TRANSPOWER

Waikoukou
22 Boulcott Street
PO Box 1021
Wellington 6140
New Zealand
+64 4 495 7000
www.transpower.co.nz

25 July 2025

Ministry for the Environment
Manatū mō te Taiao
PO Box 10362
Wellington 614

By Email: ndprogramme@mfe.govt.nz

Phase 2 National Direction – Submission from Transpower New Zealand Ltd

Transpower appreciates the Ministry for the Environment's ongoing efforts in developing the Phase 2 National Direction, particularly as it relates to the electricity sector. We acknowledge and welcome the improvements officials have recommended within the proposed National Policy Statement for Electricity Networks (NPS-EN) and the National Environmental Standards for Electricity Network Activities (NES-ENA) documents. These represent positive steps towards a more enabling regulatory framework for electricity transmission, which is crucial for New Zealand's decarbonisation and electrification goals.

While the Phase 2 proposed documents are improved on the current national direction for electricity, they are not a complete solution for accelerating the electrification of New Zealand's economy. Our submissions detail critical areas where tensions between Section 6 (RMA) matters and national direction still exist. These unresolved tensions will continue to perpetuate uncertainty and hinder the pace and scale of electricity transmission development required to meet New Zealand's emission reduction targets. Given the Phase 2 national direction could exist and play a role in resource management decision-making for five years or more as Phase 3 policy is developed, passed into law and then implemented, it is imperative that these conflicts are definitively resolved within the national direction now.

Transpower is committed to enabling New Zealand's energy transition, as highlighted in our "*Te Kanapu*" initiative, which outlines the development of our future grid blueprint to power Aotearoa. Rapid expansion of renewable electricity generation and robust transmission infrastructure are essential to meet increasing demand and achieve our nation's climate change commitments. While we appreciate the progress made, we look forward to continuing our engagement with officials on Phase 3 of the reform programme, which we believe holds the key to truly unlocking the potential for New Zealand's electrification and securing a thriving, sustainable energy future for Aotearoa.

Yours sincerely

Raewyn Moss
EGM, Customer & External Affairs

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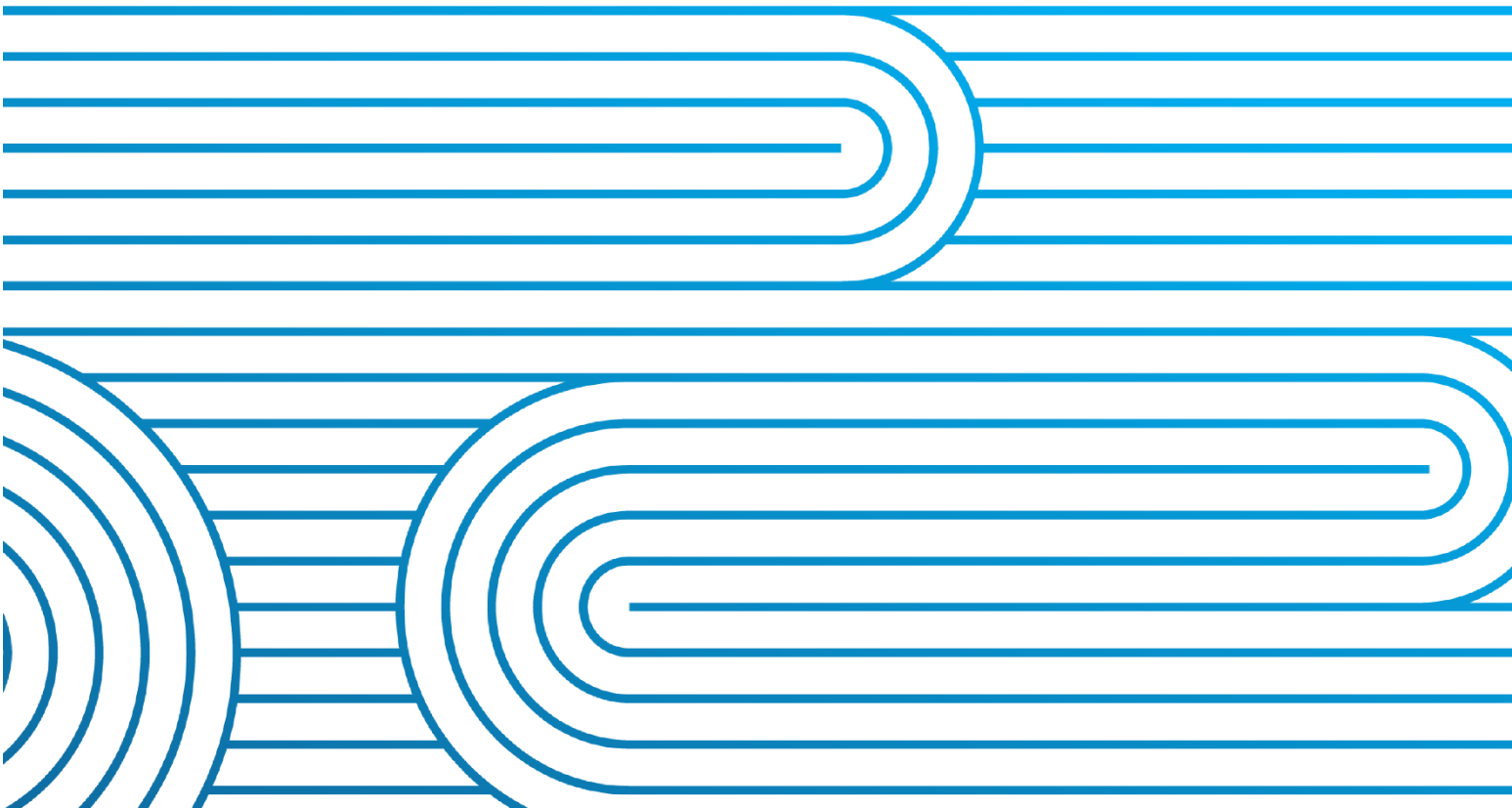
Submission by Transpower New Zealand Limited

Amendments to the National Environmental Standards for Electricity Transmission Activities

(change title to National Environmental Standards for Electricity Network Activities)

National direction consultation – Package 1: Infrastructure and Development

25 July 2025



Amendments to the National Environmental Standards for Electricity Transmission Activities

Ministry for the Environment
By email: ndprogramme@mfe.govt.nz

Transpower's address for service is:

Transpower New Zealand Limited
PO Box 1021
Wellington 6140

Attention: Daniel Hamilton, Strategic Planning Lead
Email: Daniel.hamilton@transpower.co.nz
Phone: (03) 590 6926

Introduction

Transpower New Zealand Limited

Transpower is the backbone of New Zealand's energy future. As the owner and operator of the nation's 11,000 km high-voltage electricity transmission network – our National Grid – we are responsible for powering every home, business, and industry from Kaikohe to Tiwai Point. This extensive, interconnected system, supported by nearly 200 substations and a sophisticated telecommunications network, is more than just infrastructure: it's a strategic national asset. Figure 1 is a schematic of the electricity industry in New Zealand, with the National Grid assets being represented as 'Transmission' and 'Substations'.

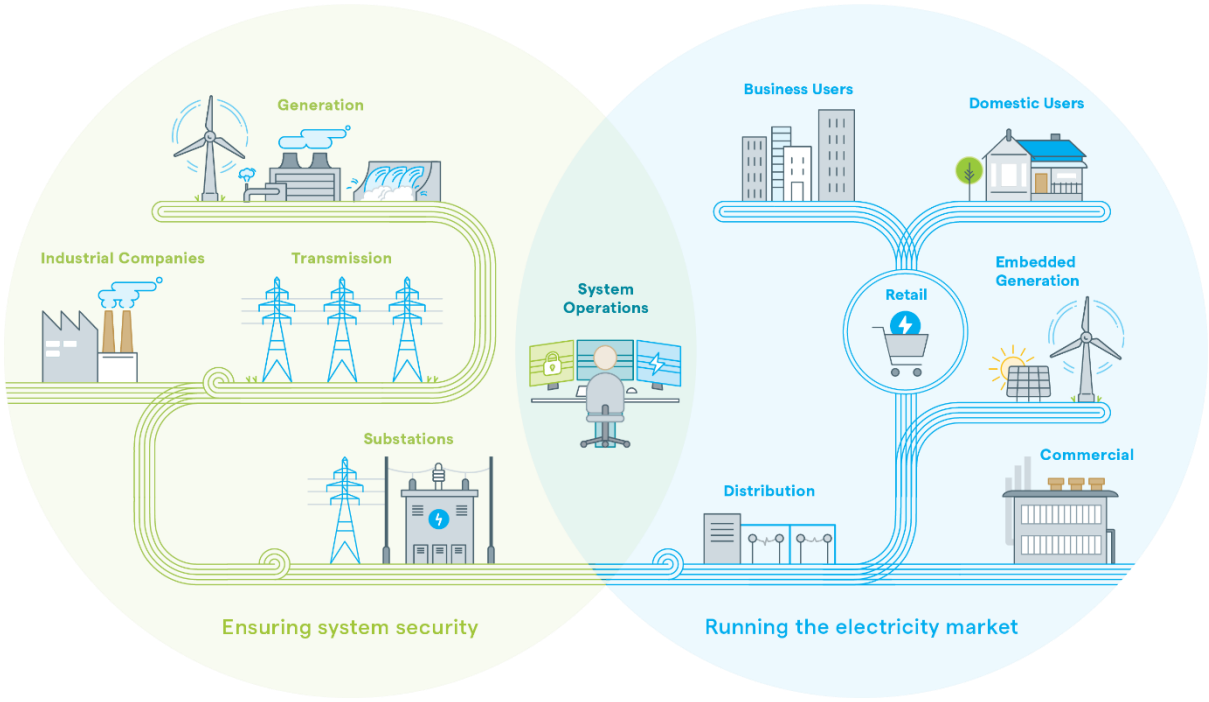


Figure 1: Electricity industry in New Zealand.

Operating such a vast and linear network presents unique challenges. The Grid must often traverse sensitive environments, connecting fixed points like energy generators to towns and major industries. While route flexibility can be limited, Transpower is committed to maintaining and developing this vital asset sustainably.

Crucially, the National Grid is at the heart of New Zealand's climate response. Our nation's ambition to achieve climate change objectives, including net-zero greenhouse gas emissions by 2050, hinges on the rapid electrification of the economy, a shift that will see electricity demand more than double by 2050. This transformation demands a resilient and reliable electricity system, making Transpower's role more critical than ever.

To meet this unprecedented demand, we face a significant undertaking: strengthening the National Grid to support massive growth in renewable electricity generation. This includes an estimated 60-70 new Grid connections over the next 15 years, alongside 10-20 major core Grid upgrades by 2035.

These are not minor adjustments; they are foundational projects essential for New Zealand's social, economic, and environmental wellbeing for decades to come. The resource management system must become more enabling of rapid electrification if we are to support a secure supply as we electrify and grow Aotearoa.

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ('NESETA')

The NESETA came into effect on 14 January 2010 and sets out a nationally consistent regulatory framework for activities related to existing transmission lines and includes the operation, maintenance and upgrading of such lines. The NESETA only applies to Transpower's National Grid lines that existed on 14 January 2010 and does not apply to new transmission lines built subsequent to 2010, or new or existing substations.

Transpower undertakes a wide range of maintenance and upgrade activities across its entire existing asset base. Typical maintenance activities include replacement and preservation of support structures, replacement of conductors, strengthening support structure foundations, clearing vegetation from around the lines as well as enabling work such as earthworks, vegetation trimming and clearance, and access.

In summary, the NESETA:

a) Facilitates the operation, maintenance and upgrading of the existing transmission line network;

b) Replaces district and some regional rules (which can vary) with a nationally consistent set of regulations for electricity transmission activities relating to 'existing transmission lines';

c) Provides certainty to Transpower that substantial portions of projects and routine activities can be carried out without the burden of having to apply for resource consents, or provides a pathway for obtaining them;

d) Provides certainty to consent authorities that potential adverse effects on the environment are avoided and/or appropriately mitigated;

e) Makes the consenting pathways more efficient, which is particularly relevant when projects are carried out across multiple regions and/or districts; and

f) Reduces the time and cost of obtaining resource consent in many instances.

Notwithstanding the above, the NESETA is not comprehensive, and in some instances, it adds to the burden of consenting (rather than reducing that burden). Resource consents are often required for routine and essential activities such as tree-trimming or foundation strengthening. There are no nationally consistent rules for the protection of the National Grid from the activities of others. Importantly, the NESETA does not reconcile conflicts with other national environmental standards which have come into force after the NESETA.

Substations are currently not regulated by the NESETA. While Transpower's substations are typically designated, we see potential benefit in expanding the application of the NESETA to include some substation activities (e.g. regional rules and earthworks). This would improve efficiencies and provide a more comprehensive regulatory framework for ETN assets, and is something Transpower wishes to

explore through the Phase 3 process - noting the relationship between NESs and designations under Section 43D of the RMA.

Transpower's views on the National Direction in relation to Electricity Transmission

In providing this submission Transpower is mindful of the key message in the Consultation Document from the Minister responsible for RMA Reform:

> *"Turning our economy around requires changing the culture of 'no' that has existed in New Zealand's planning system for decades. Whether its new roads connecting our growing cities, new windfarms to electrify the country, or new telecommunications sites to deliver faster internet speeds to our cell phones, the RMA has obstructed growth instead of enabling it.*
>
> *As a government, we have been laying the groundwork to create the highly performing infrastructure sector New Zealand needs. We want to fundamentally shift the way we plan, select, fund and finance, build, and look after our infrastructure."*

A key theme throughout this submission is ensuring the proposed changes give effect to this key messaging, and that the resulting framework improves efficiencies and outcomes by supporting fit for purpose infrastructure.

Further strength in providing a framework that improves efficiencies and outcomes is provided within the Government's Electrify NZ policy. Electrify NZ promised to be the change that would finally 'cut red tape' to drive a surge of investment in renewable electricity generation and unleash investment in transmission by eliminating consents for upgrades to existing infrastructure and most new infrastructure.

Transpower acknowledges the release of the Phase 2 national direction documents within the broader context of the ongoing Resource Management ('RM') system reform. We understand these Phase 2 documents, including the proposed National Policy Statement for Electricity Networks ('NPS-EN') and the amendments to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (to be renamed National Environmental Standards for Electricity Network Activities or 'NES-ENA'), serve as an interim measure. This is consistent with messaging received from Ministry for the Environment ('MfE') officials, indicating that the Phase 2 national direction will be "lifted, sifted and shifted" into the subsequent Phase 3 legislation.

We recognise that Phase 3 of the RM reform will introduce entirely new legislation to replace the RMA – the Planning Act and the Natural Environment Act – each with its own comprehensive suite of national direction. A key component of the new regime will be to ensure the key message from the Minister (as outlined above) is given effect to and the framework makes it easier to plan and deliver infrastructure and energy projects, as well as protecting the environment. Given the linear nature of the National Grid network, it is important that the Grid is appropriately provided for under each piece of legislation.

Transpower appreciates the consideration given by officials to our earlier feedback and collaboration on the National Policy Statement on Electricity Transmission 2008 (NPSET) and the National Environmental Standards for Electricity Transmission Activities 2009 (NESETA). We are supportive of the inclusion of several key changes we advocated for in those previous submissions. These represent positive steps towards a more enabling regulatory framework for electricity transmission.

While supportive of the improvements in the NPS-EN and amended NES-ENA, Transpower views these adjustments as a necessary 'holding pattern' rather than the ultimate solution. We also note the fact that many significant and fundamental tensions remain between the various National Direction documents, but that the Phase 2 'Infrastructure and development' discussion document notes, in several places, that:

> *"The Government has now decided to focus on resolving these major tensions between infrastructure and natural environmental values in the replacement of the RMA, rather than through the current proposed changes to national direction."*

The lack of an integrated framework across the multiple national direction instruments is a key issue for Transpower given the national and linear nature of the infrastructure which traverses or may need to traverse every type of environment and its associated values.

The long-term vision must be to establish a regulatory environment that facilitates the rapid and large-scale infrastructure development essential for New Zealand's decarbonisation goals. The National Grid is fundamentally critical to enabling New Zealand's transition to a net zero carbon economy by 2050. This pivotal role is detailed in our strategic documents, such as *Whakamana i Te Mauri Hiko* (2020) and *Te Kanapu* (2025). These reports demonstrate the scale of new renewable generation and supporting transmission investment required. For example, New Zealand will require a rapid expansion of renewable electricity generation to meet its emission reduction targets, and large-scale generation is futile without transmission. Furthermore, the existing national direction on electricity transmission will not support electrification at the pace and scale required. Transmission is essential both to transmit new renewable generation and to respond to the increasing demand for electricity as consumers and industry move away from fossil fuel-based energy sources, in particular for process heat and transport.

New Zealand stands at the precipice of a transformative energy future. Our electricity transmission network is the backbone of this transition, but its strength is only as great as the regulatory foundation beneath it. Without a truly enabling framework in the Phase 2 National Direction, and even more so in the new Phase 3 legislation, we won't just incur delays and costs; we will fundamentally compromise our ability to seize the zero-carbon opportunity, the economic prosperity that electrification enables, and a resilient future for all New Zealanders.

Submission Overview

Since its gazetting in 2009 the NESETA has simplified the consenting of changes to existing transmission lines, by providing a nationally consistent set of rules for some common transmission activities. However, the NESETA is not comprehensive, and in some instances, it adds to the burden of consenting (rather than reducing that burden). Consents are often required for routine and essential activities such as tree-trimming or foundation strengthening, activities that often have a small footprint and negligible effects.

In addition, there are no nationally consistent rules for the protection of the National Grid from the activities of others. Importantly, the NESETA does not reconcile conflicts with other national environmental standards which have come into force after the NESETA.

Within this context, the NESETA must be improved to:

- Better enable routine activities in all environments;

- Streamline consent processes, especially for assets located in areas with significant environmental values;
- Support New Zealand's climate change targets; and
- Introduce new rules to protect the electricity transmission network based on the National Grid Corridor provisions.

Transpower needs to have certainty that it can complete essential operation, maintenance and upgrade activities on its existing transmission lines in a timely and consistent manner. These are activities that have known effects and should be permitted to allow the National Grid to operate efficiently. Where activities may create environmental impacts (i.e. permitted activity standards are breached), Transpower still needs to have certainty that consent will be granted for activities which need to be undertaken on existing infrastructure. In such cases, the effects can be managed by controlled activity consent conditions. This approach is reflected in the relief sought in this submission (and in our other submissions on the national direction documents, particularly the National Policy Statement for Electricity Networks).

Transpower supports the amendment and updating of the NESETA to respond to the increasing challenges of enabling electrification, noting several of the proposed amendments have been informed by earlier work (including the April 2023 proposed NPSET draft and a discussion document), and engagement over the past two years.

In this regard, Transpower strongly supports the intent to "lift, sift and shift" the National Grid 'corridor rules' (National Grid Yard and Subdivision Corridor) into the Phase 3 legislation as national standards. This approach will ensure that these crucial provisions are not relitigated at a local level again, providing much-needed certainty, consistency and efficiency for essential national infrastructure (and similarly those wanting to carry out activities in proximity to it). Our previous submission highlighted the significant effort and cost involved in implementing National Grid provisions in district plans under the existing framework, with some councils still not having given effect to them, some 17 years after gazettal of the NPSET 2008. Moving the corridor rules into national standards in Phase 3 would prevent such inefficiencies from recurring.

Noting that Transpower supports many provisions proposed within the NES-ENA, the primary amendments and refinements to proposed provisions requested by Transpower in this submission include:

- Refinement and correction to some definitions, including ensuring consistency with the NPS-EN. Discrete additional definitions are also sought. Amendments are sought to the National Grid corridor definitions to reflect all existing assets, and inclusion of a National Grid map legend.
- In order to ensure the NES-ENA continues to appropriately apply to existing Transpower assets as at 14 January 2010, it's critical that the definition of '*Existing transmission line*' continues to refer to this date. To address the issue currently experienced in relation to Section 43D of the RMA, as part of Phase 3 Transpower would support legislative drafting in the Planning Act that would enable a choice of pathway between designations *or* national environmental standards, or their equivalent, for land use provisions. This will ensure, particularly for infrastructure, that the most permissive pathway can apply, regardless of whether land is designated or not.
- Amendment is sought to the definitions of Natural Areas and Historic Heritage to require the areas be identified and mapped. Given the extent of Transpower's existing assets and the

continued need for maintenance and upgrade activities on these assets, most of which are routine activities that are carried out across the country every day, it is essential Transpower can readily identify areas to which specific regulations and standards apply. This will also ensure the ETN activities are undertaken and managed to the extent required.

