approved under legal regimes pre-dating the RMA. Most authorisations have expired in accordance with the duration provisions applying to regional consents and/or have otherwise been updated under the RMA. However, some of Transpower's activities or infrastructure could rely on some form of deemed coastal permits under section 384 of the RMA (for which duration can be unlimited).

256. To avoid any inadvertent lapsing of authorisations, Transpower seeks that Schedule 1, clause 15 PB be amended to also apply to "*deemed*" regional consents (permits) under the RMA.

257. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 1, clause 15 PB	Amend Schedule 1, clause 15: *A regional land use consent, discharge permit, water permit, or coastal permit that is granted or deemed to be granted under the RMA before the specified transition date is, on the specified transition date…*

Strengthen effect of new system during the transition period

258. Transpower supports the more limited scope of effects under the Bills taking effect in RMA decision making during the transition period (as proposed by amendments to RMA, sections 104 and 168A (in Schedule 11, part 1)). There is, however, a potential gap in the language. Higher order RMA policies (such as in National Policy Statements) often indirectly (or directly) require consideration of effects. Further, the current drafting does not have an equivalent requirement to disregard effects under section 168A (for designations).

259. Transpower seeks amendments to Schedule 11 to ensure irrelevant effects (listed in clause 14 PB) are fully excluded from RMA decision-making over the transition period. The current drafting does not exclude the full list of matters in clause 14 PB from consideration during the transition period (for example, visual amenity effects are not mentioned, yet views from private properties are – creating confusion as to what effects are relevant or not). This appears to be a drafting error, given other drafting issues in the clause.

260. Transpower considers there is an opportunity for new national instruments prepared under the PB and NEB to take effect in RMA decision making during the transition period. Under the transition timeframes, there will be a significant delay between national instruments being prepared and the new system going live. In that period of time, the new national instruments should come into effect, and any conflicting RMA national direction should be phased out.

261. The transitional provisions do not provide for national policy direction to have any interim relevance to resource consent or designation decision making. Yet, RSPs would have some interim relevance (proposed section 104(1D)). There is no reason for this inconsistent approach.

262. As drafted, transitional national rules will come into effect alongside National Environmental Standards (Schedule 11, part 1 PB). As a result, during the transition, activities may be subject to *more* regulatory requirements. Transpower considers that, where there is both a national environmental standard and a transitional national rule regulating the same activity, the new rule should prevail.

263. Transpower also considers there is an opportunity for additional aspects of the new system (addressed in Topics 4 and 5) to come into effect during the transition period, specifically:

(a) The new notification tests (particularly the new notification thresholds of "*more than minor*" effects in clause 125 PB and "*significant*" effects in clause 146 NEB;

(b) The new designation tests (particularly the removal of the alternatives assessment test);

(c) Longer lapse periods (if Transpower's submission that the default lapse period should be 10 years for consents and 15 years for designations for regionally and nationally significant infrastructure is accepted); and

(d) Longer consent durations (particularly the 50-year duration for consents for long-lived infrastructure (other than land use consents and discharges)).

264. These provisions are consistent with the policy in the new legislation to streamline approval processes and take a more strategic approach to infrastructure provisions. They do not need to rely on other components taking effect. There is no obvious reason why they would not be available on 'day one'.

265. Transpower requests the following:

Clause, Bill ref	Relief requested
Schedule 11, part 1 PB	In sections 9-17 RMA, clarify that only a transitional national rule applies if an activity is addressed by both a national environmental standard and a transitional national rule by adding: *If a national environmental standard and a transitional national rule address the same activity, the rule prevails over the standard.*
Schedule 11, part 1 PB	Retain proposed new section 43AA RMA.
Schedule 11, part 1 PB	Amend sections 95-95G and 169 RMA so that the notification tests in clauses 125-127 PB (for land use consents), Schedule 5, clauses 16-20 PB (for designations) and clauses 146-148 NEB (for other consents) apply during the transition period.
Schedule 11, part 1 PB	Amend section 104 RMA and make equivalent amendments to sections 168 and 171 RMA: After section 104(1)(b)(iii) RMA insert: *(iiia) national policy direction made under the Planning Act 2025 or the Natural Environment Act 2025:* Amend section 104(1A) RMA to reflect all matters in the final version of clause 14 PB (see amendments sought earlier in submission). Amend section 104(1B) RMA: *(1B) When forming an opinion for the purposes of subsections (1)(a) and (1)(b), the consent authority ~~may~~ must disregard a national policy statement, regional policy statement or proposed regional policy statement, national environmental standard or a plan or proposed plan to the extent that it regulates or purports to regulate an effect described in subsection (1A).* After section 104(1B) RMA add: *(1CA) If there is any conflict between a national policy statement and national policy direction, the direction prevails.*

Clause, Bill ref	Relief requested
	Make a consequential amendment to section 2(1) to define "*national policy direction*" as "*national policy direction that is made under the Planning Act 2025 or the Natural Environment Act 2025*".
Schedule 11, part 1 PB	Amend section 123(1)(c) and (d) RMA so that, except for land use consents, clause 179 NEB applies (if amended as sought by Transpower in Topic 5).
Schedule 11, part 1 PB	Amend section 125 RMA so that clause 165 PB applies (if amended as sought by Transpower in Topic 5). Amend section 184 RMA so that Schedule 5, clause 49 PB applies (if amended as sought by Transpower in Topic 4).
Schedule 11, part 1 PB	Amend section 171 RMA so that Schedule 5, clause 24 PB applies (if amended as sought by Transpower in Topic 4).