- Reframing of Regulation 4 to reflect the amended 'rule' framework (including the requested regional rules) and provision of explicit provisions to make clear the relationship to other national direction.
- Expansion of Regulation 23 to permit signage within the bed of a lake, river, stream or coastal marine area and associated occupation.
- Amendment to Regulations 30-32 relating to Trimming, felling, and removing trees and vegetation to provide an enabling consenting regime to give effect to the strong enabling and recognition policy directives within the NPS-EN, including Policy 6.
- Amendment to Regulations 33-35 relating to earthworks to provide an enabling consenting regime to give effect to the strong enabling policy directive within Policy 6 of the NPS-EN. The regulation would also address regional earthworks rules, thereby removing the exclusion of regional earthworks rules within Regulation 4.
- Amendment to Regulation 36 to manage soil disturbance on contaminated land.
- Inclusion of regional rules for waterway crossings, groundwater take and use (including dewatering), structures and works in the coastal marine area, and works within the bed of a lake or river. Transpower would welcome the opportunity to further engage with officials on the specific drafting of regional rules, including the form of such provisions within an integrated package of infrastructure standards. Transpower would support further work to include NES-F regulations within the NES-ENA to provide a complete 'one stop shop'. In its submission on Package 3 Freshwater, Transpower has provided commentary on the application of the NPS-FM and NES-F to the National Grid.
- Minor amendments (corrections) to the Part 4 Rules for the National Grid Yard and Corridor.
- Amendment to include the Auckland Unitary Plan National Grid Yard and Corridor provisions in the NES-ENA.

Transpower understands that the form of the national direction may change under the Phase 3 Reforms. Transpower would welcome the opportunity to explore the application of the requested regional rules, earthworks rules and contaminated land regulations to substations, thereby providing a 'one stop shop' for these activities as they apply to substations. All other activities relating to substations would continue to be governed by the designation.

Transpower is also cognisant that the package of new and amended national direction instruments have implications beyond the specific instrument and therefore Transpower has made submissions across numerous instruments and the submissions should be read together.

The comments in this submission are confined to the Electricity transmission network ('ETN') as that is the network for which Transpower has responsibility.

Transpower strongly suggests and would support further engagement with officials on a draft NES-ENA (and the NPS-EN). This would provide the opportunity for Transpower to review and provide more specific and detailed comments given a lack of detailed drafting does not provide enough clarity on how the EDN activities will be included, or differentiated, as well as having a lack of

certainty on the extent of amendments Transpower needs from the NES-ENA, including appropriate inclusion and drafting of regional rules.

The following provides an assessment of the national direction consultation material and includes responses to specific provisions. Amendments Transpower requests through this submission are provided throughout this submission (shown as blue text).

To assist officials in understanding the relief sought in the Transpower submissions on the various national direction instruments, Appendix B provides a summary of the submissions and amendments requested.

Scope and Implementation

Electricity Distribution and EV Charging

One main distinguishing feature of the ETN is that it is an interconnected and linear network which transmits electricity across the country. The linear nature means the entire network is of national significance and needs to operate as one highly functioning and integrated system.

Transpower understands the reasoning for increasing the scope of the NES-ENA to include electricity distribution and supports in principle the applicability of the NES to the Electricity Distribution Network ('EDN') noting that the proposed NES-ENA has differing provisions for the ETN and the EDN. Transpower supports that approach noting the feature and nuances of the ETN.

Given Transpower's primary interest is in relation to the ETN, its comments are specific to electricity transmission.

Transpower has no comments on the inclusion of EV charging provisions within the NES.

Implementation

As outlined in Section 4: *Implementation of infrastructure and development instruments* of the Package 1 Discussion Document:

> *"National environmental standards have immediate effect, and plan changes can be made to amend inconsistencies with the national environmental standards without using the Schedule 1 process. The RMA generally requires this to be undertaken as soon as practicable after national environmental standards come into effect."*

While the NES-ENA is silent on implementation measures, Transpower assumes implementation of the standards will take place as set out above.

Specific to the Rules for the National Grid Yard and Subdivision Corridor within Part 4 of the NES-ENA, Transpower would further support explicit direction (similar to that provided in 3.38 of the NPS-UD) that a territorial authority must (within a defined timeframe) implement the NES-EN corridor provisions without using a process in Schedule 1 of the Act.

Transpower Response to Package 1: Infrastructure and Development: Discussion Document

The table below provides Transpower's submission and relief sought to the amendments of the NESETA as set out in Package 1: Infrastructure and Development: Discussion Document.

It is important that Transpower's activities are supported through an enabling framework in the immediate future while the Phase 3 legislation is developed and all opportunities are welcomed for further engagement to ensure the changes are fit for purpose and do not take a backwards step from the current NESETA provisions.

To that end, Transpower acknowledges that further refinement and testing is needed for some of these matters including refinement of Regulation 4 amendments and regional rules. In addition, the changes proposed with the introduction of the electricity distribution network (EDN) activities provides some uncertainty on the final wording of the NES-ENA. While Transpower supports the inclusion of EDN activities, it is considered that an opportunity to review a draft NES-ENA would give greater certainty of the amendments and provide an opportunity for further refinement and testing before changes take legal effect.

Application	Proposed provisions	Reasons from consultation material
Where will the NES-ENA apply?	The NESETA is proposed to be amended and to apply to both existing electricity transmission infrastructure and electricity distribution assets (new and existing) and include new regulations relating to electric vehicle (EV) charging infrastructure and be a new set of regulations called the NES-ENA. The NES-ENA is proposed to apply nationwide except for the National Grid Yard rules, which are not proposed to apply within the Auckland region.	Meeting New Zealand's climate and electrification targets through the efficient transmission and distribution of electricity is a nationally significant issue. The approach for combining both existing electricity transmission infrastructure and electricity distribution assets into an amended NES, renamed as the NES-ENA, aligns with the proposed changes to the existing National Policy Statement for Electricity Transmission to be a broader proposed National Policy Statement for Electricity Networks (NPS-EN) covering electricity transmission and distribution activities. Including EV charging infrastructure within the new NES-ENA aligns with the broader objectives of Electrify NZ to electrify the economy. The Auckland Unitary Plan contains a bespoke set of provisions for 'compromised spans' and 'uncompromised spans', which are intended to apply rather than the NES-ENA.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower supports the inclusion of National Grid Yard rules in the NES-ENA, and accepts the bespoke nature of the Auckland Unitary Plan (AUP) provisions. However, Transpower has concerns with the AUP provisions continuing to apply *outside* the framework of the NES-ENA. This creates the risk that those provisions will be changed, and would therefore be contrary to the intent of Part 4 (Rules) of the NES-ENA, to have the corridor rules standardised and 'locked in'. Transpower's strong preference is for the AUP provisions to be inserted into the NES-ENA to provide certainty. Transpower can readily provide the specific provisions from the AUP.		
What electricity assets will be covered by the NES-ENA?	The application of the NES-ENA is proposed to be to activities relating to existing electricity transmission lines that were operational on 14 January 2010 (the same as the NESETA) and activities relating to specified electricity distribution assets (new and existing). It will also apply to certain types of EV charging infrastructure. The proposal is seeking feedback on whether the proposed NES-ENA should apply to either: • electricity distribution network (EDN) lines over 110 kV voltage (existing and new). This would give a similar level of enablement and protection for all lines over 110 kV, regardless of ownership; or • a wider range of EDN activities covering both high and low voltage lines and existing and new assets, as detailed further in Part 3 of this proposal.	The NESETA currently applies to Transpower owned and operated assets that existed on the commencement date of the NESETA, 14 January 2010. The NES-ENA is proposed to continue to apply only to activities relating to electricity transmission lines that existed at this date, due to section 43D of the Resource Management Act 1991 (RMA), to ensure that transmission lines that are designated are not affected. This may involve retaining the same commencement date as the NESETA 'commencement date' (existing regulation 2) for the set of regulations applying to existing transmission lines.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower supports in principle the application of the NES to the EDN, noting the separation/distinction of the ETN and EDN provisions within the NES (an approach which is supported). Regarding the commencement date, Transpower is conscious of the consequence of amending the commencement date in relation to the application of Section 43B and 43D of the RMA. The issue with Section 43D of the RMA is that it stipulates that a NES prevails over a designation. As such if the commencement date is not retained as 2010, the NES will still prevail despite there being potentially more permissive provisions in the designation. Should retention of the existing commencement date fall foul of section 12 of the Legislation Act 2019, it is important that the amendments proposed to the definition of "existing transmission line" are retained (see D16 below). *Phase 3 consideration*: To address the issue currently experienced in relation to s43D of the RMA as outlined above, Transpower would support legislative drafting in the Planning Act that would enable a choice of pathway between designations or national environmental standards, or their equivalent, for land use provisions. This will ensure, particularly for infrastructure, that the most permissive pathway can apply, regardless of whether land is designated or not.		
D1 Ancillary electricity network activities (ancillary EN activities)	Introduce a new definition for 'ancillary EN activities' that: *means all supporting and subsidiary activities needed to provide the operation, maintenance, and upgrading of the EN, including but not limited to vegetation clearance, tree trimming, earthworks, the construction, maintenance and*	The intent of this definition is to ensure that all relevant ancillary activities are captured as part of the overall EN activity. This definition is the same as in the NPS-EN.

Application	Proposed provisions	Reasons from consultation material
	upgrading of access tracks and accessways, power supply, and telecommunications.	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support the inclusion of this new definition as per the rationale provided in the consultation material and the NPS EN.		
Assessment point	*Introduce a new definition as follows:* *means, for the purpose of regulations 6 and 10, any point over the footprint of a building containing a residential unit, at a height of 4 metres above ground level for a single storey building and with an additional 3 metres height for each additional storey for multiple storey buildings.*	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower request the provision of a definition to assist the interpretation of the noise standards within Regulations 6 and 10. The term 'assessment point' is used within the regulations. Defining the assessment point is important to prevent application of expensive mitigations at locations unlikely to be affected by noise. If the assessment point is defined and an exceedance of the criteria is predicted at that location, we can apply span specific mitigations as required (e.g using specialist conductors at specific locations). This represents a moderate marginal cost, on spans where people would otherwise be affected. Without the assessment point defined, the limit must be met anywhere e.g a remote paddock, at 1 m from the conductor etc. There would be uncertainty about our ability to only apply span specific mitigation to limit impacts on sensitive receivers and minimise costs of compliance. The specified heights recognise that conductors go over residential properties in some locations, so there is a need to assess above the roof, rather than the notional boundary' for example.		
D2 Cabinet	Introduce a new definition that means: *a) a structure that houses equipment affixed to the ground that is necessary to operate part of the electricity distribution network, including any casing; but* *does not include electricity substation facilities or buildings.*	The intent of this definition is to provide clarity over electricity distribution infrastructure.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER No changes sought, noting D2 Cabinet is specific to the EDN.		
D3 Circuit	Retain and amend the definition that: *means conductors on a transmission line or distribution line that together form a single electrical connection between 2 or more system nodes.*	Retain the same definition as in the NESETA and expand to cover distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support		
D4 Compromised span	Introduce a new definition that: *means, for the purpose of these regulations, a span identified in the Auckland Unitary Plan as being compromised.*	The definition of compromised span is to recognise that the Auckland Unitary Plan includes different rules in relation to the electricity transmission network (ETN) for compromised and uncompromised spans in the Auckland region. The intent is that the proposed NES-ENA National Grid Subdivision Corridor and National Grid Yard rules will not override or replace those specified in the Auckland Unitary Plan, which will be clarified in the drafting of the regulations.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support. As outline in the 'Application' section above, Transpower requests the AUP corridor provisions be included (in whole) in the NES-ENA.		
D5 Conductor	Amend the definition that means: *a) wire or cable used for carrying electric current along a transmission line or distribution line; and* *includes any hardware and insulation associated with the wire or cable.*	Retain the same definition as in the NESETA and expand to cover distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support		
D6 Customer driven project	Introduce a new definition for 'customer driven projects' that means: *ETN or EDN activities that a third party other than Transpower New Zealand Limited **or an electricity distribution business** has requested be carried out, such as new connections to electricity generation or demand, or relocation or undergrounding of assets in order to enable urban or infrastructure development, excluding new connections to electricity generation that are managed under the **National Policy Statement for Renewable Electricity Generation.*** The intent is to exclude renewable electricity generation (REG) connections managed under the NPS-REG, which will require assessment of the effects of the full REG project up to the point of connection to the ETN or EDN. The exclusion of new REG connections clarifies the applicability of the NPS, rather than a decision-maker needing to apply both the NPS-REG and NPS-EN. This definition also forms part of the definition of 'EN development activities' and is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Oppose. Transpower does not support the inclusion of this definition within the NES-EN on the basis that: a) The term in not used within the NES-EN, noting the NES as it applies to the ETN relates to 'existing assets'; and b) As outlined in its submission on the NPS-EN, Transpower has raised concerns with how the definition as drafted would be applied to ETN grid connection activities.		

Application	Proposed provisions	Reasons from consultation material
Transpower requests deletion of the definition.		
D7 Electricity network development activities (EN development activities)	Introduce a new definition that means: a) *the construction of new EN assets that is not carried out on or related to EN lines, or cables, or at substation sites, that exist at the time of construction; or* b) *customer driven projects.*	The intent of this definition is to help distinguish 'routine activities' and 'non-routine activities', and to clarify that 'development activities' relate to new lines or assets. This definition is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support noting the definition is related to the definitions of 'routine' and 'non-routine' activities, but is not used in either definition. We also note that D7 and D14 seem to be duplicate definitions. (Noting it appears the word "development" is missing from the D14 definition).		
D8 Dry abrasive blasting	Introduce a definition that: *means abrasive blasting using materials to which no water has been added.*	This definition is from the National Planning Standards and replaces the existing NESETA definition.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support To provide clarity, Transpower would also support a definition for abrasive blasting (as provided in the National Planning Standards) as follows: ***D - Abrasive blasting:*** *means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel.*		
D9 Earthworks	Introduce a new definition that*:* *means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, fillings or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.*	This definition is from the National Planning Standards and replaces the existing NESETA definition.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support, noting the 's' from filling requires deletion		
D10 Electricity distribution network (EDN)	Introduce a new definition that: *means any part of the electricity network that is controlled by a person or body who is both an electricity distributor and an electricity operator as those terms are defined in section 2 of the Electricity Act 1992; and does not include the electricity transmission network (as defined below).*	This definition proposes to introduce the EDN into the NES-ENA, recognising the importance of the EDN for electrification (e.g., new lines supporting electrification of industry rather than fossil fuel use). This definition is the same as in the proposed NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support. Transpower specifically supports the wording *'and does not include the electricity transmission network (as defined below)'* as it clarifies ET is captured by the definition of ETN. It is noted the definition very slightly differs from that within the NPS-EN (which uses the word 'because' instead of 'as'). Transpower will also be seeking this exclusion through Phase 3, should the same definition be used. We note that the definition contained in the Resource Management (Consenting and Other System Changes) Amendment Bill does not include the exclusion, which could lead to confusion where different provisions apply to distribution and transmission.		
D11 Electricity network (EN)	Introduce a definition that: *means the electricity transmission network and the electricity distribution network.*	The proposed definition is inclusive of both the ETN and EDN and is needed to interpret policy applying to both parts of the electricity network. This definition is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support		
D12 Electricity network (EN activities)	Introduce a definition that: *means the construction, operation, maintenance, development, upgrade, replacement, decommissioning or removal of electricity network assets and all ancillary activities, unless otherwise specified.*	The proposed definition for electricity network activities will be more specific about the activities and infrastructure it includes than the definition in the current NPS-ET. The intent is to be more inclusive and recognise activities associated with the life cycle of the EN including access associated with routine maintenance activities. This definition is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support, noting the title is missing the word 'activities', and should read: *D12 Electricity network activities (EN activities).* This would match the definition in the NPS-EN.		
D12A Electricity network assets (EN assets)		
Transpower would support the provision of a definition to assist the interpretation of the regulations, noting reference to EN assets is made in D7, D12, D14, D28 and D32. The proposed definition reflects that within the NPS-EN. ***Electricity network assets (EN assets)*** *means the physical components of EN and all ancillary activities, such as access tracks.*		
D13 Electricity transmission network (ETN)	Introduce a definition that: *means all parts of the National Grid of electricity transmission that:* a) *comprises the network of transmission lines, and cables (aerial, underground, and submarine, including the high-voltage direct current link), stations, and substations, facilities and works, and all ancillary activities, and other works used to connect grid*	The proposed definition of 'National Grid' is more specific than the definition in the current NESETA about the assets and infrastructure it includes ancillary activities (see definition D1) essential to enabling necessary work on Transpower's assets. This definition is the same as in the NPS-EN.

Application	Proposed provisions	Reasons from consultation material
	injection points and grid exit points to convey electricity in New Zealand; *b) is owned or used by Transpower New Zealand Limited; and is commonly known as the National Grid.*	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower supports the definition in principle (noting the reasoning in the discussion document appears to be missing some words) but requests clarification within the chapeau (as it doesn't make sense as drafted) and inclusion of reference to 'undersea', thereby insuring all National Grid assets are captured by the definition, as follows: ***Electricity transmission network*** *or* ***ETN*** *means ~~all parts of the National Grid of~~ the electricity transmission network that:* *a) comprises the network of transmission lines, and cables (aerial, underground, undersea, and submarine, including the high-voltage direct current link), stations, and substations, facilities and works, and all ancillary activities, and other works used to connect grid injection points and grid exit points to convey electricity in New Zealand;* *b) is owned or used by Transpower New Zealand Limited; and is commonly known as the National Grid.* Transpower also supports a definition for ETN assets, adapted from the definition of "EN assets" in the NPS-EN. ***ETN assets*** *means the physical components of the EN and all ancillary assets (including associated telecommunications assets) and activities, such as access tracks…*		
D14 Electricity network activities (EN development activities)	Introduce a definition that means: *a) the construction of new EN assets that is not carried out on or related to EN lines, or cables, or at substation sites, that exist at the time of construction; or* *b) customer driven projects.*	The intent of this definition is to help distinguish 'routine activities' and 'non routine, and to clarify that 'development activities' relate to new lines or assets. This definition is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER The reference to EN development activities and reasoning does not reflect the definition title D14 Electricity network activities. Based on the definition provided in the NPS-EN, the title should read: *D14 Electricity network development activities. We also note that D7 and D14 seem to be duplicate definitions.*		
D15 Electric vehicle charging infrastructure (EVC infrastructure)	Introduce a definition that: *means the construction, maintenance, operation, upgrade, and replacement of electricity vehicle charging infrastructure:* *a) including all buildings and structures associated with the charging of electric vehicles, the sale of electricity for the purpose of charging vehicles, electric vehicle charging car parks and manoeuvring spaces, chargers, cabinetry, batteries, bollards, and wheelstops;* *it does not include the retail sales of any other goods or services.*	The intent of this definition is to clarify which type of charging facilities the proposed NES-ENA will apply to.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Neutral, noting the definition is very broad.		
D16 Existing transmission line	Retain and amend a definition that means: *a) a transmission line that was operational, or was able to be operated, at 14 January 2010 (being the commencement of the original regulations); and* *b) includes a transmission line described in paragraph (a) that is altered or relocated in accordance with these regulations; and* *c) includes a transmission line that, in accordance with these regulations, replaces a transmission line described in paragraph (a).*	Minor amendment to insert the commencement date to clarify the lines that the proposed NES-ENA applies to.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower supports the amended definition, in particular the amendment to clause a) which introduced the 14 January 2010 date – this is critical to enabling the appropriate application of the NES-ENA to Transpower's assets. As sought via proposed changes and sequential changes to the definition of 'transmission line' that ensure it gives greater specificity to the types of infrastructure included, including cables located on land, the beds of lakes and rivers, and the coastal marine area (i.e. undersea or submarine cables).		
D17 Existing distribution line	Introduce definition that means: *a) a distribution line that was operational, or was able to be operated, at the commencement of the regulations relating to distribution lines; and* *b) includes a distribution line described in paragraph (a) that is altered or relocated in accordance with these regulations; and* *c) includes a distribution line that, in accordance with these regulations, replaces a distribution line described in paragraph (a).*	Definition aligned with corresponding definition for existing transmission lines but amendment to reflect the different commencement dates of the regulations.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
Footprint	***Footprint*** *means the outline of the land occupied by a tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower ground level.*	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER		

Application	Proposed provisions	Reasons from consultation material
Transpower supports the retention of the definition. Towers include occupation of space below ground level (including tower legs, foundations e.g. concrete encased legs and pile foundations and other associated below ground elements). Transpower seeks amendments through the inclusion of the term 'footprint' and the regulation relating to altering, relocating or replacing support structures so that the permitted envelope for tower works includes the part of a tower as it occupies space below ground level. ***Footprint*** *means the outline of the land occupied by a tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower below ground level. It does not include any land occupied by a guy-wire.*		
D18 Guy wire	Introduce a definition that: *means a cable or wire designed to add stability to a structure, including any associated pole or anchor block.*	The intent of this definition is to provide clarity that guy wires are provided for in the rules. Guy wires are an existing component of a transmission line.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
D19 Height	Amend the definition of height that: *means the vertical distance between a specified reference point and the highest part of any feature, structure, or building above that point.*	The definition would include conductors, but excludes telecommunication devices, earth peaks and lightning rods.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower does not support the revised definition of height due to the lack of specificity of where the measurement occurs. It is unclear whether this would be from ground level or another point. Lack of specificity could create uncertainty and inefficiency. Transpower instead supports the existing NES definition: ***height****, in relation to a transmission line support structure, means the height of the structure measured vertically from the ground level at the centre of the structure to the highest point of the structure (including conductors, but excluding telecommunication devices, earth peaks, and lightning rods*		
D20 Historic heritage item or setting	Amend the definition for historic heritage that: *means any historic heritage site, building or area protected by a rule in a plan because of its historic heritage value, including sites of significance to Māori.*	The amendments to the definition of historic heritage area are intended to make it clear it captures any historic heritage building, site or area protected by a plan rule, consistent with section 6(f) of the RMA. This approach is broadly consistent with the existing NESETA definition and the corresponding regulation in the National Environmental Standards for Telecommunication Facilities (NES-TF). An alternative option sought by industry is to limit the definition to historic heritage sites, buildings and areas identified in district plans to provide more certainty in its application.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support alternative option to limit the definition to historic heritage sites, buildings and areas identified and mapped in district as it would provide more certainty in its application. Given the extent of Transpower's existing assets and the continued need for maintenance and upgrade activities on these assets, it is essential Transpower is able to readily identify areas to which specific regulations (and standards apply). This will also ensure the ETN activities are appropriately undertaken and managed. *means any historic heritage site, building or area identified and mapped in a plan as having ~~protected by a rule in a plan because of its~~ historic heritage value, including sites of significance to Māori*		
D21 Land transport corridor	Introduce a definition of land transport corridor that: *means land transport corridor means land within the legal boundary of any road, motorway, or railway land.*	This the same definition as in the Land Transport Management Act 2003.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support / neutral		
D22 LAeq(15min)	Introduce a definition that: *has the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound.*	The intent of this definition is to establish an operational noise standard. NZS 6801 is used to describe the average sound level over a 15-minute timeframe, accounting for variations in sound intensity.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
D23 Mechanical preparation of surface	Introduce a definition that: *means removing impurities or corrosion of part of the surface using hand-held tools with an abrasive surface.*	The intent of this definition is to capture the full range of maintenance activities that are not captured by the defined abrasive blasting activities.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support. Noting that mechanical preparation is not an abrasive blasting technique.		
D24 Modelled conductor noise levels	Introduce a definition that: *means calculated noise levels based on the transmission line and conductor configuration, taking into account new wet conductor characteristics, ignoring the presence of any buildings, and without any adjustments for special audible characteristics (which has the same meaning as in NZS 6802:2008 Acoustics – Environmental noise (NZS 6802).*	The intent of this definition is to establish an operational noise standard.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support. The term is used within the noise standards within Regulations 6 and 10. The definition is efficient for compliance to be considered at the transmission line design stage and Transpower has tools for predicting conductor noise, hence Transpower recommends requiring that modelled conductor noise demonstrate compliance in order to avoid actual non-compliance in implementation. Buildings are ignored as lines can be directly above buildings and limits apply to the external space.		