Topic 10 - Definitions (PB and NEB)

266. Transpower considers the inclusion of definitions throughout the legislation (both in clause 3 of the Bills and other parts) confusing and unhelpful. As an example, the definition of "*infrastructure*" is included in Schedule 5 PB and that definition explicitly only applies "*in relation to designations*". The term "*infrastructure*" is used elsewhere in the PB, but arguably that term must mean something different. It is not defined in the NEB at all. Transpower considers all definitions should be included in clause 3 of the Bills, with specific direction included if the definition is only relevant to a particular part of the legislation.

267. Transpower also seeks refinements to various definitions used throughout the legislation for the reasons specified below.

268. Transpower requests the following:

Clause, Bill ref	Relief requested and Reasoning
Throughout the PB and NEB	**Definitions should all be in clause 3** with specific direction included if the definition is only relevant to a particular part of the legislation.
NEB	**Rationalise various definitions relating to the natural environment** The NEB includes definitions of "*natural and physical resources*", "*natural environment*", and "*natural resources*". These terms seem to be used interchangeably throughout the NEB despite the different meanings. These definitions should be rationalised into a single definition to reduce complexity in the Bill. In the alternative, a careful review of how these terms are used throughout the NEB is required.
Clause 3 NEB	**Amend definition of "*use*" in the NEB** "*Use*" is defined in the NEB "*in relation to land*". It therefore does not align with the scope of the NEB, which relates to the management of natural resources. Amend as follows: *"use, in relation to a use of ~~land~~ a natural resource"*
Clause 3 NEB	**Amend definition of "*core infrastructure operator*"** This definition incorrectly refers to section 9 PB. It should refer to Schedule 5, clause 9 PB.
Clause 3 and Schedule 5, clause 1 PB	**Include general definition of "*infrastructure*" in the PB** "*Infrastructure*" is defined in Schedule 5 and that definition only applies in relation to designations. The definition should be moved to clause 3 and apply wherever the term is used in the legislation.
Clause 3 NEB	**Include definition of "*infrastructure*" in the NEB** There is no definition of infrastructure in the NEB. The definition included in clause 3 PB (see relief above) should be inserted into the NEB.
Clauses 3 and 45 NEB	**Include general definition of "*indigenous biodiversity*" in the NEB**

Clause, Bill ref	Relief requested and Reasoning
	"*Indigenous biodiversity*" is defined in clause 45 NEB. Transpower supports the definition, as it clarifies that "*indigenous biodiversity*" is a broad concept and does not relate to every individual member of a species population. As it stands, the definition only applies to subpart 4 concerning environmental limits. The definition should be moved to clause 3 so that it applies to the term "*indigenous vegetation*" as used in the goal and elsewhere in the NEB.
Clauses 3 and 45 NEB	**Amend or delete the definition of "*domain*" in NEB** The definition of "*domain*" is unhelpfully vague and requires clarification. Clauses 49 and 50 also make the definition of "*domain*" redundant. The definition of domain should be deleted and the term removed from the NEB. In the alternative, the definition in clause 45 should be amended as follows: *domain means freshwater, coastal water, land and soil, air (in relation to human health limits only) or indigenous biodiversity (in relation to ecosystem health limits only) ~~a domain of the natural environment~~*
Clause 3 PB	**Retain definition of "*best practicable option*" in PB** Transpower supports the proposed definition of best practicable option.

Appendix A: Constraints mapping of sensitive environments

Transpower has undertaken constraints mapping of some parts of the country. This exercise has been to illustrate the potential for large areas of the country to be subject to sensitive environments that may be worthy of protection (or result in 'no go' areas).

The constraints mapping involved a desk-top exercise.[14] The resulting maps contain information identified in Council, Department of Conservation and archaeological databases.

A range of constraints have been mapped:

- **Ecological features:** including bat habitats, Department of Conservation land, significant natural areas (**SNA**), wetlands, areas with less than 20% indigenous vegetation (which will trigger rarity thresholds under many plans in terms of being a SNA), National Parks, and QEII Trust land;
- **Cultural/heritage features:** archaeological areas and cultural areas;
- **Amenity features:** including ONFLs and significant amenity landscapes; and
- **Infrastructure features:** including designations.[15]

We note that areas mapped as ONFLs and significant amenity landscapes are largely dependent on what is available on council databases and whether councils have in fact identified and mapped the areas (many have not). While many councils have not specifically identified SNAs, there are other datasets available which denote ecological values and this information has been drawn upon for the mapping.