Application	Proposed provisions	Reasons from consultation material
New National Grid map legend	Introduce a new mapping symbology for the National Grid to inform implementation of Policy 10(2)(a) of the Proposed NPS-EN within district plans and assist with interpretation of the NES-ENA as follows: **National Grid** 66kV 110kV 220kV 350kV	

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Policy P10(2)(a) of the Proposed NPS-EN states:

"*In order to avoid the adverse effects of third parties on the EN, local authorities must:*

(a) identify EN assets within their district, whether or not these are designated;"

Policy P10 Clause (a) is linked to the implementation of corridor rules within the NES-ENA. Transpower considers that the mapping approach would benefit from colour coding in the same or similar fashion as the Proposed Waitaki District Plan 2025. This would assist district plan users to interpret the National Grid Yard and Subdivision Corridor definitions that are based on line voltage. For example, if district plan users rely on the ePlan mapping of the National Grid that ultimately leads them to the NES-ENA provisions, they will be aware of the voltage when interpreting the Yard and Subdivision Corridor definitions. That said, it would represent a departure from the National Planning Standards symbology so there could be alternative methods adopted for clarity. Transpower is happy to assist with confirming a suitable approach.

D25 National Grid Subdivision Corridor	Introduce a new definition that: *means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in the darker green below):* • *14 metres for 66 kV and 110 kV transmission lines on single poles;* • *16 metres for 66 kV and 110 kV transmission lines on pi poles;* • *32 metres for 66 kV and 110 kV transmission lines on towers (including tubular steel monopoles towers where these replace steel lattice towers);* • *37 metres for 220 kV transmission lines;* • *39 metres for 350 kV transmission lines.* *The National Grid Subdivision Corridor does not apply to designated assets.* *See attachment 1.4.1 for a diagram of the National Grid Subdivision Corridor.*	The definition of National Grid Subdivision Corridor determines the application of the associated rules to protect the ETN from the adverse effects of third parties. This definition defines the distance from the centreline of transmission lines in which controls on subdivision apply and are based on the voltage of the lines and the type of support structure. These definitions have been developed to give effect to existing Policy 10 and Policy 11 of the NPS-ET, have been subject to extensive refinement with Transpower and other stakeholder, and are commonly included in district plans across New Zealand.

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Support with amendments to include the very limited additional lines, as stated, which operate at a lower voltage and can be treated in the same manner as lower voltage lines.

means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in the darker green below):

- *14 metres for 66 kV and 110 kV transmission lines on single poles;*
- *16 metres for 66 kV and 110 kV transmission lines on pi poles, and the Benmore-Bog Roy A, Te Hikowhenua-Deviation A and South Makara-Oteranga Bay A lines;*
- *32 metres for 66 kV and 110 kV transmission lines on towers (including tubular steel monopoles ~~towers~~ where these replace steel lattice towers);*
- *37 metres for 220 kV transmission lines;*
- *39 metres for 350 kV transmission lines.*

The National Grid Subdivision Corridor does not apply to designated assets.

See attachment 1.4.1 for a diagram of the National Grid Subdivision Corridor.

Transpower has also made a correction to delete "towers" as this is a typo.

D26 National Grid Yard	Introduce a new definition that means: • *the area located 10 metres either side of the centreline of an overhead 110 kV National Grid transmission line on single poles;* • *the area located 10 metres either side of the centreline of an overhead 66 kV National Grid transmission line on single poles, pi poles or towers;* • *the area located 12 metres either side of the centreline of any overhead 110 kV, 220 kV, or 350 kV National Grid transmission line on pi poles or towers (including tubular steel monopoles towers where these replace steel lattice towers);* • *the area located 12 metres in any direction from the outer visible edge of a National Grid support structure.* *The National Grid Yard does not apply to designated assets.* *See attachment 1.4.1 for a diagram of the National Grid Yard.*	The definition of National Grid Yard determines the application of the associated rules to protect the ETN from the adverse effects of third parties. This definition relates to the area where controls apply to buildings and structures and earthworks. It is measured from the centreline of transmission lines and varies based on the voltage of the lines and the type of support structure. This definition was developed to give effect to existing policy 10 and policy 11 of the NPS-ET and was subject to extensive refinement with Transpower and other stakeholders and is commonly included in district plans across New Zealand.

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Support with amendments to include the additional lines, as stated, which operate at a lower voltage and can be treated in the same manner as lower voltage lines.

Amend the definition of National Grid Yard to capture the three non-standard transmission lines in Wellington City and Waitaki District.

- *the area located 10 metres either side of the centreline of an overhead 110 kV National Grid transmission line on single poles and the South Makara – Oteranga Bay A;*
- *the area located 10 metres either side of the centreline of an overhead 66 kV National Grid transmission line on single poles, pi poles or towers;*
- *the area located 12 metres either side of the centreline of any overhead 110 kV, 220 kV, or 350 kV National Grid transmission line on pi poles or towers (including ~~tubular~~ steel monopoles ~~towers~~ where these replace steel lattice towers), Te Hikowhenua-Deviation A and the South Makara – Oteranga Bay A and Benmore-Bog Roy A transmission lines;*
- *the area located 12 metres in any direction from the outer visible edge of a National Grid support structure.*

The National Grid Yard does not apply to designated assets.

Application	Proposed provisions	Reasons from consultation material
See attachment 1.4.1 for a diagram of the National Grid Yard.		
D27 Natural area	Amend the existing definition of natural area that: means an area that is protected by a rule because it is an outstanding natural feature or landscape, an area of significant indigenous vegetation, or a significant habitat of indigenous fauna.	The minor amendment proposed is simply to clarify the areas covered by the definition.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support intent but depending on what context the definition is used, seek amendments to ensure that this refers to mapped areas, as per the relief sought for the change to the Historic Heritage definition. The proposed definition could limit Transpower's ability to undertake routine activities as intended in the NPS-ENA where these occur in natural areas where a rule does not refer to specific, identified areas that are included in planning maps. Given the extent of Transpower's existing assets and the continued need for maintenance and upgrade activities on these assets, it is essential Transpower is able to readily identify areas to which specific regulations (and standards apply). In addition, the proposed amendment significantly changes how a 'natural area' is defined on the basis that any rule that protects a natural area will trigger the relevant regulations that it applies to, regardless whether the activity being carried out is in fact having an effect on the protected values of the natural area. Under the current definition the rule has to relate to the values to which is it protecting. The changes stem from the amended wording from *'…because it has outstanding natural features or landscapes...'* to *'…because it is an outstanding natural feature or landscape…'* which change the overall intent of this definition. For example, under the current definition a district plan rule may protect vegetation clearance up to a certain threshold in a 'natural area' but earthworks have no restrictions. Earthworks would then not trigger the natural area definition. Under the proposed definition, if earthworks were required in that natural area it would trigger the natural area provisions for earthworks because the natural area was protected by the vegetation rule. Notwithstanding our preferred amended version of 'natural area' set out below, the change from 'is' to 'has' is a critical amendment that should be made if our other relief sought is not accepted. While not opposed to the intent of the definition change, Transpower's submission is that the definition be amended to remove the reference back to rules, but inserts a reference to natural areas being identified and mapped in local authority plans. Transpower notes, that this definition would be significantly easier to administer, but given it would now more broadly relate to all values in natural areas, the relevant vegetation and earthworks rules must also be changed as per Transpower's relief for Regulations 30 and 33 and the inclusion of a leniency provision for district and regional plan rules, as per Transpower's submission points in Reg 4A below. Transpower seeks the following amendments: ***natural area*** *means an area that is identified and mapped in a district or regional plan and protected by a rule because it has~~is~~ an outstanding natural feature or landscape, an area of significant indigenous vegetation, or a significant habitat of indigenous fauna*		
D28 Non-routine electricity network activity (non-routine EN activity)	Introduce a definition that: *means the upgrade, rebuilding or replacement of, or changes to, EN assets, or other EN activities, where the upgrade, rebuilding, replacement or change, or activity is not defined as a routine EN activity.*	This definition reflects the policy intent to distinguish between activities carried out regularly as part of the life cycle of the EN, which usually have less than minor effects, and activities that may result in more substantial effects and changes to the EN. This definition is the same as the NPS-EN. The intent is that: • 'non-routine' EN activities cover larger upgrades with more than minor adverse effects, and policy 7 NPS-EN applies • 'routine' covers more minor and/or common upgrade activities, and these are subject to more enabling policy direction in policy 6 of the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support – noting that not all non-routine activities have substantial effects.		
D29 NZECP 34:2001	Introduce a definition that: means the New Zealand Electrical Code of Practice for Electrical Safe Distances (2001).	This definition would introduce a hook for electrical safety standards. We are seeking feedback on whether the NES-ENA is the best means to enforce these provisions and the appropriateness of referring to compliance with all or some of this third party code in the NES-ENA.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Specific to the ETN, Transpower supports the inclusion of a definition as the term is used within rules R12 and R14 in the NES-ENA.		
D30 Operation	Amend the definition to: means the use of a transmission line or distribution line to convey electricity.	Retain the NESETA definition and expand it to cover distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
D31 Pole	Amend the definition that means: a) *a structure that supports conductors as part of a transmission line or distribution line and that—* i. *has no more than 3 vertical supports**, not including a pole that forms part of a guy wire**; and* ii. *is not a steel lattice structure; and* b) *includes the hardware associated with the structure (such as insulators, cross-arms, and guy wires) and the structure's foundations; **and*** ***can be made of wood, reinforced concrete, steel, or other material.***	This amendment to the definition of a pole clarifies that poles can be made from a variety of materials and that poles that form part of a guy wire are excluded from the definition.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support		
D32 Routine electricity network activity (Routine EN activity)	Introduce a definition that: *means*	The policy intent is to enable routine ETN activities on existing assets to occur in a timely and efficient way without restriction, while still ensuring Transpower and electricity distribution

Application	Proposed provisions	Reasons from consultation material
	a) activities required for, or associated with, the operation or maintenance of existing EN assets; or *b) implements the modern equivalent, substitute, or replacement of the existing EN assets, which may not be 'like for like'; or* *c) maintenance and upgrades of existing EN assets necessary to continue to deliver the same or similar level of service or to improve resilience; or* *d) other upgrades of existing EN assets where the upgrade or other change will, once the activity is complete, have no more than minor adverse effects on the environment; or* *e) the removal, decommissioning, or dismantling of EN assets; and* *f) all relevant ancillary activities, such as vegetation clearance, tree trimming, and creating, maintaining, and improving access tracks and accessways to EN assets; and* *g) includes all activities regulated by the NES-ENA, including replacing structures, reconductoring, earthworks, altering or relocating of structures, undergrounding.*	businesses take appropriate steps to avoid or mitigate adverse environmental effects to the extent practicable. Transpower and electricity distribution businesses have well-established industry standards and operating procedures for routine operation, maintenance and upgrade activities developed with input from ecologists and other environmental experts. Provides a link to make it clear that the definition includes all activities regulated under the NES-ENA, the amended NESETA. This definition is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower supports the approach to provide a policy and consenting distinction for its 'routine' transmission activities. Routine activities are those which are operational, 'business as usual', activities that must be carried out to secure the ongoing function of the National Grid. Transpower has no real choices to make in respect of the environment in which they occur and applies standard, good practice industry standards to undertake them. Flowing on from Routine EN activities, rather than having everything else categorised as "development", Transpower considers it appropriate (and supports the approach in Package 1) to draw a further distinction between 'non-routine' activities that nonetheless relate to existing assets, and activities involved in the construction of a new transmission line or substation. Non-routine activities is intended to cover upgrades or new works that are more substantial and where, in many environments, there is a greater degree of choice to be exercised in their design, such that it is appropriate for them to be subject to a different policy and regulation framework. Notwithstanding the above support, minor amendments are sought to ensure the definition is consistent with that used in the NPS-EN (which uses 'that' instead of 'which' in clause b), and has an 'and' after the second occurrence of the word 'structures' in clause g.) Amendment is also sought to clause a) to provide examples to assist with the understanding of what are typical maintenance and operation activities: *a) activities required for, or associated with, the operation or maintenance of existing EN assets, including addition or realignment of up to five additional transmission line support structures; or;* Amendment to clause d) to clarify the comparison is with the status quo: *d) other upgrades of existing EN assets where the upgrade or other change will, once the activity is complete, have no more than minor adverse effects on the environment compared to the existing EN assets; or* ...	
D33 Sensitive activities	Introduce a definition that: *includes residential unit (including visitor accommodation and retirement accommodation), care facilities, childcare facilities, schools, hospitals, custodial or supervised accommodation where residents are detained on site, marae, or place of worship.*	This definition replaces the existing NESETA definition 'sensitive land use' and assists with interpretation of policy 10 of the NPS-EN, seeking to manage the effects of third parties on the EN. The existing NPS-ET definition has been expanded to make it clear what the definition includes and align it with terms used in the National Planning Standards. This definition is the same as in the NPS-EN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support the definition but amend, for the avoidance of doubt, to include papakāinga.		
D34 Telecommunication device	Retain and amend a definition that: *means telecommunication device—* *a) means a device (for example, an antenna) that—* *(i) facilitates the operation of a transmission line or distribution line; and* *(ii) receives or transmits telecommunication signals; and* *b) includes any hardware associated with the device; but* *does not include a telecommunication cable.*	Retain the same definition as in the NESETA and expand for distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
D35 Temporary line deviation	Introduce a definition that: *means the construction and use of a temporary section of transmission line or distribution line.*	This amends the existing definition to remove during maintenance and upgrade, simplifying the definition and enabling a temporary deviation under any circumstance as required and to capture distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support		
temporary structure – not included in consultation material	Not included in consultation material	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER		

Application	Proposed provisions	Reasons from consultation material
Transpower seeks the retention of the definition of 'temporary structure' in the existing NESETA 2008.		
D36 Termination structure	Retain and amend the definition that: *means a tower, or pole, and/or gantry used for the transition between an overhead and an underground transmission line or distribution line.*	Amendment to existing definition to include 'gantry' in the definition, reflecting existing operating practice where connections between an overhead line and underground cable requires the use of a gantry, and expand for distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
D37 Tower	Introduce a definition that means: a) *a steel lattice structure that supports conductors as part of a transmission line or distribution line; and* *includes the hardware associated with the structure (such as insulators, cross-arms, and guy wires) and the structure's foundations.*	Retain the same definition as in the NESETA and expand for distribution.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		
D38 Transmission line or distribution line	Amend the definition of transmission line as follows: a) *means the facilities and structures used for, or associated with, the overhead and/or underground transmission or distribution of electricity within the ETN or EDN, including the transition from overhead to underground; and* b) *includes conductors, transmission line and distribution line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; and* c) *for the avoidance of doubt includes cables located over land, within waterbodies (including the coastal marine area), on the bed of lakes and rivers, on the bed and foreshore of the coastal marine area and on bridges and other waterway crossings;* d) *but does not include an electricity substation.*	The proposal will amend the definition of 'transmission line' to give greater specificity to the types of infrastructure included, including cables located on land, the beds of lakes and rivers, and the coastal marine area (i.e., submarine cables). It also expands the definition to include distribution lines.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support with amendment. The amendments to clarify what's included within the definition of 'transmission line' are supported and will assist with interpretation and application of the NES-ENA. While the commentary refers to 'submarine cables', for the avoidance of doubt Transpower requests that further minor amendment to ensure the definition captures the various nuanced types of cables. a) *means the facilities and structures used for, or associated with, the overhead and/or underground transmission or distribution of electricity within the ETN or EDN, including the transition from overhead to underground; and* b) *includes conductors, transmission line and distribution line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; and* c) *for the avoidance of doubt includes buried cables, submarine and undersea cables, cables located over land, within waterbodies (including the coastal marine area), on the bed of lakes and rivers, on the bed and foreshore of the coastal marine area and on bridges and other waterway crossings;* d) *but does not include an electricity substation.*		
D39 Transmission line or distribution line support structure	Retain and amend a definition that: *means a tower or pole.*	Retain the same definition as in the NESETA and expand to cover the EDN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support the amendment of the definition to include the EDN, with an additional amendment to include reference to termination structures (which are towers or poles used for the transition between an overhead and underground transmission line). ***transmission line support structure*** *means a tower or pole or termination structure.*		
D40 Undergrounding	Retain and amend a definition that: a) *means replacing overhead transmission lines or distribution lines with underground transmission lines or distribution lines; and* b) *includes altering, relocating, or replacing a tower or pole at 1 or both ends of the underground transmission lines or distribution lines so that the tower or pole becomes a termination structure.*	Retain the same definition as in the NESETA and expand to cover the EDN.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support. Transpower believes that it is necessary to add a definition of 'underground transmission line', given this term is not currently defined but is referred to in the regulations. ***Underground transmission line:*** 1. *Means a buried cable, submarine cable, and undersea cable; and* 2. *For the avoidance of doubt includes cables located over land, within waterbodies (including the coastal marine area), on the beds of lakes and rivers, on the bed of the foreshore of the coastal marine area and on bridges and other waterway crossings.*		

Application	Proposed provisions	Reasons from consultation material
D41 Wet abrasive blasting	Introduce a definition that: means abrasive blasting using material to which water has been added, and includes air assisted wet abrasive blasting.	This definition is based on the National Planning Standards definition and is expanded to clarify that air assisted blasting is included.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support alongside amendment to *D8 Dry abrasive blasting and additional definition – Abrasive blasting* to ensure all these routine activities are provided for and to ensure consistency and subsequent efficiency.		
Waterway Crossing - *not included in consultation material*	Not included in consultation material	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower requests an additional definition of 'waterway crossing' to support the interpretation of the proposed related regional rule in the NES-ENA. Transpower has sought to add provisions related to 'waterway crossings' so the term 'bridge' can be removed from Regulation 4. The RMA definition of 'River' excludes a number of waterways which Transpower may need to cross in order to access existing assets (including irrigation canals, water supply races and farm drainage canals). ***Waterway crossing*** *includes a drift deck, ford, bridge, and removable instream structure.*		
Delete definitions	Delete the following existing definitions in the NESETA: • base height • base position • base footprint • base width • envelope for controlled activities • envelope for permitted activities • National Grid • overland flow path • upgrading.	The definitions proposed to be deleted are terms no longer used in the regulations and/or are inappropriate due to inconsistency with the NPS-EN. Specifically: • structure details (base footprint, base width, base height, base position) are terms proposed to no longer be used in the NES-EN as part of the proposal to simplify the regulations relating to replacing and relocating support structures (existing regulations 14 to 16) • envelope for permitted activities and envelope for controlled activities are terms proposed to no longer be used in the NES-EN as part of the proposal to simplify the regulations relating to replacing and relocating support structures (existing regulations 14 to 16) • the definition of National Grid is proposed to be deleted because this is being replaced by a more specific definition of the ETN, which is set out in the NPS-EN • overland flow path is no longer proposed to be used in existing regulation 33 because it is proposed that this is replaced with a condition more focused on not increasing risk in identified hazard areas • upgrading because the definition is no longer necessary.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support deletion of the definitions as listed. For the avoidance of doubt, Transpower supports the retention of all definitions not proposed to be deleted or amended.		

PART 2: PROPOSED REGULATIONS FOR EXISTING TRANSMISSION LINES		
Clause	**Proposed provisions**	**Reasons**
Regulation 4 – Regulations apply only to certain activities in relation to existing transmission lines	Replace this regulation with a new regulation that clarifies: • the range of ETN and EDN activities regulated under the NES-ENA, including routine activities, non-routine activities, work on existing new lines, activities on land and within the coastal marine area • the roles and responsibilities of regional councils and territorial authorities for implementing certain regulations (similar to the approach taken in the National Environmental Standards for Commercial Forestry 2017) • certain ETN and EDN activities the regulations do not apply to (e.g., substations, refuelling, storage of hazardous substances).	Consequential amendments to clarify the scope of the regulations in terms of the activities, ETN and EDN assets and activities the regulations apply to, activities not regulated, and responsibilities for implementing certain regulations between regional councils and territorial authorities. This is intended to provide clarity and assist with effective and consistent interpretation and implementation of the proposed NES-ENA.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower supports the amendments to Regulation 4 but seek further amendment to reflect the 'one-stop-shop' for the NES-ENA. This will require Regulation 4 amendments that make it clear about the relationship of these regulations with other policy statements and regulations. As far as possible, Transpower would like the NES-ENA to be a 'one stop shop', so that it is not necessary to also comply with (and obtain consents under) other National Environmental Standards. Transpower would also support regional rules being provided within the NES-ENA. Included in the submission are proposed changes and reasoning. Transpower would welcome the opportunity to further engage with officials on the specific drafting, including the form of such provisions within an integrated package of infrastructure standards. At this stage, other than exemption from conditions 46(4)(b), (c) and (d) of the NES-F, Transpower has not provided drafting for works regulated by the NES-F (largely given the lack of clarity as to the form these regulations will take and relationship to other regulations within the Phase 3 Reform package). However, Transpower would support further work to include NES-F regulations within the NES-ENA to provide a complete 'one stop shop'. Transpower has provided some high-level commentary in its submission on Package 3 (Freshwater) and specific to Regulations 46(4)(b), 46(4)(c) and 46(4)(d) of the NES-F, Transpower requests they do not apply in relation to altering, relocation and replacing support structures, transmission line removal, tree trimming, earthworks and the regional rules. - Regulation 46(4)(b) of the NES-F prevents works which increase the size of, or replace part of, specified infrastructure, and therefore prevents Transpower carrying out routine works that increase the size of National Grid infrastructure. Examples of these works include: o Foundation works, which often only involve small-scale earthworks over a discrete footprint around each tower leg as part of routine activities, but the activity will still be considered a restricted discretionary activity, or possibly a discretionary activity under the NES-F, despite the effects on a natural wetland being minor, less than minor or negligible. These types of work are temporary in nature. o Construction of a new access track near a wetland to replace an existing access track located within an existing wetland. There would be a positive ecological outcome by removing an existing access track from a wetland, yet the activity will still be subject to an onerous consenting pathway under the NES-F. In such circumstances, the construction of an access track should be permitted to recognise that constructing a new access track outside of the existing wetland is a better ecological outcome. - Regulation 46(4)(c) requires that the activity must not form new pathways or other accessways. This regulation creates an unnecessary barrier for earthworks relating to access tracks that are required to maintain the ability to access the National Grid to carry out routine activities to ensure ongoing supply and safety.	

- Regulation 46(4)(d) relates to vegetation clearance, earthworks or land disturbance in a wetland. Transpower has vegetation clearance activities that need to be undertaken to comply with the Electricity (Hazards from Trees) Regulations and to otherwise access structures. The NES-F provisions create unnecessary barriers and obstacles to earthworks and the trimming and felling of trees and vegetation where required for the safe operation and maintenance (including access) of the National Grid. In undertaking the above activities Transpower adopts best practice to manage the effects. Should resource consent be required under the NES-ETA, the prescribed matters of control or discretion provide an appropriate framework in which to both assess and manage the effects.

In order to provide clarity as to the application of the NES, Transpower requests Regulation 4 be amended as follows:

Regulation 4(1) is amended (as follows) to reflect defined terms. The use of these terms means certain activities no longer need to be listed.

4. ***Regulations apply only to certain activities relating to existing transmission lines***

1) Part 2 of these regulations apply only to an activity that relates to routine ETN activities and non-routine ETN activities relating to an existing transmission line. ~~These regulations apply only to an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including any of the following activities that relate to those things:~~

~~a) a construction activity:~~

~~(b) a use of land or occupation of the coastal marine area (within the meanings of use and occupy given by section 2(1) of the Act):~~

~~(c) an activity relating to an access track to an existing transmission line:~~

~~(d) undergrounding an existing transmission line.~~

- **Regulation 4(1A) is inserted (as follows)** to provide clarification that Part 4 of these regulations (National Grid corridor rules) apply to third party activities rather than Transpower's activities.

1A) Part 4 Rules for the National Grid Yard and Corridor, of these regulations apply to all activities undertaken by all persons on land identified in those provisions.

- **Regulation 4(2) is amended (as follows)** to provide clarity as to application of the NES-ENA. The reference to bridges is deleted as this is subject to proposed regional regulation 40 and 41. Transpower also requests regional rules relating to earthworks be inserted into the NES-ENA, and consequentially 'earthworks to the extent they are subject to a regional rule' can be removed.

a) However, these regulations do not apply to—

b) the construction or use of a ~~bridge or~~ culvert to access an existing transmission line; or

c) the control of the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; or

d) the refuelling of a vehicle or equipment; or

e) the use of land as a landing area for helicopters; or

f) an activity carried out in relation to an electricity substation; ~~or~~

~~g) earthworks to the extent they are subject to a regional rule.~~

- **Regulation 4A is inserted (as follows)** to provide clarity as to the roles and responsibilities of consent authorities in relation to transmission activities. The regulation clear states which regulations address district matters and which address regional matters. Transpower also requests (in clause 4) that plans or resource consents can be more lenient (but not more stringent as is the present case for the NES). This has the potential to deliver significant improvements in Transpower's ability to undertake routine transmission activities as Transpower can use the most lenient rule applicable in the circumstances. Clauses 5 – 7 relate to the Rules for the National Grid Yard and Corridor and clarify the application, jurisdiction and stringency of the provisions.

4A. Roles and responsibilities of consent authorities

1) With the exception of regulation 23A (Signage within the bed of a lake, river, stream or coastal marine area and associated occupation), regulations 28 and 29 (Discharges to water), and regional rule regulations R1- R5 (Waterway crossings; Groundwater take and use, dewatering; Stormwater discharges; Structures in the CMA; Works within the bed of a lake or river) these regulations deal with territorial authority functions under section 31 of the Act.

2) Regulation 23A (Signage within the bed of a lake, river, stream or coastal marine area and associated occupation), regulations 28 and 29 (Discharges to water), and regional rule regulations R1- R5 (Waterway crossings; Groundwater take and use, dewatering; Stormwater discharges; Structures in the CMA; Works within the bed of a lake or river) deal with regional council functions under section 30 of the Act.

3) Regulations 30 and 31 (Vegetation works), regulations 33 and 34 (Earthworks), and regulations 36A, 36B and 36C (Contaminated land) deal with the functions of regional councils under section 30 of the Act, and territorial authorities under section 31 of the Act. Any resource consent applications under these regulations should be made to the relevant regional council.

4) A rule may be more lenient than the provisions in Part 2 of these regulations. Where a rule or a resource consent is more lenient than a provision in Part 2 of these regulations, the more lenient rule prevails.

5) A rule or a resource consent may be more stringent than a provision in Part 4 Rules for the National Grid Yard and Corridor, of these regulations. Where a rule or a resource consent is more stringent, the rule or resource consent prevails.

6) Territorial authorities are responsible for enforcing the provisions in Part 4 Rules for the National Grid Yard and Corridor, of these regulations.

7) Territorial authorities are the consent authorities for the provisions in Part 4 Rules for the National Grid Yard and Corridor, of these regulations.

- **Regulation 4B is inserted (as follows)** to provide clarity as to which other national environmental standards and national policy statements apply to activities regulated by the NES-ENA. Cross references will need to be updated to reflect any potential changes to the national direction.

4B. Relationship of these regulations with other policy statements and regulations

1. The following National Environmental Standards apply in addition to the provisions in this Regulation unless otherwise specified:

a) National Environmental Standards for Air Quality 2004

b) National Environmental Standard for Sources of Drinking Water 2007

c) National Environmental Standards for Telecommunications Facilities 2016

d) National Environmental Standard for Storing Tyres Outdoors 2021.

e) National Environmental Standards for Freshwater 2020

2)

a) The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 does not apply in relation to all activities that are subject to the regulations of this NES.

b) Clause 3.9 of the National Policy Statement for Highly Productive Land 2022 does not apply in relation to all activities that are subject to the regulations of this NES.

c) Policies 11, 13 and 15 of the New Zealand Coastal Policy Statement do not apply in relation to activities that are subject to the regulations of this NES.

PART 2: PROPOSED REGULATIONS FOR EXISTING TRANSMISSION LINES		
Clause	**Proposed provisions**	**Reasons**
	d) Clauses 3.22 and 3.24 of the National Policy Statement for Freshwater Management 2020 do not apply in relation to activities that are subject to the regulations of this NES.	

Operation of transmission lines or use of access track		
Clause	**Proposed provisions**	**Reasons**
Regulation 5 – Operation of transmission line or use of access track	Amend regulation 5 of the NESETA to add a new clause 3 as follows: *3) The occupation of land for an existing transmission line is a permitted activity.*	This amendment would clarify that the occupation of land for an existing transmission line is also a permitted activity with no conditions. Under the status quo, there is a degree of uncertainty that occupation of land for existing transmission lines is a permitted activity. This is because the NESETA applies to a range of activities associated with existing transmission lines (including works on existing assets, access tracks and vegetation trimming and activities and so on) but is silent on the occupation of land by existing transmission lines.[1] While the RMA does not expressly restrict the occupation of land (unlike the coastal marine area), this proposal would make it clear "for the avoidance of doubt" that occupation of land by existing transmission lines (i.e., lines that were operational on 14 January 2010) is a permitted activity.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits		
Clause	**Proposed provisions**	**Reasons**
Regulation 6 – Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits **Regulation 8 – Permitted activities: adding overhead circuits**	The proposed changes are to: • delete regulation 8 and amend the scope of regulation 6 so that the addition of overhead conductors and overhead circuits is regulated together in amended regulation 6. • Remove the condition in regulation 6(4) that there may be no more than two conductors (duplex configuration). • Include a new condition in regulation 6 that operational noise from transmission lines operating at or above 220 kV shall not exceed the following noise limits: – 48 dB LAeq (15min) in residential zones; or – 45 dB LAeq (15min) in all other zones.	This proposal aligns with the intended policy direction in the proposed NPS-EN to better enable routine activities in all environments. The proposed changes will remove the limitation on the number and configuration of the conductors, enabling Transpower to undertake routine activities more efficiently without unnecessary restriction. The proposed changes will also combine the regulations and conditions relating to overhead conductors and overhead circuits in one regulation. Operational noise standards The proposal also includes new operational noise standards for overhead conductors and circuits. This ensures that the operational noise from conductors on existing transmission lines are regulated through the proposed NES-ENA rather than district plan noise standards. The proposed noise standards in amended regulation 6 have also been informed by industry feedback, including recommendations for their noise experts. An alternative, more flexible and enabling option sought by Transpower is to require the best practicable option to be adopted to minimise noise where this will exceed the proposed noise standards (i.e., 48 dB LAeq (15min) in residential zones, 45 dB LAeq (15min) in all other zones).
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Transpower support this amendment given that it is more efficient to regulate noise as an effect (of increasing voltage or current rating) than as an activity. Transpower strongly supports the alternative approach (the best practicable option (BPO) to be adopted to minimise noise where) and the inclusion of modelled noise rather than operational noise. The activities provided for under these Regs are routine ETN activities. The NPS-EN provides that they must be enabled in all locations and environments, provided that significant adverse effects are avoided, remedied or mitigated where practicable, acknowledging the existing nature of the assets. The specific wording of the noise standard supported by Transpower is as follows, noting this reflects the measurements provided in the consultation material. The terms 'assessment point' and 'modelled conductor noise levels' are (requested) to be defined in the NES. The reference to BPO is important as if the criteria cannot be readily met, then consideration of BPO means Transpower must consider potential options, and it also allows acoustic benefits to be weighed against costs and other factors to reach a commensurate solution. For example, besides specialist conductors, one possible mitigation would be to move from simplex to duplex phase conductors. This would normally trigger injurious affection with requirements for compensation by way of easement purchases, significantly increasing cost. *6(6) If modelled conductor noise levels for lines operating at or above 220 kV exceed the following noise limits at any assessment point, the best practicable option to minimise noise is adopted:* • *48 dB LAeq (15min) in residential zones (being land zoned as General residential, Residential, Medium density residential, High Density Residential, Low density residential);* • *45 dB LAeq (15min) in all other zones.* The context for the differing noise limits reflects that urban areas have higher background noise and so higher conductor noise has proved to be acceptable in urban settings. The reference to 'in all other zones' for the 45bB limit, works with the definition of 'assessment point' which applies to 'residential units', so all other zones, (e.g. Industrial zones) would have to have residential units in them for the noise limits to apply. Lower noise levels are required in other areas with lower background noise.	
Regulation 7 – Permitted activities: earth-wires and overhead telecommunication cables **Regulation 9 – Restricted discretionary activities**	The proposed changes are to: • remove the conditions limiting the number of wires and cables on existing transmission lines in regulation 7(4) • increase the permitted diameter limit on new wires or cables from 25 mm to 28 mm in regulation 7(5) • change the activity status in regulation 9 when conditions are not complied with from a restricted discretionary to a controlled activity • change matters of discretion to matters of control and expand matters of control in regulation 9 to include the following considerations:	The proposed amendments will help remove the potential for unnecessary consent requirements for low risk, routine ETN activities. More specifically, earth-wires and telecommunications cables are an essential part of operating the network safely and they are currently located in a range of environments. There are no clear effects-based reasons for limiting the number of earth-wires and telecommunication cables on transmission lines. The proposal also recognises that 28 mm wires are used by Transpower in some circumstances for technical reasons and an increase from 25 mm to 28 mm will have negligible visual effects. Activity status and matters of control and discretion

[1] Regulation 4 refers to the use of land and occupation of the costal marine area associated with existing transmission lines.

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits		
Clause	**Proposed provisions**	**Reasons**
	– frequency, intensity, duration and offensiveness of noise generated (to capture the new operational noise standards) – the operational and functional need of ETN activities and technical requirements of ETN activities – benefits to and of the ETN.	The reasons for the general changes proposed in activity status to be more permissive, and the general changes in the matters of control and discretion, have been outlined above. In addition, the matters of control have been expanded to include consideration of noise effects as a result of the new operational noise standards outlined above.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		

Increasing voltage or current rating, underground conductors, and undergrounding transmission lines		
Clause	**Proposed provisions**	**Reasons**
Regulation 10 – Permitted activities: increasing voltage or current rating	The proposed changes are to: • increase the magnetic flux density reference threshold from 100 microteslas to 200 microteslas in regulation 10(2), to be consistent with the proposed NPS-EN • alter the modelling methodology of electric field strength in regulation 10(6) to be based on *conservative* climatic conditions, rather than using specified conditions • include new operational noise conditions in regulation 10 for transmission lines operating at or above 220 kV to not exceed the following noise limits: – 48 dB LAeq (15min) in residential zones – 45 dB LAeq (15min) in all other zones. **SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER** As per Regulation 6, Transpower supports the provision of noise standards within Regulation 10, and the reference to *best practicable option*. The reasoning for reference to BPO is provided in the commentary on Regulation 6. Regulation 10(2)(b) of the existing NES-ETA refers to 'not exceed the basic restriction level of 2 mA/m² for the density of electric current induced in the body'. Transpower would support amendment to the reference as follows: *(a) not exceed the following reference levels for public exposure:* *(i) electric field strength of 5 kV/m;* *(ii) magnetic flux density of 200 microteslas; or* *(b) not exceed the basic restriction level of 0.02 V/m in central nervous system tissues of the head and 0.4 V/m in all tissues of the head and body.* The 2010 ICNIRP guidelines also revised the basic restrictions both in terms of their numerical value and the applied units. (The 1998 basic restrictions are in the current NES). In the old guidelines the basic restriction was given in terms of current density (in mA/m2) induced in the body by the external fields, whereas in the new guidelines the basic restriction is given in terms of electric field (V/m) induced in the body by the external fields. ICNIRP consider that induced electric field is more directly related to electrostimulation of the nervous system than induced current density. The basic restrictions for general public exposures are now: • CNS tissues of head 0.02 V/m • All tissues of head and body 0.4 V/m Of note, the reference level (given in 2(a) (i) and (ii) is a surrogate limit to the basic restriction. The reference level is the magnetic field level in the air and is easily measured and modelled and provided for that reason. The basic restriction is the electric field induced in the body by the external field. If the reference level is met, the basic restriction is met. If the reference level is exceeded the basic restriction may still be complied with and more complex modelling can confirm that. Inclusion of the new basic restrictions would provide for such an assessment where reference levels are potentially not met. Transpower supports the reference to 'conservative climate conditions'. The previous NES included defined climatic conditions to set the position of a conductor in the air relative to the ground (e.g. temperature, wind speed conditions etc). Conductor position is important to EMF exposure assessment because EMF levels reduce with distance from source. The previously defined conditions came from a now obsolete conductor design method. Moving to the wording 'conservative climatic conditions' in the EMF condition future proofs the NES requirements as regards the way lines are designed, while still giving assurance that the EMF assessment is conservative. The specific wording of the noise standard is provided below, with the reasoning provided in Regulation 6. *10) If modelled conductor noise levels for lines operating at or above 220 kV exceed the following noise limits at any assessment point, the best practicable option to minimise noise is adopted:* *a. 48 dB LAeq(15min) in residential zones (being land zoned as General residential, Residential, Medium density residential, High Density Residential, Low density residential);* *b. 45 dB LAeq(15min) in all other zones.*	The existing magnetic flux density threshold is inconsistent between the NPS-ET and NESETA. The proposed change aligns the threshold between the NPS-EN and NESETA for consistency and to reduce potential for uncertainty. This amendment recognises the need for consistency in regulations that aim to protect human health. Operational noise conditions The reasons for the new operational noise standards are outlined above, in relation to existing regulation 6 and regulation 8 in the NESETA.
Regulation 11 – Permitted activities: underground conductors	No changes are proposed.	N/A – no changes are proposed.
Regulation 12 – Controlled activities: undergrounding transmission lines	The only proposed changes relate to the matters of control including: • adding additional matters of control relating to (i) the operational need and functional need of ETN activities, (ii) technical requirements of ETN activities, and (iii) benefits to and of the ETN • updating the reference to historic heritage area to refer to historic heritage item or setting. We are also seeking feedback on options to better enable the undergrounding of existing transmission lines by: • allowing for this to occur as a permitted activity, which is a common approach for the undergrounding of distribution lines in district plans and is proposed below for EDN in Part 3 • narrowing the matters of control to remove general references to visual and landscape effects (given that undergrounding of lines does not typically result in any adverse visual or landscape effects).	The proposed NPS-EN definition of routine EN activities includes undergrounding and the intent is that this is generally enabled in all locations and environments. Undergrounding a transmission line may be appropriate in certain circumstances, particularly urban environments and in road corridors where overhead lines constrain development and can have more adverse visual effects on surrounding properties. However, there can also be technical and financial reasons, which mean that undergrounding is not practicable. Amendments to the matters of control in existing regulation 12 are proposed to align with the general changes outlined above.
Regulation 13 – Non-complying activities	No changes are proposed.	N/A – no changes are proposed.

Increasing voltage or current rating, underground conductors, and undergrounding transmission lines		
Clause	**Proposed provisions**	**Reasons**
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support changes to Regulation 12. In relation to undergrounding, Transpower would support amendment to Regulation 12 to allow undergrounding of the ETN as a permitted activity, noting that a permitted activity status would not require undergrounding should it not be operationally or financially practicable. It is noted that the AUP provides for undergrounding of all lines as a permitted activity.		