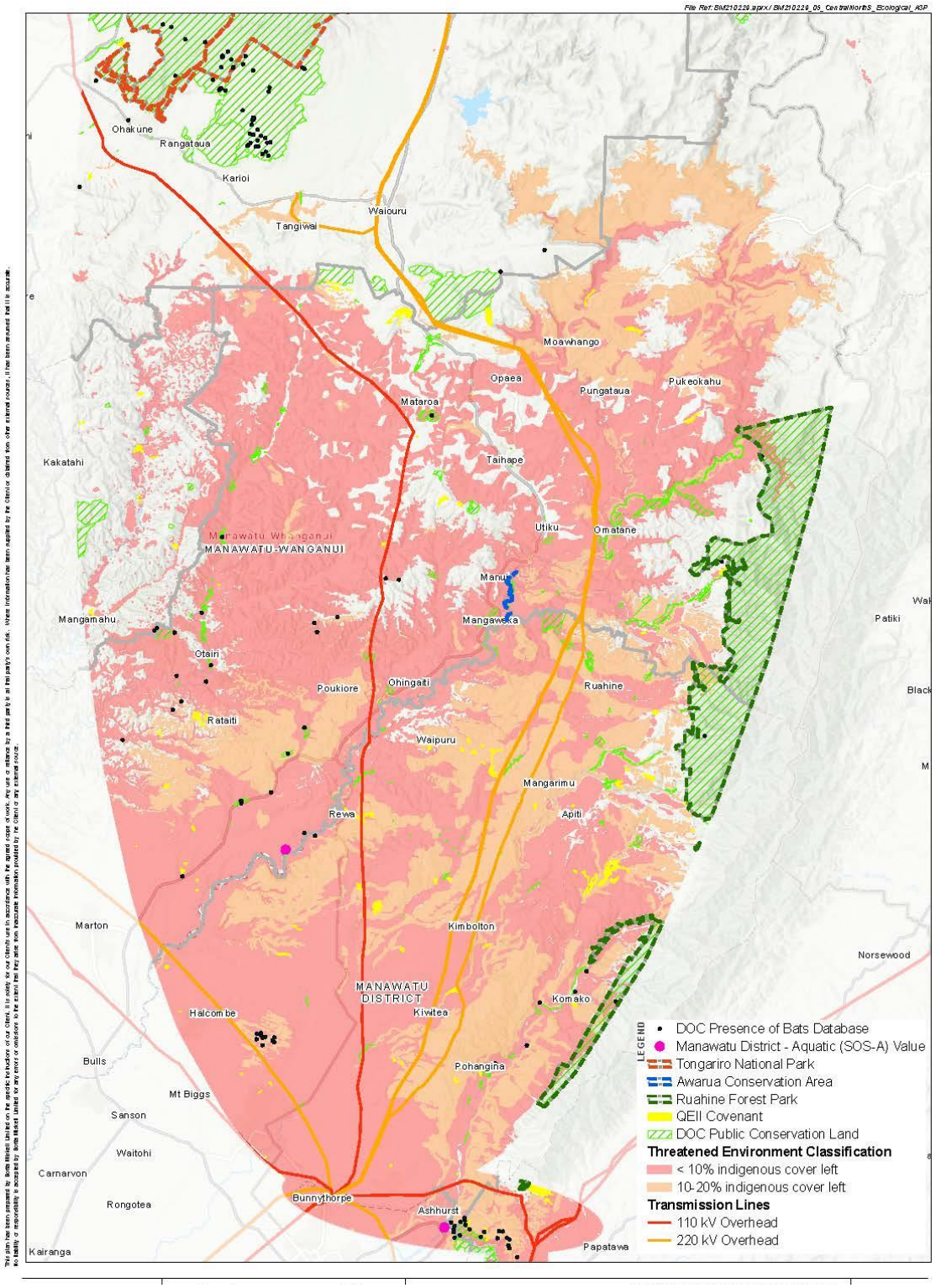
Ecological constraints and amenity, cultural and infrastructure constraints have been separated. This separation has occurred as having all the information on one layer became too complicated, many layers were hidden under others, and key information became lost. This demonstrates the potential extent of constraint that may apply to any proposal for new National Grid infrastructure.

The following maps show the ecological features constraints mapping in two locations. They demonstrate that if the ecological features constraints were to be applied as a limit, there may be no possible way through for a new renewable generation, or demand, connection to the National Grid. If amenity, cultural and infrastructure constraints are added, it would be even more difficult.

[14] For an actual new build project, Transpower's site and route selection process (referred to as the 'ACRE' process) would initially involve a desk-top exercise as well, and site visits and workshops by its experts (over a progressively narrow area).

[15] Few built features have been mapped during this exercise. For an actual project, we would also map other constraints, including marae, papakāinga, schools, or Defence land.

Central North Island - ecological features constraints mapping



Northland - ecological features constraints mapping