Transmission line support structures: Alteration relocation and replacement		
Clause	**Proposed provisions**	**Reasons**
Regulation 14 – Permitted activities **Regulation 15 – Controlled activities** **Regulation 16 – Restricted discretionary activities**	The main changes proposed to these regulations are as follows. • **Height** – increasing the permitted threshold for increasing the height of existing structures in regulation 14(3)(a) from 15% to 25%. • **Public view shafts** – removing the requirement in regulation 14(3)(b) for additional height of existing structures to comply with any plan rules relating to public view shafts (the requirement to comply with height restrictions near airports would be retained for safety reasons). • **Occupied buildings** – retaining the requirement in regulation 14(4) for support structures to be set back from occupied buildings while clarifying that the setback distance is to be measured at the closest point (not horizontally). • **Tower footprint** – amending regulation 14(5) to enable an increase in tower footprint to be up to 25% greater in length than the existing length of each side. • **Tower's envelope for permitted and controlled activities** – removing the condition in regulation 14(6) relating to the 'envelope for permitted activity' and 'envelope for controlled activities' for the tower base width. • **Replacing pole with tower** – removing the condition in regulation 14(7) that a pole cannot be replaced with a tower. • **Relocating or replacing poles** – amending the condition in regulation 14(8) so that a pole must not be replaced or removed more than 10 m (rather than 5 m) from the existing pole. It is proposed that the activity status for non-compliance with the permitted activity conditions be a controlled activity, rather than a cascade of controlled and restricted discretionary activity (i.e., regulation 16 is to be deleted). Amendments to the matters of control in regulation 15(4) are also proposed to: • add additional matters of control relating to the technical requirements of ETN activities, operational need and functional need of ETN activities, and benefits to and of the ETN • update the reference to historic heritage area to refer to a historic heritage area or place • add an additional matter relating to effects on any sensitive activities.	The amendments proposed to existing regulations 14 to 16 are intended to better align with the NPS-EN policy direction to enable routine activities in all locations, to align with the revised definitions above, and make the regulations more enabling and workable by removing problematic tests relating to base height and footprint. Overall, this will enable Transpower to undertake routine work on existing transmission line support structures more effectively and efficiently and will help avoid unnecessary consent requirements for routine EN activities. More specifically, the rationale for the proposed changes is as follows. • **Height** – an increase in the height limit from 15% to 25% of the existing height is considered reasonable to provide greater flexibility for new technology and, in some circumstances, can reduce visual effects (e.g., removing cross-arms from view). Feedback from Transpower is that 15% is too restrictive when undertaking routine activities such as thermal up-ratings and correcting mid-span clearances.[2] • **Public view shafts** – where existing transmission lines are located within view shafts, it is often not possible to comply with the height restrictions in the plan when altering, relocating or replacing transmission line support structures. Transpower has provided evidence to demonstrate its existing assets within Auckland's viewshafts and therefore why it is not practicable to avoid public viewshafts.[3] Removing this condition will better recognise the existing nature of these assets and help avoid unnecessary consent requirements for routine activities. The alternative to upgrading existing transmission lines in viewshafts would be to completely relocate the line with much greater adverse effects and at a greater economic cost. • **Occupied** buildings – minor amendments to improve clarity and assist in interpretation of the regulations. • **Tower footprint** – amendments simplify the condition while still controlling increases in the width of towers. This will make the condition easier to interpret and comply with. Transpower would prefer that the permitted increase in tower width be increased to 40%. • **Tower's envelope for permitted and controlled activities** – removing this condition will remove problematic tests and allow Transpower to better respond to technical and operational requirements. Controls on tower width are still retained in the condition above (i.e., up to 25% increase). • **Replacing pole with tower** – removing this condition will allow Transpower to choose the more appropriate technical solution, which may in some situations involve replacing a pole with a tower (controls on the increase in height and width of the support structure). • **Relocating or replacing poles** – amendments will provide greater flexibility in the location of relocated or replaced poles while still ensuring these are in reasonably close proximity to the existing pole.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support changes to Regulations 14 and 15 and deletion of Regulation 16. Of note, Transpower supports the change to Regulation 14(7) which would remove the condition that a pole cannot be replaced with a tower. As noted in the reasoning above, the removal of the condition will provide Transpower with the necessary flexibility to determine the most appropriate support structure.		

Temporary structures and temporary line deviation		
Clause	**Proposed provisions**	**Reasons**
Regulation 17 – Permitted activities **Regulation 18 – Controlled activities**	Amend the regulations to be more concise and enabling by: • including all temporary structures (including as part of a temporary deviation) within one permitted activity regulation (regulation 17) • revising the existing conditions in regulation 17(3) and 17(4) to enable temporary structures to be in place for 12 months rather than setting specific timeframes for the erection and removal of these structures (20 days to 60 days).	The proposed changes are intended to better enable temporary structures and temporary line deviations. The duration of temporary structures and temporary line deviations are determined by the operational needs of the transmission line, and requiring a consent for these activities because they are not erected or removed within set timeframes (20 days to 60 days) would result in unnecessary consent cost and delay necessary work. Accordingly, the proposal is intended to be more enabling and flexible by enabling any temporary structure (including temporary line deviations)

[2] As detailed in Transpower's submission on the 2023 NPS-ET and NESETA consultation, thermal up-ratings are changes made at substations that allow more electricity to flow through the line, causing the conductors to heat up and sag lower to the ground. Under-clearance (of the minimum ground to conductor distance) can be addressed by either raising the structure, and therefore conductor, or potentially carrying out mid-span earthworks. If the site is in an area with archaeological risk, it may be preferable to raise the structure.

[3] As detailed in figure 3 of Transpower's submission on the 2023 NPS-ET and NESETA consultation.

Transmission line support structures: Alteration relocation and replacement		
Clause	**Proposed provisions**	**Reasons**
		associated with the maintenance or upgrading of an existing transmission line to be undertaken as a permitted activity, provided it is place for no longer than 12 months. This 12-month timeframe is consistent with existing plan provisions for temporary infrastructure (e.g., Auckland Unitary Plan) and provides flexibility for operational requirements while ensuring the structure is temporary. Alternatively, industry has requested that there be no timeframe requirements or controlled activity rule (regulation 18) for temporary structures, because there is no purpose in requiring consent for these activities (i.e., consent conditions cannot shorten the actual timeframe for construction), and due to concerns that this existing regulation can result in consent conditions that are impracticable and disproportionate.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support amendments to Regulation 17 and deletion of Regulation 18. Temporary structures and temporary line deviations are only required as part of emergency works, or to allow for construction activities. The duration of the structures and line deviation will be determined by the operational needs of the line, and there is no purpose in requiring a consent for these activities. Consent conditions imposed pursuant to Regulation 18 will not be able to shorten the construction timeframe, and the options for managing the other impacts of these lines and structures are impracticable or disproportionate, given their purpose.		

Transmission lines: Removal		
Clause	**Proposed provisions**	**Reasons**
Regulation 19 – Permitted activities **Regulation 20 – Controlled activities**	Retain the permitted activity conditions but amend the matters of control in regulation 20(2) to: • delete matters of control relating to earthworks and vegetation clearance • include reference to removal works • include new matters relating to the operational and functional needs of ETN activities, and benefits to and of the ETN.	The intent is to continue to enable the removal of an existing transmission line as a routine activity in all locations and environments, subject to standard conditions relating to removal of materials and ground restoration. The matters of control relating to earthworks and vegetation clearance are also proposed to be removed because these activities are regulated separately.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support.		

Telecommunication devices		
Clause	**Proposed provisions**	**Reasons**
Regulation 21 – Permitted activities **Regulation 22 – Restricted discretionary activities**	Amend regulation 21(1) to permit installing or modifying a telecommunications device on an existing transmission line support structure and remove the conditions in regulation 21(3) and 21(4) relating to the width and height of the device. Delete regulation 22 because a restricted discretionary rule is not needed if there are no permitted activity conditions to comply with for telecommunication devices.	The intent of the proposal is to better enable telecommunication devices on support structures for existing transmission lines to recognise the technical need for these devices and that any adverse visual effects from these devices are generally minor compared with the existing support structure. This will be achieved by removing the conditions controlling the width and height of telecommunication devices. These devices are a necessary part of ETN activities, and the size is determined by operational requirements. Therefore, there is no purpose in requiring a consent for these activities because any consent conditions would not be able to change the size or location of the telecommunication device.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support changes. Telecommunication devices are a necessary part of many ETN activities. The size of the devices will be determined by the operational needs of the line. Consent conditions imposed pursuant to Reg 22 would not be able to change the size or location of the telecommunication device, as this will be determined by operational and technical requirements.		

Signs		
Clause	**Proposed provisions**	**Reasons**
Regulation 23 – Permitted activities **Regulation 24 – Signs**	The proposed changes are to: • simplify regulation 23 and regulation 24 by combining them and providing for signs on or next to a transmission line support structure as a permitted activity and removing the controls on size of the sign in regulation 23(2) and 23(3) • expand regulation 23 to permit signage within the bed of a lake, river, stream or coastal marine area and associated occupation without any conditions • delete the restricted discretionary activity rule for signage where the permitted activity standards are not complied with (regulation 25) because there would be no permitted activity conditions.	This proposal is intended to provide more flexibility for signage on, and next to, existing transmission lines to be undertaken as a permitted activity in all environments without unnecessary restrictions. This will reduce unnecessary consenting barriers and enable Transpower to use appropriate signage as required for operational, safety and compliance reasons. This recognises that Transpower (and distributors) uses signs to prevent harm to employees, public and property, correctly identify assets and hazards, ensure no adverse effects on the power system, and to comply with the relevant legislation, industry rules, codes of practice and Transpower Service Specifications. Removing conditions on the size of signs on, and next to, existing transmission lines is considered appropriate because: • these will generally have minor visual effects compared with the existing transmission support structure they are located on, or next to • signs are only used when needed for operational, safety and compliance reasons and the size of the sign will generally be no larger than it needs to be for economic and practical reasons. However, signs in waterways and in the coastal marine area have a greater potential for adverse effects and there are generally existing regional plan rules to manage the effects of signs in these more sensitive environments. As such, we are seeking feedback on whether additional controls on signs

		may be needed in these environments or whether existing standards and Transpower's procedures in these environments are sufficient.[4]

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Support amendments to Regulations 23 and 24.

The National Grid requires discrete signage primarily for safety purposes. The provision of signage is a very limited component of National Grid assets. Given the operational and safety functions of signage, transmission lines and assets are fitted with the appropriate signs and fixtures to a high quality to prevent harm to employees, public and property; correctly identify assets and hazards; ensure no adverse effects on the power system, and compliance with the relevant legislation, industry rules, codes of practice and Transpower Service Specifications. Transpower should have certainty that it can install signs and permitted activity status is appropriate.

Transpower does not support additional controls in waterway and coastal marine area environments as this could pose a risk to health and safety for recreationalists and navigation. Transpower considers the procedures (being relevant legislation, industry rules, codes of practice and Transpower Service Specifications) sufficient and therefore supports expansion of Regulation 23 to permit signage within the bed of a lake, river, stream or coastal marine area and associated occupation without any conditions.

Transmission line support structures: Discharges from blasting and applying protective coatings		
Clause	**Proposed provisions**	**Reasons**
Regulation 25 – Permitted activities **Permitted 26 – Controlled activities** **Permitted 27 – Restricted discretionary activities**	Amend the regulations as follows. **Regulation 25 (permitted activities)** • Broadening of the regulation to: – cover the mechanical preparation of support structure surfaces – the discharge to air from the use of diesel-fired compressors associated with the blasting of a transmission line (however, only if the regional rules further down the document are not incorporated). • Amendments to the wet abrasive blasting conditions in regulation 25(3) and regulation 25(4): – clarification that these regulations will only apply to wet abrasive blasting – changes to the permitted activity conditions so wet abrasive blasting must not be within 20 m of a water body, the coastal marine area (CMA), a public road, or an occupied building unless in accordance with submitted management plans (see new condition below). • Amendment to the dry abrasive blasting conditions in regulation 25(7). • Increase in permitted height above ground level where dry abrasive blasting can be undertaken (up to 2 m, from 1 m previously permitted). • New conditions that dry abrasive blasting must not be undertaken within 10 m of a water body, the CMA, and a public road, and 20 m of an occupied building, unless in accordance with submitted management plans (see new condition below). • A new condition requiring an 'overarching environmental management plan (EMP)', as well as a 'site-specific management plan (SSMP)' when works are undertaken as a permitted activity within the above setbacks from water bodies, wetlands, the CMA, public roads and occupied buildings. The overarching EMP could be applied nationally and submitted to each regional council. The overarching EMP and SSMP must be provided to the regional council at least 10 days before work is due to commence. The proposal is that the overarching EMP must include: a) activities covered by the EMP b) effects to be managed associated with these activities c) specific controls to ensure compliance with the permitted activity standards d) mitigation measures and when to deploy these e) procedures covering incident management, complaints, spill management and management of compressors f) notification protocols (e.g., to roading authorities, landowners and the public) g) opportunities for technologies that will allow for continuous environmental improvement h) review of the EMP and a process for providing to and updating regional councils i) blasting information sheets and any other relevant information. The proposal is that the SSMP must include: a) the tower name and location (including address and coordinates) b) identification of the proximity of the tower to water bodies (including natural inland wetlands), CMA (can note any significance and special features of the water bodies), public roads and occupied buildings – show on map c) identification if the structure has previously been painted with lead, and, if so, details on the method and mitigation d) proposed methodology (e.g., mechanical preparation, wet blasting, dry blasting) e) timing and duration of work f) mitigation measures proposed from mitigation toolbox (including reasons for not deploying mitigation if it is not practicable to do so), and include covering of the ground, houses, stormwater catchpits and so on	Blasting of existing line support structures is a critical routine activity that Transpower needs to undertake to manage corrosion. This ensures the safe operation of existing assets, while also extending their operational life. Amendments to regulations 25 to 27 are proposed to reduce the consenting burden for these essential routine activities, while ensuring the environmental effects are appropriately managed. Transpower already provides blasting management plans to regional councils as part of global resource consents, which have been deemed acceptable to manage the associated environmental effects of blasting activities. The proposal adopts this approach in regulation 25, through requirements for overarching EMPs for a wider range of permitted blasting activities, and site-specific management plan (SSMP) to ensure appropriate management of permitted activities based on site-specific considerations. It is noted that other national direction instruments utilise management plans to ensure the effects of routine activities are appropriately managed. For example, the National Environmental Standards for Telecommunications Facilities (regulation 53) and National Environmental Standards for Commercial Forestry (regulation 27, Schedule 4) both include earthwork management plans that specify notifications requirements to local authorities and landowners as well as the details these plans must contain. Resource consent (controlled activity) will be required where management plans have not been provided under regulation 25(4) and 25(7). New matters of control under regulation 26 are proposed to ensure effects on natural areas, historic heritage, public roads, as well as the benefits, operational needs and functional needs of the National Gird, can also be appropriately managed by local authorities (in addition to the existing matters of control). The term 'ecologically sensitive receiving environment' is replaced with '*natural areas*', which captures all RMA section 6(c) matters (*areas of significant indigenous vegetation and significant habitats of indigenous fauna*).

[4] For example, Transpower has advised that it complies with the following standards and procedures for signs in waterways: AS/NZS 2416.1:2010 Water safety signs and beach safety flags – Specifications for water safety signs used in workplaces and public areas.

	g) proposed monitoring, for example, wind speed and placement of whiteboard markers for drift towards water bodies h) how waste (including solvent rags) and debris will be managed and disposed of i) notification, for example, could be notifying road authority and households within a certain radius of the structure j) location of plant and machinery, containment area of paints and spill kits available k) complaints management and recording procedure l) roles and responsibilities and quality assurance for environmental controls. **Regulation 26 (controlled activities)** • Deletion of regulation 26(1)(a), expanding the controlled activity status to apply to blasting carried out on structures located within water bodies and the CMA (when a management plan has not been provided under regulation 25). • Amending regulation 26(b) so that this regulation applies only when a permitted activity setback in regulations 25(4) and 25(7) cannot be complied with and a management plan has not been prepared and submitted to the regional council. • Amendments to the matters of control in regulation 26(3), including: – replacing 'ecological sensitive receiving environments' with 'natural areas' and 'historic heritage place or area' – new matters of control, including effects on the use of public roads, the functional and operational need of ET activities, and benefits of the ETN. **Regulation 27 (restricted discretionary activities)** The proposal is to delete regulation 27 so that blasting activities are either managed through permitted activity conditions or a controlled activity consent process when these conditions are not complied with (regulation 25 and regulation 26).	
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support the proposed changes as set out in the consultation material for permitted activities. However, Transpower opposes some of the changes in the matters of control in regulation 26(3)(a) and submits that 'ecologically sensitive receiving environments' is retained instead of 'natural areas' being inserted. Similarly, the insertion of 'historic heritage' as a matter of control is opposed. Consent triggers due to the effects of blasting activities are limited to waterbodies/CMA, occupied buildings and public roads (regulation 25 and 26(1)(b)). The inclusion of assessing effects on all values subject to the definition of 'natural areas' results in the matters of control, and assessments required, being broader than the parts of the environment to be protected by the rules. As a result, we suggest that the matters of control should be confined to ecologically sensitive values close to or within waterbodies and the CMA. It is noted that it is a permitted activity, both as proposed, and existing, to carry out blasting activities in 'natural areas' and 'historic heritage areas' where they do not trigger the distance rules. Of note, Transpower requests changes to the definition of 'Natural Area' and 'Historic Heritage' to ensure that the definition refers to identified and mapped areas. Given the extent of Transpower's existing assets and the continued need for maintenance and upgrade activities on these assets, it is essential Transpower is able to readily identify areas to which specific regulations (and standards apply).		

Discharges to water		
Clause	**Proposed provisions**	**Reasons**
Regulation 28 – Permitted activities **Regulation 29 – Controlled activities**	The proposal is a minor amendment to regulation 28 and regulation 29 so that they also regulate the discharge of contaminants onto land where this may enter water. The proposal would also amend the matters of control in regulation 29(2) to refer to the functional and operational need of ETN activities, the technical requirements of ETN activities, and the benefits of the ETN.	The proposal is a minor amendment to capture discharges to water 'or discharges onto land where they may enter water'. This would make the regulation more complete and capture discharges restricted under section 15(1)(b) of the RMA but not currently regulated under the NESETA. The additions to the matters of control are intended to align with policy direction in the NPS-EN to ensure the more enabling policy direction can be considered when appropriate.
SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support. Transpower supports the inclusion of 'or discharges onto land where they may enter water' within Regulation 28. Specific to Regulation 29(2), the proposed changes to be included within the matters of control (being operational need and functional need, and benefits), are supported on the basis they are relevant considerations under the NPS-EN. Transpower is not opposed to the conjunctive use of 'and' in the references to operational and functional need on the basis they are matters of control as opposed to a test where both needs have to be met.		

Trimming, felling, and removing trees and vegetation		
Clause	**Proposed provisions**	**Reasons**
Regulations 30 – Permitted activities **Regulation 31 – Controlled activities** **Restricted 32 – Restricted discretionary activities**	The proposal is to replace regulations 30 to 32 with a new approach that only controls vegetation clearance and tree trimming when this affects the following: • natural areas (which include areas of significant indigenous vegetation and significant habitats of indigenous fauna) • notable trees identified in district plans with a plan rule that restricts their trimming, felling, or clearance and removal. For these higher value and sensitive vegetation and areas, vegetation clearance or tree trimming would only be permitted when it is required for specific operational or safety reasons as follows: • to comply with the Electricity (Hazards from Trees) Regulations 2003; or • to provide for the operation, maintenance or repair of existing access tracks; or • to prevent damage, or the threat of damage, to the ETN and: – it is carried out by an ecologist, arborist or other suitably qualified professional; and – written notice is provided to the relevant local authority 5 working days before the clearance or trimming occurs, or as soon as practicable where it relates to imminent safety concerns. This written notice must include a description of the vegetation and tree affected, the measures that will be taken to mitigate adverse effects and limit clearance and	The proposal is intended to align with and implement the policy direction in the NPS-EN to enable routine ET activities in all environments, because vegetation clearance is a routine ancillary activity that Transpower regularly undertakes as part of its day-to-day operations. The proposed amendments are intended to be more enabling of vegetation clearance and tree trimming associated with existing transmission lines, while ensuring that clearance and trimming of higher value and sensitive vegetation is limited to when this is necessary for safety and operational reasons. The main difference in this approach is that it provides a permitted activity pathway for vegetation clearance in all environments, whereas the existing NESETA requires a controlled or restricted discretionary consent where vegetation clearance relates to a natural area. The proposal will enable Transpower to more efficiently undertake routine clearance and trimming of vegetation around existing transmission lines that can create significant operational and safety risks. Those risks include loss of electricity supply, damage to assets and fire risks. Feedback from Transpower also indicates it is incurring significant and unreasonable consent costs to undertake routine vegetation clearance (e.g., $6,000 to $19,000 in consent costs) with limited benefits. An important part of the proposal is written notice to the local authority of the proposed clearance or trimming and how that work will be undertaken

Trimming, felling, and removing trees and vegetation		
Clause	**Proposed provisions**	**Reasons**
	trimming to what is necessary to address the threat of damage, and the timing and duration of the works. Outside natural areas and notable trees, vegetation clearance would be permitted with no conditions (e.g., trimming and clearing grass, pest weeds, exotic vegetation). Remove the existing conditions in regulation 30(3) and 30(4) that require that vegetation clearance: • is not undertaken on land controlled by a regional rule for the purposes of soil conservation or avoiding or mitigating natural hazards • is not undertaken on land administered by the Department of Conservation. However, it is proposed that the conditions in regulation 30(3) and 30(4) are retained. As with other NESETA regulations, it is proposed that the activity status for non-compliance with the permitted activity standards is a controlled activity, rather than a restricted discretionary activity. It is also proposed that the matters of control in regulation 31(2) are amended to: • add additional matters of control relating to the operational need and functional need of ETN activities, technical requirements of ETN activities, and benefits to and of the ETN • add the additional matter of control relating to effects on any natural area or notable tree. **Alternative option – management plan requirements** Feedback is also being sought on whether management plan requirements can be implemented through the NES-ENA more broadly, including for vegetation clearance. This could involve a permitted activity condition that requires a management plan to be prepared and provided to the local authority when vegetation clearance relates to a natural area or notable tree. The requirements in the management plan could include: • a requirement for it to be prepared by an ecologist, arborist or other suitably qualified expert • a description of the ecological or other values (notable trees) present and potential risks to those values from the proposed clearance or trimming • mitigation measures that must be implemented to avoid or mitigate adverse effects on identified ecological or other values (notable trees) • protocols to manage adverse effects on any indigenous fauna present in the areas that clearance will occur • a description of timing and duration of works • any proposed measures to replant, manage debris or reinstate the area following completion of the clearance.	to avoid or mitigate adverse effects and limit clearance to what is[necessary to address the threat of damage. This ensures that there are appropriate steps in place to manage adverse effects and enables a local authority to undertake targeted compliance monitoring while helping to avoiding unnecessary consent requirements and associated costs. Feedback is sought on the appropriateness of this proposed approach and whether additional requirements may be needed to ensure section 43A(3) of the RMA is complied with to ensure the NES-ENA does not permit an activity with significant adverse effects. Options for additional controls include: • retaining all of the existing permitted activity conditions in regulation 30(3) to 30(6) of the NES--ETA • limiting the amount of clearance that can be undertaken as a permitted activity (area thresholds, limiting clearance to within 2m of an existing access track etc.) • requiring the preparation and submitting of a management plan to the relevant local authority (as described) • establishing protocols for managing adverse effects on any identified ecological values, habitat, fauna (bird nesting, bats, lizards and so on) • establishing additional controls for notable trees.

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Transpower requests further amendment to Regulation 30 and 31 to better enable routine activities, consistent with Policy 6 of the NPS-EN.

Transpower carries out a range of maintenance activities to ensure efficient operation of the National Grid. As part of the maintenance activities, Transpower needs to carry out routine (often small scale but frequent) works on its transmission lines, and our ~30,000 structures, for example removal of vegetation regrowth as part of maintenance of transmission tower access tracks.

Managing the effects of vegetation on the National Grid is a continuous task for Transpower and its Service Providers. Any type of vegetation (indigenous or exotic) growing too close to the transmission lines can pose a potential hazard to life, property and the environment, and a threat to the security and reliability of the electricity supply system. Whether this is from inappropriately planted vegetation, poorly maintained trees or natural growth of vegetation through bush environments, the risks for Transpower are significant. Currently, ~6000 km of Transpower overhead lines are at risk from inappropriately located trees. Of this 6000 km, ~900 km of lines have plantation forestry within 40 m (this is generally the "fall distance" – the distance where a tree could fall into a line and cause damage).

Transpower currently spends around $8 million annually on vegetation management.

Inappropriately planted vegetation and trees growing too close to transmission lines creates risks to the assets, people, stock and other property. The main risks include:

i. Vegetation causing a flashover[5] resulting in wildfire. Due to the high voltages involved the flashover can cause the tree to ignite, and under the right conditions cause a wider fire hazard if the tree is near buildings or forests.

ii. Vegetation causing loss of supply, either by vegetation being blown into overhead lines, or too close to them, and a flashover occurring.

iii. Vegetation causing asset damage, by trees and branches falling into transmission lines causing damage to the conductors, poles and towers. Additional risks of trees striking lines occurs when forestry is felled.

iv. Access is restricted and/or made more difficult due to the location of planting.

Ultimately these risks can result in a "lights out" scenario for communities, especially smaller regional communities with limited redundancy in the network.

It is therefore vital that trees and all other vegetation is trimmed or removed so that it complies with the Tree Regulations, and to avoid damage to transmission lines including fires and loss of supply, as well as maintaining access to transmission lines.

In addition to its operation and maintenance requirements, Transpower also has a legal requirement to maintain its lines to minimise any tree-related interruptions to the supply of electricity. The Electricity (Hazards from Trees) Regulations 2003 (the Tree Regulations) impose compliance obligations on Transpower and tree owners to avoid or mitigate hazards from trees on transmission lines. Compliance with the Trees Regulations is mandatory.

It is important to note that the Trees Regulations contain some restrictions on tree growth. However, they do not address fall distance trees, nor do they ensure that the right tree is planted in the right place from the outset, and they establish minimum clearance distances which may not always be sufficient. In effect, the Regulations are reactive and require a resource-intensive inspection and management regime. Transpower is often required (for operational and technical reasons) to undertake works which 'go beyond' what is required by the Tree Regulations. As such, reliance on the Tree Regulations as a permitted activity threshold are insufficient. We note this will continue to be the case, even after the Trees Regulations are amended to address tree fall risks (as is currently proposed). The tree fall distance proposed is insufficient to address all risks.

While the existing NES-ETA regulations manage vegetation works, as outlined in its 2023 submission on "*Strengthening National Direction on Renewable Electricity Generation and Electricity Transmission"*, the NES-ETA has resulted in inefficiencies (particularly for routine works) for projects in districts with more permissive rules than the rules in the NES-ETA (where references back to plan rules provide restrictions), where more significant structural changes are required to the National Grid, or where the National Grid assets are located in more sensitive areas. Over the next 10

[5] A flashover results when electricity 'jumps' the air gap between conductors and a nearby object.

years, the ETN will require upgrades to improve resilience and enable electrification of key parts of the economy, but these improvements are not readily accommodated in the operative NES-ETA. This consultation provides an opportunity to remove these inefficiencies.

In addition, the NES-ENA consent requirements are process-focused – there is very little variation in the actual outcome, or methods for managing and undertaking the works. The result is an inefficient, time consuming and costly process. In Transpower's experience:

- There are often delays around the country in processing the applications for consent under the NES-ETA, which has implications for Transpower's maintenance and routine work programmes;
- Consents have been granted for short periods (such as 10 years for vegetation work, which in some cases may only cover two or three trim cycles), meaning Transpower will need to reapply for consent even though the maintenance will be required in perpetuity;
- There is a lack of understanding by councils as to the interplay between district plans, regional plans, NES-ETA and other regulations;
- Each consent for routine maintenance can cost well more than $10,000, regardless of the scale of work covered by the consent. These costs have at times related to trimming a single tree;
- Council approaches to processing applications vary substantially across the country; even if the same environment or 'natural area' is being worked in for cross-district works;
- Some of the consent trigger thresholds are set at a level that do not reflect the nature of effects, resulting in consent being required for routine and small-scale activities;
- The resource consents often do not influence or improve the nature of the works; and
- The matters of discretion for restricted discretionary activities do not include the positive outcomes of National Grid projects, meaning the focus of consenting is on mitigating adverse effects.

The vegetation clearance / tree trimming provisions illustrate some of the inefficiencies of the consenting framework for vegetation control. Transpower is experiencing increasing challenges in securing 'outage windows' in which is it able to physically undertake the works. The uncertainties and inefficiencies of seeking and securing consent (with unknown conditions) poses increasing challenges (both operational and financial) in undertaking necessary and routine vegetation works.

In general, Transpower seeks a more permissive activity status for the activities included in the NES-ENA, better reflecting the nature of the works and scale of effects. Transpower's routine activities are critical and must be undertaken in a timely manner. These activities are carried out using best practice techniques, and appropriate management of effects, and there is often little scope to do anything differently. They just need to be done quickly and effectively to ensure the National Grid can continue to operate and does not endanger people, property and the natural environment. The requested regulations would give effect to the directive in Policy P6 of the NPS-EN, by enabling routine work, while avoiding, remedying and mitigating the effects of that necessary work on the environment, where practicable. Comprehensive standards and conditions have been proposed to address the effects of this necessary work in sensitive environments.

Based on the above, Transpower would support the following rule/regulation framework within the NES-ENA that recognises the necessary vegetation works to ensure the ongoing operation of the ETN and security of supply. We also consider the alternative approach of submitting management plans (that do not require certification) and standards a robust approach for undertaking routine activities under the NES ENA or a future framework – as we have proposed for blasting and soil sampling. This is something Transpower would like to continue to engage on either as part of the National Direction or Phase 3.

	Requested Regulation	Commentary
Regulations 30 – Permitted activities	***30. Permitted activities*** *(1) Trimming, felling or removing any tree or vegetation, in relation to an existing transmission line or access to an existing transmission line, not subject to subclauses (3) or (4) below, is a permitted activity if all the applicable standards (a) to (c) below are complied with.* *(a) Debris resulting from the trimming, felling or removal must not enter a water body or the coastal marine area.* *(b) The felling or removal of any tree or vegetation must not create or contribute to:* *(i) instability of a slope or another land surface; or* *(ii) erosion of the bed or bank of a water body or the coastal marine area.* *(c) Any tree or vegetation to be trimmed, felled, or removed on land administered by the Department of Conservation, must be carried out in consultation with the Department of Conservation.* *(2) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line or access to an existing transmission line, subject to subclauses (3) or (4) below, is a permitted activity.* ***Natural areas*** *(3) Within a Natural Area identified and mapped in a district or regional plan, the trimming, felling or removal of any tree or vegetation:* *1) (a) Is of indigenous vegetation required by statute or regulations including the Electricity (Hazards from Trees) Regulations 2003 and any amendments, or where a tree or vegetation is damaging, or threatening to damage an existing transmission line; or* *(b) Is of indigenous vegetation and its trimming, felling or removal for routine EN activities on an existing access track; or* *(c) For non-routine ETN activities, is indigenous vegetation clearance up to 1,000 m2 per discrete project location; or* *(d) For routine ETN activities is necessary for the operation, maintaining or repair of existing transmission lines, or is required for the creation of a new access track to an existing transmission line.* *2) Works are carried out in accordance with the applicable standards below:* *(a) Debris resulting from the trimming, felling or removal must not enter a water body or the coastal marine area.* *(b) The felling or removal of any tree or vegetation must not create or contribute to:* *(i) instability of a slope or another land surface; or* *(ii) erosion of the bed or bank of a water body or the coastal marine area.* *(c) Any tree or vegetation to be trimmed, felled, or removed on land administered by the Department of Conservation, must be carried out in consultation with the Department of Conservation.* ***Notable Trees***	Based on the above, Transpower requests a revised regulation to manage the trimming, felling or removing any tree or vegetation associated with existing EN assets. The elements and structure of the regulation is as follows: - Provision of a permitted activity regulation where trimming, felling or removing any tree or vegetation outside an identified and mapped Natural Area, and where the tree is not a Notable tree, is a permitted activity where three conditions are complied with (relating to keeping debris out of any waterways, not creating or contributing to erosion or instability, and consultation with the Department of Conservation where the vegetation is on land administered by the department.) Consent is required as controlled activity where the conditions are not complied with. - Provision of a permitted rule where trimming, felling or removing any tree or vegetation is within an identified and mapped Natural Area. The reference to 'identified and mapped' areas is critical given the scale of the ET network. The purpose of the vegetation works is to ensure the continued flow of energy through the transmission network, the task to identify whether the vegetation is considered 'significant' would be incredibly burdensome and have significant cost and efficiency issues. The intent of the requested regulation framework is therefore to permit works on indigenous vegetation within identified SNA's and ONFL's where it is for one of four purposes. A distinction is provided between routine and non-routine works to differentiate between the nature of the works. The permitted activity must comply with the same three standards mentioned above, with the same default activity status. - Provision of a permitted rule for the creation of new access tracks to existing lines within natural areas. Transpower needs to readily access its lines (for both routine and emergency works), and in some cases new access tracks are required. Access in parts of the country are regularly being washed away or affected by severe weather events which completely blocks them off. Landowner issues may also block access on existing tracks, meaning a new one has to be created through a different property. There are often times when we would be required to do less vegetation removal putting in a new track, compared to re-opening an existing track. - Provision of a permitted rule where trimming, felling or removing any tree or vegetation is to an identified Notable Tree. The works are permitted where it is for one of three purposes/conditions and where the activity complies with five standards which include having the works carried out by a suitably qualified arborist, and notification being provided to the Council.

Trimming, felling, and removing trees and vegetation		
Clause	**Proposed provisions**	**Reasons**
	(4) The trimming, felling or removal of a tree or vegetation identified in a district plan as a notable tree where the trimming, felling or removal is limited to: *1) (a) Works required by statute or regulations including the Electricity (Hazards from Trees) Regulations 2003, or where a tree or vegetation is damaging, or threatening to damage a transmission line; or* *(b) Trimming branches that do not exceed a diameter of 50mm at the point of severance; or* *(c) The removal of less than 10% of live growth of the tree in any one calendar year.* *2) Works are carried out in accordance with the applicable standards below:* *(a) Debris resulting from the trimming, felling or removal must not enter a water body or the coastal marine area.* *(b) The felling or removal of any tree or vegetation must not create or contribute to:* *(i) instability of a slope or another land surface; or* *(ii) erosion of the bed or bank of a water body or the coastal marine area.* *(c) Any tree or vegetation to be trimmed, felled, or removed on land administered by the Department of Conservation, must be carried out in consultation with the Department of Conservation.* *(d) The trimming, felling or removal of mature trees shall be carried out by a suitably qualified arborist* *(e) Notification to the relevant district council, no less than ten (10) working days before the works are scheduled to take place. Notification will include, but not necessarily be limited to, the following:* *(i) Identification of the vegetation to be trimmed, felled or removed and the nature and extent of the vegetation works to be undertaken;* *(ii) Proposed works methodology and mitigation measures;* *(iii) Timing and duration of the works; and* *(iv) Replacement planting plan (if required).*	- Where the activity is not permitted under the above regulations, consent is required as a controlled activity with broad matters of control. In drafting the above regulation framework, Transpower has considered the commentary provided in the consultation package. Of note and in response to specific comments raised and feedback sought: - While management plans is still an option that could work, Transpower is not proposing management plans for vegetation works at this time and instead is requesting a more certain rule framework. Depending on how they are framed, the use of management plans may impose an additional administrative burden on Transpower and local authorities. However, Transpower would still welcome further communication on the management plan approach, more particularly for Phase 3. - Transpower is only proposing written notice be provided to the relevant district council for works to Notable trees. The requirement recognises the site-specific nature of Notable trees, and the written notification will provide the council with sufficient knowledge and notice about the works should it get enquiries from the community. It will also assist with monitoring purposes, and particularly if the council wants to be present for the work. However, such a requirement is not supported for vegetation works within Natural areas given the administrative (time and cost) burden such a requirement would place on Transpower (bearing in mind the scale of existing ET assets within areas such as SNA's) and the relevant local authority, with no clear benefit or purpose. - Transpower does not support a requirement that the works be limited to 'what is necessary to address the threat or damage'. Such a requirement is subjective and may result in circumstances, such as what Transpower is currently experiencing, where there is a requirement to limit work on vegetation to the bare minimum as opposed to what is appropriate given the operational and technical constraints and issues. In some instance it is more appropriate (both ecologically and operationally) to undertake a significant 'trim' so that the interval between works is larger, rather than trimming less but having to return on a regular basis. - The matters of control as sufficiently broad to enable a full consideration of effects. - In response to the query in relation to Section 43A(3) of the RMA, Transpower is satisfied that the standards and conditions above set the appropriate framework, bearing in mind the national significance of the ET network, that the assets are existing (and have been in many cases for 60 years with continual vegetation works occurring during that time), the assets were existing before many of the natural areas were identified as such in planning documents, and that Transpower has well established and robust procedures and operation methods to undertake the works. - Transpower has also considered the inclusion of thresholds within the conditions/standards. Transpower does have some concerns with the use of thresholds/limits in context of the linear nature of the ET network. Given Transpower does not typically own the land on which its assets are located, there can be issues with interpretation of a limit. For example, is a property limit per site, per project site, or per project area? Similar issues are associated with access tracks. Is it the formed access track, or the overgrown vegetation and how does Transpower (or the local authority) determine where the setback is to be taken from? Given the potential interpretation issues and administrative burden that such thresholds may create for Transpower and local authorities, Transpower does not support the use of thresholds or limits for its routine activities. It is however accepting of a 1000 m^2 limit for non-routine activities in natural areas given these will be infrequent and the effects may be greater. - Several of the standards requested by Transpower reflect those in the gazetted NES-ETA. For example, Regulation 30(4), (5) and (6) feature in the above requested regulation. Regulation 30(3) has not been included given the difficulty in determining such areas (areas where the regional plan controls the use of land for the purpose of soil conservation or avoiding or mitigating flooding (not actual flood areas themselves)) as they are not readily identified in regional plans and are uncertain as a standard.
Regulation 31 – Controlled activities	*31. Controlled activities* *(1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line or access to an existing transmission line, not permitted by Regulation 30, is a controlled activity.* *Matters over which control reserved* *(2) Control is reserved over the following matters under this regulation:* *(a) The extent to which the vegetation trimming, felling and removal is needed to meet the operational or technical needs of ETN activities;* *(b) The benefits to and of the ETN;* *(c) Ecological effects;* *(d) Effects on the values of the Natural Area or notable tree;* *(e) Disposal of trees and vegetation;* *(f) Replanting; and* *(g) Control of erosion and sediment*	

Earthworks		
Clause	**Proposed provisions**	**Reasons**
Regulation 33 – Permitted activities **Regulation 34 – Controlled activities**	Amend the regulations for earthworks to be a permitted activity in regulation 33 (except for contaminated land) by: • replacing the area thresholds for earthworks undertaken within a natural area in regulation 33(2) with a requirement for earthworks to not be located within a natural	The proposal is intended to align with and implement the policy direction in the NPS-EN to enable routine ETN activities in all environments, because earthworks are a routine ancillary activity that Transpower regularly undertakes as part of its day-to-day operations. The proposal is therefore to make the existing earthworks regulations more enabling and workable for Transpower while also ensuring that the adverse effects of

Earthworks		
Clause	**Proposed provisions**	**Reasons**
Regulation 35 – Restricted discretionary activities: historic heritage areas	area or historic heritage area or place otherwise a controlled activity consent would be required • amending existing regulation 33(3) to require sediment control measures to be implemented when the earthworks are located within 50 m of water bodies and the coastal marine area • replacing the requirement in regulation 33(5)(c) for earthworks to not create or contribute to drainage problems or flooding of overland flow paths with a requirement to not increase flood risk in identified flood hazard areas. Where any of the permitted activity conditions are not complied with, a controlled activity resource consent would be required that is consistent with existing regulation 34 but a change for regulation 35 that relates to historic heritage areas. Amendments to the matters of control in regulation 34(2) are proposed to: • add matters of control relating to the timing and duration or earthworks and any effects on water quality or the coastal marine area • amend the existing matter of control in regulation 34(2)(e) to refer to effects on any historic heritage place or area • add a matter of control relating to effects on instability, erosion and flood risk to replace the existing matter of control in regulation 34(2)(f) relating to drainage, flooding and overland flow paths • add matters of control relating to the operational need and functional need of ETN activities, technical requirements of ETN activities, and benefits to and of the ETN • add a matter of control relating to effects on any natural area. **Alternative option – management plan requirements** Feedback is also being sought on whether management plan requirements can be implemented through the NES-ENA more broadly, including for earthworks. This could involve a permitted activity condition that requires a management plan to be prepared and provided to the local authority when earthworks will occur in a natural area or a historic heritage place or area, or a notable tree. The requirements in the management plan could include: • a description of the ecological or historic heritage values present and potential risks to those values from the proposed earthworks • mitigation measures that must be implemented throughout the duration of the earthworks to avoid or mitigate adverse effects on identified ecological or other values (notable trees) • measures that will be undertaken to manage sediment runoff, to avoid debris entering water bodies and the coastal marine area, to avoid land instability, erosion or increase in flood risk and so on • a description of the timing and duration of earthworks • measures to reinstate and stabilise the site following the completion of the earthworks • a requirement for the level of detail in the management plan to correspond to the scale and significance of the potential adverse effects of the earthworks.	earthworks in natural areas and historic heritage places and areas can be appropriately managed through a controlled activity resource consent process. For example, Transpower has provided feedback that area thresholds for earthworks within natural areas in regulation 33(2) that are calculated per transmission line support structure or access track are difficult to apply in practice. The proposal is to remove this existing condition and simply require a controlled activity resource consent when earthworks are proposed in any natural area. The reasons for the change in activity status and general changes to the matters of control are outlined above. **Alternative option – management plan requirements** Feedback is also being sought on whether management plan requirements should be implemented through the NES-ENA for earthworks. This is an approach that is adopted for earthworks in the NES-TF and National Environmental Standards for Commercial Forestry (NES-CF) and could provide a permitted activity pathway for earthworks generally or within a natural area or historic heritage place and area. The management plan requirements could include standard requirements to manage the adverse effects of earthworks (sediment control, reinstating the site and so on) and would help avoid the need for resource consent for routine earthworks associated with existing transmission lines while ensuring there are processes in place to manage potential adverse effects.

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Transpower requests amendment to Regulations 33 - 35 to better enable routine activities, consistent with Policy P6 of the NPS-EN.

Earthworks are necessary for various works around existing support structures (for example for foundation strengthening, replacement or removal of structures, levelling to accommodate crane pads), improvements and upgrades to access tracks, and earthworks associated with vegetation clearance and mid-span earthworks to provide necessary conductor clearance distances. Earthworks within lakes and riverbeds associated with activities include foundation strengthening, access tracks next to and within riverbeds, and replacement or installation of structures to enable access such as bridges, culverts and fords.

Each consent for routine maintenance can cost in excess of $10,000, regardless of the scale of work covered by the consent. These costs have at times related to carrying out earthworks of 6 m^3 for a single pole replacement. Council approaches to processing applications also varies substantially across the country; even if the same environment or 'natural area' is being worked in for cross-district works.

Given the linear nature of the National Grid network and the continual need to maintain existing assets, earthwork activities are necessary to ensure the ongoing operation of the network. Given the regular nature of the activity, Transpower has procedures and adopts best practice to manage the effects. Through various management plans and best practice tools, these measures/principles include:

- Minimise Disturbance: Only work those areas required for construction to take place and disturbing the smallest area of land possible for the shortest time.
- Stage Construction: Carefully plan works to minimise the area of disturbance at any one time.
- Protect Steep Slopes: Steep slopes should be avoided where possible, and where disturbed, will be rapidly stabilised.
- Progressive and rapid stabilisation of exposed areas.
- Maintain vegetative cover.
- Use materials like straw mulch or geotextile.
- Use silt fences.
- Install Detention Devices (where necessary): Treat runoff by methods that allow sediment to settle out, where practicable.
- Experience and Training: Make sure experienced and trained person(s) are responsible for design, installing and maintaining erosion and sediment control practices.
- Monitor: Inspect, monitor and maintain control measures including weather monitoring and severe weather actions.
- Adherence to the Environmental Handbook for Construction and Maintenance 20214 which has a specific section on *Water Quality (including erosion and sediment control).*

One of the primary issues with the current NESETA is the difficultly with applying the volumetric limits for earthworks within a natural area, within Regulation 33(2), which has been referenced in the consultation material. However, the consultation document has proposed that with the removal of the current area threshold within natural areas, that activities will instead be a controlled activity. Transpower opposes this proposed change as it does not provide a permitted activity framework for any earthworks, even those of a minor scale and effect, within a natural areas. As a minimum Transpower would have to rely on district and/or regional rules to be more lenient (as per request change to Regulation 4), or be a controlled activity.

Instead, Transpower requests an amended rule framework as follows:

	Transpower's Requested Regulation	Commentary
Regulation 33 – Permitted activities	***33. Permitted activities*** *1) Earthworks relating to an existing transmission line or access to an existing transmission line, including new access to an existing transmission line, not subject to subclause (2) or*	Based on the above, Transpower requests revised regulations to manage earthworks. The proposed rule framework allows earthworks as a

Earthworks		
Clause	**Proposed provisions**	**Reasons**
	(4) below, is a permitted activity if the applicable standards in subclause (a) to (d) below are complied with: *a) Erosion and sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.* *b) On areas identified as erosion prone land, all areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks are completed.* *c) The earthworks must not create or contribute to—* *i) instability or subsidence of a slope or another land surface; or* *ii) erosion of the bed or bank of a water body or the coastal marine area; or* *iii) drainage problems or flooding of overland flow paths.* *d) Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.* ***Natural areas*** *2) Within a Natural Area identified and mapped in a district or regional plan, the earthworks:* *a) Must not exceed an area greater than 1,000m² per discrete project location (including works at or around a structure, mid span, wiring site, laydown site next to structure, crane pad, or new access track), and not precluding the allowance set out in this condition, the earthworks shall be limited to the area required for the works at the project location, or* *b) For existing tracks, must not exceed a width of 2 metres in either direction along the length of an existing access track; and* *3) The applicable standards in subclause (a) to (d) below are complied with:* *a) Erosion and sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.* *b) On areas identified as erosion prone land, all areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks are completed.* *c) The earthworks must not create or contribute to—* *i) instability or subsidence of a slope or another land surface; or* *ii) erosion of the bed or bank of a water body or the coastal marine area; or* *iii) drainage problems or flooding of overland flow paths.* *d) Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.* ***Historic Heritage Areas and Archaeological Sites*** *4) Earthworks must not be carried out in a historic heritage area unless they are carried out on an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.*	permitted activity (with appropriate standards) to allow routine works, with additional controls within natural and historic heritage areas. The elements and structure of the requested regulation is as follows: • Provision of a permitted activity regulation (33.1) whereby earthworks outside natural areas and historic heritage areas are permitted subject to specific standards that ensure good practice erosions and sediment control methods are implemented to ensure there are no significant adverse effects on the receiving environment. The standards a) to d) reflect Regulations 33 (3) – (6) of the NES-ETA. As outlined above, earthworks associated with existing ETN assets and activities are necessary to enable routine ETN activities, and a permitted activity status (with appropriate conditions) provides an appropriate regulatory framework which does not impose the costs and inefficiencies of seeking resource consent. Consent is required as a controlled activity where the standards are not complied with. • Within Natural areas (as identified and mapped in a district plan) Transpower accepts greater controls are needed to manage the effects of earthwork activities. The reference to 'identified and mapped' areas within Regulation 33(2) is critical given the scale of the ET network. While Transpower does not fully support the use of thresholds or limits for its routine activities (given the linear nature of the assets, the existing nature of the ETN assets and the necessity for the works), it is accepting of a 1000 m2 limit in natural areas as a conservative approach to undertake routine earthworks on existing infrastructure. Transpower acknowledges that thresholds come with complexity, but consider the drafted regulation workable and allows Transpower to undertake necessary earthworks (associated with existing assets) of a reasonable scale, as a permitted activity. Transpower considers the proposal (outlined in the discussion document) to not have any area threshold and instead require a controlled activity resource consent when earthworks are proposed in any natural area, to be too restrictive and would undermine the ability for Transpower to undertake routine activities in an efficient and effective manner, with no better environmental outcomes. The result will be the imposition of a consenting regime which achieves no better environmental outcome, and instead imposes time delays and consenting costs. • Regulation 33(2)b) provides a permitted rule for earthworks along existing access tracks to allow ongoing maintenance and use of these tracks or upgrades (for example where more robust stormwater management may be required e.g. via natural swales.) A spatial limit is proposed, consistent with the approach across many district plans. • The permitted activities within 33(1) and (2) have four standards that need to be met. These standards are based on Regulations 33 (3) – (6) of the NES-ETA and manage the main environmental effects of earthworks. While Transpower accepts there may sometimes be visual effects from earthworks, it is cognisant of Policy 5.1)c) of the NPS-EN which provides that "*changes in amenity from EN activities are unavoidable and necessary to achieve an effective, efficient, safe, secure, reliable and resilient EN*". Transpower's proposed approach (through standard a)) would still ensure appropriate sediment control measures are implemented to avoid the adverse effects of sediment on water bodies and the coastal marine area. • Specific to 33(4), Transpower considers that earthworks within a historic heritage area or in an archaeological site are better managed via the relevant legislation – being the Heritage New Zealand Pouhere Taonga Act 2014. • A 'default' controlled activity status is supported on the basis of the existing nature of the ETN and the essential nature of the earthworks to ensure its ongoing operation. • The matters of control reflect those outlined in the discussion document, and are sufficiently broad to enable a full consideration of effects, and address the matters and values within Regulation 33. Transpower is satisfied that the standards and conditions provide an appropriate regulatory framework given: - the national significance of the ETN; - the existing nature of the assets; and - that Transpower has well established and robust procedures and operation methods to undertake routine works. While the development of management plans are still an option that could work within the regulation, Transpower is not proposing management plans for earthworks at this time and instead is requesting a more certain rule framework. However, Transpower would still welcome
Regulation 34 – Controlled activities	***34. Controlled activities*** *1) Earthworks relating to an existing transmission line or access to an existing transmission line, including new access to an existing transmission line, are a controlled activity if 1 or more of the conditions in regulation 33 (1) to (4) are breached.* ***Matters over which control reserved*** *2) Control is reserved over the following matters in relation to a controlled activity under this regulation:* *a) the extent, timing, duration and nature of any disturbance; and* *b) management of the earthworks and the methods used to carry out the earthworks; and* *c) control of erosion and sediment and restoration of the land; and* *d) effects on the Natural Area values, or historic area, or archaeological sites, and* *e) effects on instability, erosion or flood risk drainage, flooding, and overland flow paths,* *f) the extent to which the earthworks are needed to meet the operational or technical needs of ETN activities; and* *g) benefits to and of the ETN,*	

Earthworks		
Clause	**Proposed provisions**	**Reasons**
		further consultation and discussion with officials on the management plan approach, more particularly for Phase 3. Transpower notes that Erosion and sediment control plans (E&SCP) are a key tool for managing earthworks by identifying the measures that will be implemented to minimise erosion and subsequent sediment loss from a site because of soil disturbing activities. These have become a standardised management plan method for earthworks across district and regions infrastructure works. Transpower earthworks sites typically have an E&SCP as a matter of "best practice" irrespective of the scale of the works and whether a resource consent is required. Given the standardisation and maturity of E&SCP, these could form a useful starting point for managing earthworks under Phase 3.
Regulation 36 – Earthworks on potentially comminated land	No changes proposed.	N/A – no changes are proposed.

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Transpower does not support the retention of Regulation 36 in its current form given it does not provide a permitted activity framework, even for very small-scale work that can and is appropriately managed.

Transpower regularly undertakes work on contaminated land around transmission structures and access to them. Resource consents must be sought under the current NESETA even for very small-scale work such as pole replacements of which as little as 6m^3 is disturbed. Similar to the blasting regulations, Transpower already has a series of contaminated soil management tools, including a Contaminated Soil Site Management Plan for small-scale works (up to 100m^3) prepared by a Suitably Qualified Environmental Practitioner (SQEP) which is applied nationwide, as well as a SMP for small-scale works up to 200 m^3 in the Bay of Plenty region (also prepared by a SQEP) which is in place as a condition as part of a region-wide resource consent. Transpower also has a Contaminated Land Strategy and other best practice guidance for contaminated land management. Transpower also has contaminated land specialists on an Environmental Panel which are engaged regularly to assist as required.

Transpower spends in excess of $100,000 each year applying for resource consents for small-scale routine work on contaminated land associated with existing transmission lines. All consent applications under 100 m^3 are submitted with the SMP for small-scale works on contaminated land with conditions that the work be undertaken in accordance with the management plan. On this basis, Transpower submits that a permitted activity for earthworks on contaminated land for up to 200 m^3 will enable most day-to-day routine activities around structures to occur without the burden of having to apply for a resource consent each time. A limit of 200m^3 is sought given there is a management plan that allows for up to 200 m^3 of earthworks in the Bay of Plenty, which is not dissimilar to the SMP up to 100 m^3.

The requested approach, set out below, is consistent with the intent of Policy 6 of the NPS-EN to enable routine EN activities to occur in a timely and efficient way, while still ensuring Transpower takes appropriate steps to avoid or mitigate adverse environmental effects to the extent practicable, using industry standards and operating procedures (as enabled by policy 5 of the NPS-EN).

	Requested Regulation	Commentary
Regulation 36 – Earthworks on ~~potentially~~ comminated land	***~~36 Restricted discretionary activities: potentially contaminated land~~*** *~~(1) Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(9) is breached.~~* *~~Matters to which discretion restricted~~* *~~(2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:~~* *~~a) restoration of the land; and~~* *~~b) management of the earthworks and the methods used to carry out the earthworks; and~~* *~~c) the extent and nature of any disturbance in relation to ecological and health effects.~~* ***36 A Permitted Activities*** *1) Earthworks and soil sampling on land identified by a local authority as being contaminated is a permitted activity if both the conditions in subclauses (1) and (2) are complied with* *Conditions* *2) Earthworks do not exceed 200 m^3 per discrete project location, and* *3) The earthworks are carried out in accordance with a Contaminated Soil Management Plan prepared by a Suitably Qualified Practitioner in accordance with the Contaminated Land Management Guidelines.* ***36 B Controlled Activities*** *1) Earthworks and soil sampling on land identified by a local authority as being contaminated is a controlled activity if any of the conditions in regulation 36 are breached.* *Matters over which control are reserved:* *a) the approach to managing the disturbance and disposal of contaminated soil, including soil testing requirements, disposal location, transport method, and monitoring and reporting of disposal, and* *b) the extent and nature of any disturbance in relation to ecological and health effects.* ***36 C Permitted activities: Soil disposal on land identified by a local authority as being contaminated*** *1) Soil disposal relating to existing transmission lines on land identified by a local authority as being contaminated (including offsite disposal), is a permitted activity if the condition in subclause (2) is complied with.* *Conditions* *2) The disposal is to a facility authorised to receive soil of the kind.*	Based on the above, Transpower requests a revised regulation to manage earthworks on contaminated land. The proposed rule framework allows earthworks on contaminated land as a permitted activity (with appropriate management standards) where the NES-ETA currently does not. The regulation has been amended to remove the application of the policy to 'potentially' contaminated land given the uncertainty (and therefore costs) associated with identifying potentially contaminated land. The elements and structure of the regulation is as follows: - Provision of a permitted activity regulation whereby earthworks on land that is identified as being contaminated, is a permitted activity where: the area of earthworks is less than 200 m^3 and the earthworks are undertaken in accordance with an appropriately prepared CSMP. Consent is required as controlled activity where the conditions are not complied with. - Soil disposal is a permitted activity where the disposal is to a facility authorised to receive soil of the kind. Non-compliance with the condition will require consent as a discretionary activity under the default Regulation 39.

Noise and vibration from construction activities	Proposed provisions	Reasons

Regulation 37 – Permitted activities **Regulation 38 – Controlled activities**	Amend regulation 37(2) conditions for permitted activities to require that: 1) the noise from the construction activity must be in accordance with (instead of comply with) New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise 2) the vibrations from the construction activity must be in accordance with (instead of comply with) the peak particle velocity limits in table 1 of German Standard DIN 4150–3:1999 Structural Vibration—Effects of Vibration on Structures. Amendments are also proposed to the matters of control in regulation 38(2) to: • replace 'sensitive land uses' with 'sensitive activities' • add additional matters of control relating to the functional and operational need of ETN activities, technical requirements of ETN activities, and the benefits of the ETN.	The amendments to regulation 37 and regulation 38 better reflect the intent of the standards and how these standards are applied in practice.

SUBSMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Support. The amendments reflect Transpower's understanding about how these standards are applied to *be in accordance with* the Standards, rather than comply as per current Regulations 37.

Regarding Regulation 38 - operational need and functional need, and benefits, have been added as matters of control, because these are relevant considerations under the NPS-EN Policy 2.

Other transmission activities		
Clause	**Proposed provisions**	**Reasons**
Regulation 39 – Other transmission activities	No changes proposed.	N/A – no changes are proposed.

SUBSMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Based on other amendments to the NES, Transpower supports retention of Regulation 39.

POTENTIAL NEW REGIONAL REGULATIONS		
Clause	**Proposed provisions**	**Reasons**
Regional rules	We are seeking feedback on a range of new regional regulations that would better enable transmission activities and make the NES-ENA function as more of a one-stop-shop (i.e., these are not proposals at this stage). The additional regional regulations we are seeking feedback on for potential inclusion in the NES-ENA are as follows. • **R1: Waterway crossings** – a new permitted activity rule for the construction, use, maintenance, upgrade and removal of waterway crossings for an existing transmission line subject to conditions relating to flows, discharges, cleaning and fuelling, use of machinery, fish passage, and erosion. A controlled activity consent would be required when the permitted activity conditions are not met. • **R2: Groundwater take and use, dewatering** – a new permitted activity rule to take and use water for the purposes of dewatering when undertaking routine ETN activities. This would include permitted activity conditions relating to duration, location, ground subsidence, flooding, discharges, discharge of TSS near sensitive receiving environments, compliance with the Australian and New Zealand Environment and Conservation Council guidelines (ANZECC guidelines), and drinking water source protection areas. A controlled activity consent would be required when the permitted activity conditions are not met. • **R3: Stormwater discharges** – a new permitted activity rule for discharges of stormwater subject to conditions relating to natural inland wetlands, Hazardous Activities and Industries List (HAIL) sites, erosion, flooding, discharge of TSS near sensitive receiving environments, compliance with ANZECC guidelines, and drinking water source protection areas. A controlled activity consent would be required when the permitted activity conditions are not met. • **R4: Structures in the coastal marine area (CMA)** – a new permitted activity rule for structures in the CMA subject to conditions relating to increasing the size of the structure, not being located in port, navigation or protected areas, discharges, cleaning and refuelling, and use of machinery. A controlled activity consent would be required when the permitted activity conditions are not met. • **R5: Works within the bed of a lake or river** – a new permitted activity rule enabling works to be undertaken within the beds of lakes and rivers subject to conditions relating to access to lawfully established structures, fish passage, not be located in natural areas or historic heritage areas, and the works being undertaken in accordance with a plan submitted to the relevant regional council hydrologic engineer. A restricted discretionary activity consent is proposed when the permitted activity conditions are not met.	Many unavoidable activities, required to facilitate the ongoing operation and efficiency of National Grid infrastructure, trigger regional rules and are not within the current scope of the NESETA. Incorporating these routine activities would ensure a nationally consistent approach, better enable transmission activities and make the NESETA a more complete set of regulations for Transpower. However, there is also a need to carefully consider the relationship with other NES (in particular the National Environmental Standards for Freshwater) and existing regional rules, particularly when these are more stringent to protect significant ecological, freshwater and coastal values. Transpower has identified five different regional activities that it regularly undertakes to facilitate the ongoing operation and maintenance of the National Grid. Each regulation includes targeted permitted activity conditions to ensure relevant adverse effects are appropriately managed, and many of these are drawn from existing plan rules and consent conditions. When the permitted activity conditions are not complied with, the matters of control or discretion have been designed to ensure all relevant effects can be managed. It is recognised that further work on these regional rules is required, therefore, this consultation is seeking feedback on the general intent of these provisions. Expanding the NES-ENA to cover these additional regional rules would be subject to further consultation and potentially incorporated into wider work on an integrated package of infrastructure standards.

SUBSMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Transpower is supportive of the general intent for a suite of regional rules to manage 'routine' activities that are undertaken by Transpower on its existing assets.

Attached as Appendix A are draft regulations that Transpower supports. Transpower would welcome the opportunity to further engage with officials on the specific drafting, including the form of such provisions within an integrated package of infrastructure standards. At this stage Transpower has not provided drafting for works regulated by the NES-F (largely given the lack of clarity as to the form these regulations will take and relationship to other regulations within the Phase 3 Reform package). However, Transpower would support further work to include NES-F regulations within the NES-ENA to provide a complete 'one stop shop'.

Specific comments on each of the regulations are as follows, noting the comments (and drafted provisions within Appendix A) are specific to electricity transmission:

Waterway Crossings: Transpower undertakes a wide range of waterway crossing works to facilitate the ongoing operational and maintenance of the National Grid. The provisions of a specific regulation will provide consistency in the way these activities are treated and managed. The conditions provide a framework in which to manage the effects. Where the conditions cannot be met,

POTENTIAL NEW REGIONAL REGULATIONS		
Clause	**Proposed provisions**	**Reasons**
a controlled activity status would apply, therefore enabling a full assessment of the effects and imposition of appropriate conditions, whilst also recognising the existing nature and operational requirements of the National Grid. The controlled activity provision is proposed to ensure the regulation focusses on the key potential effects arising from waterway crossings. Groundwater take, use and dewatering: Transpower undertakes dewatering when undertaking a range of maintenance and operational activities. The provision of a specific regulation will provide consistency in the way these activities are treated and managed. The conditions provide a framework in which to manage the effects. Where the conditions cannot be met, a controlled activity status would apply thereby enabling a full assessment of the effects and imposition of appropriate conditions, whilst also recognising the existing nature and operational requirements of the National Grid assets. Structures and works in the coastal marine area (CMA): Transpower has extensive assets in Coastal Areas – including over 437 km of overhead lines, more than 1100 structures as well as the HVDC Cook Strait Cables. The provision of a specific rule will provide consistency in the way these activities are treated and managed within the CMA. The conditions provide a framework in which to manage the scale of the activity and nature of the effects. Where the conditions cannot be met, a controlled activity status would apply thereby enabling a full assessment of the effects and imposition of appropriate conditions, whilst also recognising the existing nature and operational requirements of the National Grid assets. It is noted that current Regulation 33(7) refers to earthworks in the CMA. This is to capture earthworks in the CMA that are not otherwise subject to a regional rule. Therefore, there is currently scope to include work in the CMA in the NES-ENA. Structures and works within the bed of a lake or river**:** A regional rule is proposed for the installation, maintenance, use and removal of any structure or equipment relating to an existing transmission line or asset, including any bund, bank, retaining wall, rock or erosion protection structure, groyne, or vegetation (including anchored tree protection), (excluding dams, culverts and weirs), that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of water, including floodwaters, in or out of a waterbody. The conditions provide a framework in which to manage the scale of the activity and nature of the effects. Where the conditions cannot be met, a restricted discretionary activity status would apply thereby enabling a full assessment of the effects and imposition of appropriate conditions, whilst also recognising the existing nature and operational requirements of the National Grid assets. It is noted that current Regulation 33(7) refers to earthworks in the beds of lakes and rivers. This is to capture earthworks in beds of lakes and rivers that are not otherwise subject to a regional rule. Therefore, there is currently scope to include work in beds of lakes and rivers in the NES-ENA.	

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES		
Clause	**Proposed provisions**	**Reasons**
Application	The regulations apply to 'high voltage' and 'low voltage' EDN activities.	This is to recognise the national significance of the entire EDN network and to help achieve the NPS-EN objective to increase the capacity and resilience of the entire electricity network (transmission and distribution). Further, there are practical difficulties and issues in distinguishing between high voltage and low voltage EDN activities for the purpose of these regulations, given the voltage of the infrastructure does not directly correspond to the scale and significance of the environmental effect of that infrastructure.
Ancillary EDN activities	The following regulations proposed in Part 2 for 'ancillary activities' are proposed to apply to EDN activities: • regulation 23 and regulation 24: Signs • regulation 25 and regulation 26: Blasting and applying protective coatings • regulation 28: Discharges to water • regulation 30: Trimming, felling, and removing trees and vegetation • regulations 33, 34 and 35: Earthworks (outside potentially contaminated land) • regulation 36: Earthworks on contaminated land • regulation 37 and regulation 38: Noise and vibration from construction activities.	Provides clarification on which regulations described in Part 2 are proposed to be applied to EDN 'ancillary activities.
R6: Operation of existing EDN assets – permitted activities	Introduce new permitted activity rules for the following: • the operation of an existing EDN line or cabinet • the use of an access track to an existing EDN line or cabinet • occupation of land for existing EDN lines and cabinets.	The proposal would clarify that the operation of EDN lines and cabinets and use of access tracks are permitted under the NES-ENA consistent with the ETN (e.g., which may be through an expanded regulation 5). The reference to '*existing*' would be tied to the EDN lines and cabinets that were operational at the commencement of the EDN regulations and could also potentially include EDN assets that are subsequently legally established and operational.
R7: Temporary structures and line deviations associated with existing EDN assets	Introduce new permitted activity rules for the maintenance or upgrade of an existing EDN line or cabinet subject to a permitted activity condition that the structures are installed and removed within one calendar year (12 months). A controlled activity is proposed for temporary structures and deviations that cannot comply with the permitted activity condition (i.e., where the structure is in place for more than 12 months), with the matters of control limited to the duration of any works and the effects and timing of construction works.	The proposal recognises the need to enable temporary structures and temporary line deviations to provide for timely upgrades and construction activities on the EDN, including for emergency works and to improve resilience of the EDN. This proposal is consistent with that proposed for ETN (refer regulation 17 and regulation 18 above). The EDN industry has consistently raised the need for a more enabling and consistent pathway for temporary activities associated with maintenance, repair and upgrades, particularly given experience with the recent rebuild in the aftermath of Cyclone Gabrielle. It is also recognised that the emergency works provisions in section 330 of the RMA have limitations and are insufficient because they do not apply to all temporary activities. A 12-month timeframe for temporary structures is consistent with the proposal for the ETN under regulation 17 and regulation 18 as outlined. A 12-month timeframe for temporary structures associated with network utilities has also been adopted in a number of district plans, including the Auckland Unitary Plan.
R8: Additions to existing EDN assets	**A**: Introduce new regulations that would enable the following additions to existing EDN lines and support structures to be undertaken as permitted activities subject to the following conditions: • conductors with a diameter no greater than existing conductor or 50 mm • earth-wires and telecommunication cables with a diameter no greater than existing or 28 mm • telecommunication devices on EDN support structure with a width of no greater than 1.8 m and height no greater than 2.5 m above the height of the EDN support structure (i.e., pole or tower). Where the permitted activity standards are not complied with, the activity would be a controlled activity with the matters of control limited to the visual and landscape effects associated with the additional infrastructure, and the technical requirements, operational need and functional need of EDN activities, and the benefits of the EDN.	This proposal would support upgrades and additions to existing EDN lines. Maximising the use of existing infrastructure through upgrades and modernisation is an important component of electrification of the economy and required to meet increased demand. It would provide an equivalent set of regulations and performance standards for the operation of the EDN as that proposed for the ETN (see regulations 6, 7, 9 and 21 above in Part 2 of this document). Applying equivalent standards will manage the potential visual effects associated with upgrade additions to existing EDN lines while also removing the potential for unnecessary consent requirements for low risk, routine EDN activities. We are seeking feedback on whether the controls on the height and width of telecommunication devices should be different for EDN assets compared with ETN, given that EDN assets are often located in urban environments where this infrastructure is more visible. We are also seeking feedback on whether the NES-ENA regulations for telecommunication

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES		
Clause	**Proposed provisions**	**Reasons**
		devices should be better aligned with the NES-TF regulations controlling antenna height and width.
	B: Introduce new regulations that would enable the installation of mid-span poles on existing EDN lines. The regulations would provide for these poles as a permitted activity subject to compliance with the following conditions: • the pole is not greater than 30 m in height above ground level • the pole is required to ensure compliance with NZECP 34:2001 • the pole not located within a natural area or a historic heritage place or area (except where the existing line is located in one of these areas). Mid-span poles on existing EDN lines that do not comply with the permitted activity standards would be a controlled activity. The proposed matters of control would be limited to visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, technical requirements and the functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.	It is important that the electrical safe distances in NZECP 34:2001 are complied with to provide for the safe operation of the EDN and to protect public health and safety. Part 4 of this document includes proposed regulations to control buildings and structures near EDN lines to ensure compliance with the relevant parts of NZECP 34:2001. However, there are also situations where EDN operators need to undertake works to comply with the code due to changing conditions. This includes raising lines to address sag of the lines over time or responding to new third party development near to existing lines. The proposal is intended to reduce the consenting burden associated with undertaking work on existing EDN lines to comply with NZECP 34:2001 in such circumstances. While this could involve a developer funding upgrades to the EDN to accommodate a new development, it does not anticipate that mid-span poles must be agreed to or funded by EDN operators if new developments have not been designed in compliance with NZECP 34:2001.
	C: Introduce new regulations to enable the maintenance of underground conductors, replacement of underground conductors, and additional underground conductors on existing EDN lines as a permitted activity without conditions (except the radio frequency fields and electric and magnetic fields standards outlined below). This is consistent with the regulations in the NESETA (regulation 11), which are proposed to be retained in the NES-ENA.	This proposal would support upgrades to the existing EN. The proposal would provide equivalent permitted activity status for underground conductors as the ETN in regulation 11. This enabling pathway for additional underground conductors recognises that these have less potential adverse effects than overhead conductors so should generally be enabled. It is noted that EDN operators would need to reach agreement with land transport corridor landowners prior to installation of any EDN underground infrastructure, which would ensure unimpeded provision of other infrastructure within these corridors.
R9: Alteration, relocation and replacement of existing EDN assets	**A:** Introduce a new regulation that would enable the alternation, relocation and replacement of existing ED lines, support structures and cabinets to be undertaken as a permitted activity subject to conditions on the size and location of those assets. The proposed permitted activity standards are as follows. • The EDN asset must be located: – within a land transport corridor; or – outside a natural area or historic heritage place or area (i.e., except where the existing ED line is located within one of these areas). • The altered, relocated or replaced EDN assets must not increase the height or width of the existing EDN asset by more than 25%. • The replaced or relocated EDN asset must be within 10 m of the existing location. • Poles must not be replaced with towers. • Restoration and stabilisation of land must be undertaken when existing EDN assets are relocated. • Cabinets must comply with the corresponding permitted noise standards in regulation 24 of the NES-TF if located within road reserve, and otherwise with the noise standards of the underlying zone. Proposed exceptions to these permitted activity conditions being complied with are for specific operational and safety reasons including: • where relocation is required at the instruction of the relevant road controlling authority and/or for the purposes of road safety • where the relocation is required to accommodate a third party activity on the adjacent site and the structure remains adjacent to the original site frontage. Where the permitted activity standards are not complied with, a resource consent would be required for a controlled activity. The proposed matters of control would be visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, technical requirements of EDN activities, functional and operational need of EDN activities, and benefits to and of the EDN.	The proposal would enable the routine alteration, replacement and relocation of EDN lines, support structures, and cabinets, supporting the maintenance, upgrade and efficient use of the existing EDN. Industry has indicated that significant upgrades are required to the EDN to meet increased demand and achieve the aims of Electrify NZ. This proposal responds to industry feedback and is aligned with the corresponding regulations for alternating, replacing and relocating ETN support structures above (regulations 14, 15 and 16 above), as well as being aligned with regulations within the NES-TF (cabinet noise in road reserve) and the proposed NES-ENA rules.
	B: Introduce a new regulation to enable the undergrounding of existing ETN lines and replacement of existing underground lines as a permitted activity where these are located: • within a land transport corridor • within all other zones provided that any relocated ED line or cabinet is not located within any <u>new</u> natural area or historic heritage place or area (i.e., this would not apply where the existing ED line is located within one of these areas) • where these conditions are not complied with, a resource consent would be required for a controlled activity. The matters of control would be aligned with the corresponding regulation for undergrounding ETN lines (regulation 12) being the location of termination structures and the route of underground cables in relation to effects on any natural area, historic heritage place or area, visual effects, extent of earthworks, effects and timing of construction, technical requirements, functional and operational need of the EDN and benefits to and of the EDN.	The intent is that this would provide an enabling pathway for undergrounding existing EDN lines and replacing existing underground EDN lines. This proposal also recognises that the undergrounding of EDN lines generally has much less visual amenity, character and landscape effects than overhead EDN lines. As such, it is appropriate than these routine EDN activities are enabled without unnecessary restriction.

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES		
Clause	**Proposed provisions**	**Reasons**
R10: The construction of new EDN assets	**A**: Introduce a new regulation to enable the development of new EDN lines as a permitted activity subject to conditions controlling the height and location of the lines. The proposed permitted activities are that: • new lines are located: – within a land transport corridor; or – within a rural or industrial zone (based on the categories of zones in the National Planning Standards 2019); or – within one of the following special purpose zones: airport, correction, hospital, Māori purpose, port, stadiums, or tertiary education (based on the categories of zones in the National Planning Standards 2019); • the new lines are not located within a natural area or a historic heritage place or area (except where located within a land transport corridor); • new poles do not exceed 30 m in height above ground level; • new towers do not exceed 15 m in height above ground level. Where new lines do not comply with these conditions, resource consent would be required for a restricted discretionary activity. The matters of discretion would be consistent with other regulations outlined above, being visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, technical requirements, functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.	This regulation would support the expansion and upgrade of the EDN by enabling new lines to be developed as a permitted activity subject to compliance with permitted activity conditions. Industry has indicated that significant expansion and upgrade of the EDN is required to meet increased demand and achieve the aims of Electrify NZ. This proposed regulation will help achieve the NPS-EN objective. Where resource consent is required due to non-compliance with the permitted activity conditions, the NPS-EN policy direction relating to managing the effects of EN activities within urban and rural areas would apply. Together, these are expected to enable the development of EDN lines both as a permitted activity and through a restricted discretionary consent process where there is a need for more oversight to manage potential adverse environment effects.
	B: Introduce a new regulation to enable new cabinets associated with the EDN to be installed and operated as a permitted activity provided that: • the cabinet is located within a land transport corridor; and – the cabinet(s) are no larger than 1.8 m tall and 6 m^2 in area; – the cabinets comply with the noise limits in regulation 24 of the NES-TF (noise limits for cabinets in road reserve); or • the cabinet complies with rules for buildings and structures within the underlying zone; and • the cabinets are not located within a natural area or a historic heritage place or area. Cabinets that do not comply with the permitted activity standards would require a resource consent for a restricted discretionary activity. The matters of discretion would be limited to visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.	This regulation would support the expansion and upgrade of the EDN by enabling new cabinets to be established as a permitted activity subject to compliance with permitted activity conditions. Industry requested more permissive thresholds for cabinets and above ground assets of 5 m high and 10 m^2 in the land transport corridor, or otherwise compliance with the height and bulk provisions of the zone. This is very large for a permitted activity and much more enabling than the corresponding regulations for the NES-TF. As such, we are seeking feedback on appropriate height and area thresholds for EDN cabinets both within and outside the land transport corridor.
R11: Managing radio frequency and electric and magnetic fields from EDN infrastructure	Introduce a new regulation for all relevant EDN assets outlined above to comply with national and international accepted standards for radio frequency fields and electric and magnetic fields, to ensure there are no adverse effects on public health. This would be achieved through an additional permitted activity condition for relevant EDN activities that require that: • any EDN asset generating radio frequency fields, including telecommunications infrastructure (owned and operated by the EDN and required for the operation of the EDN), must comply with NZS 2772.1:1999 Radiofrequency fields—Maximum exposure levels—3 kHz to 300 GHz • any EDN infrastructure generating electric and magnetic field emissions must comply with the International Commission on Non-ionizing Radiation Protection 'Guidelines for limiting exposure to time varying electric and magnetic fields (1 Hz to 100 kHz)' (*Health Physics*, 99(6): 818–836; 2010) and recommendations from the World Health Organization monograph *Environmental Health Criteria* (No 238, June 2007). Where any of the standards are not complied with, a resource consent would be required for a non-complying activity.	Proposed permitted activity conditions are important for ensuring that there are no adverse health effects resulting from radio frequency fields and electric and magnetic fields generated by EDN activities. The standards are consistent with the NES-TF in relation to the management of radio frequency fields (regulation 55) and are aligned with the NPS-EN in terms of electric and magnetic fields. These standards are also commonly applied in district plans across New Zealand and are accepted as standard practice to manage potential adverse effects on public health. A non-complying status when these standards are not complied with sends a clear signal that the activity is inappropriate and should generally be avoided.

NOTES

Transpower supports the inclusion of 'Part 3: Regulations for Electricity Distribution Network Activities', on the basis that the EDN is a key part of the overall electricity system and needs to be appropriately enabled (as does the ETN) to help Aotearoa meet its electrification goals. In saying this, Transpower wishes to be involved in the detail of specific regulations to ensure consistency where appropriate with the ETN network regulations, as the ETN and EDN have unique features and nuances.

PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR		
	Proposed provisions	**Reasons**
R12: National Grid Yard – Buildings and structures	Introduce a new regulation to provide for certain buildings and structures within the National Grid Yard as permitted activities where these are a size, nature and scale that do not present a risk to the National Grid and these comply with permitted activity conditions (including NZECP 34:2001). The new regulation would also make specific activities non-complying activities within the National Grid Yard where these present a risk to the National Grid and should generally be avoided. The following activities are proposed to be permitted activities within the National Grid Yard: • alterations and additions to an existing building or structure for a sensitive activity that does not involve an increase in the building height or footprint	The National Grid Yard rules have been developed over a number of years by Transpower, in collaboration with stakeholders such as Federated Farmers of New Zealand and Horticulture New Zealand, and these are now generally accepted as standard and best practice in district plans. The National Grid Yard rules have been developed to give effect to policy 10 and policy 11 of the existing NPS-ET. Transpower has worked in a piecemeal fashion to include standardised and consistent buffer rules along the National Grid across all 70-plus local authorities through district plan reviews. While many territorial authorities have included National Grid Yard rules in their district plans, there are around 24 territorial authorities that have yet to do so. Including the National Grid Yard rules in NES-ENA would therefore:

Proposed provisions	Reasons
• accessory buildings for sensitive activities located more than 12 m from a National Grid support structure, and that are no more than 2.5 m in height and no more than 10 m^2 in area • network utilities, as defined in section 166 of the RMA, and electricity generation that connects to the National Grid • fences located at least 5 m from a National Grid pole support structure and at least 6 m from a National Grid tower • ancillary stockyards and platforms, including those associated with milking sheds (relates to rural activities) located more than 12 m from a National Grid support structure • uninhabited farm and horticultural buildings and structures located more than 12 m from a National Grid support structure and alterations to these buildings and structures • artificial crop protection structures or crop support structures not exceeding 2.5 m in height and located at least 8 m from a National Grid transmission line pole that: – are removable or temporary to allow a clear working space of 12 m from the pole for maintenance; and – allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or – meet the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). The above activities must also comply with the following permitted activity standards: • all buildings and structures must comply with the safe distance standards in NZECP 34:2001 • all buildings and structures must not permanently physically impede vehicle access to a National Grid support structure. The proposed rule would also make the following activities non-complying activities within the *National Grid Yard*: • establishing sensitive activities in an existing building or a new building • alterations and additions to an existing building or structure for a sensitive activity that involves an increase in the building height or footprint • wintering barns • commercial greenhouses • immoveable protective canopies • produce packing facilities • milking sheds • buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties (except that this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities) • any building or structure permitted under this rule that does not meet the permitted activity standards.	• ensure a nationally consistent approach to protect the National Grid from the adverse effects of third parties based on an approach that has been extensively tested throughout New Zealand • reduce the need for individual plans to implement National Grid Yard rules • help implement the policy direction in the NPS-EN in an efficient and consistent way. This approach ensures that low-risk, common activities (e.g., uninhabited farm buildings) can be located within the National Grid Yard. It also provides clear direction that new activities that are sensitive to transmission lines and the electrical risks associated with its operations and occupation) should generally be avoided within the National Grid Yard. See attachment 1.4.1 for a diagram of the National Grid Yard.

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Support with minor amendment (to reflect the definition D29) as follows:

The following activities are proposed to be permitted activities within the National Grid Yard:

- *alterations and additions to an existing building or structure for a sensitive activity that does not involve an increase in the building height or footprint;*
- *accessory buildings for sensitive activities located more than 12 m from a National Grid support structure, and that are no more than 2.5 m in height and no more than 10 m^2 in area;*
- *network utilities, as defined in section 166 of the RMA, and electricity generation that connects to the National Grid;*
- *fences located at least 5 m from a National Grid pole support structure and at least 6 m from a National Grid tower;*
- *ancillary stockyards and platforms, including those associated with milking sheds (relates to rural activities) located more than 12 m from a National Grid support structure;*
- *uninhabited farm and horticultural buildings and structures located more than 12 m from a National Grid support structure and alterations to these buildings and structures;*
- *artificial crop protection structures or crop support structures not exceeding 2.5 m in height and located at least 8 m from a National Grid transmission line pole that:*
  - *are removable or temporary to allow a clear working space of 12 m from the pole for maintenance; and*
  - *allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or*
  - *meet the requirements of clause 2.4.1 of NZECP 34:2001.*

The above activities must also comply with the following permitted activity standards:

- *all buildings and structures must comply with the safe distance standards in NZECP 34:2001; and*
- *all buildings and structures must not permanently physically impede vehicle access to a National Grid support structure.*

The proposed rule would also make the following activities non-complying activities within the National Grid Yard:

- *establishing sensitive activities in an existing building or a new building;*
- *alterations and additions to an existing building or structure for a sensitive activity that involves an increase in the building height or footprint;*
- *wintering barns;*
- *commercial greenhouses;*
- *immoveable protective canopies;*
- *produce packing facilities;*
- *milking sheds;*
- *buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties (except that this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities); and*

	Proposed provisions	Reasons
	• *any building or structure permitted under this rule that does not meet the permitted activity standards.*	
R12: National Grid Yard – Earthworks, land disturbance and vertical holes	Introduce a new rule that would control earthworks, land disturbance and vertical holes within the National Grid Yard. This would enable earthworks, land disturbance and vertical holes to be undertaken as a permitted activity subject to the following conditions: 1) are no deeper than 300 mm within 6 m of the outer visible edge of a foundation of a National Grid transmission line tower or pole; and 2) are no deeper than 3 m between 6 m and 12 m of the outer visible edge of a foundation of a National Grid transmission line tower or pole; or 3) are no deeper than 300 mm depth within 2.2 m of the outer visible edge of a National Grid pole; and 4) are no deeper than 750 mm depth between 2.2 m and 5 m of the outer visible edge of a National Grid pole support structure; except that vertical holes not exceeding 500 mm in diameter beyond 1.5 m from the outer visible edge of the pole support structure or stay wire are exempt; and 5) do not compromise the stability of a National Grid transmission line tower or pole; and 6) do not result in a reduction in the ground to conductor clearance distances as required in table 4 of NZECP 34:2001; and 7) do not permanently physically impede access to a National Grid support structure. The following activities are proposed to be exempt from clauses 1 to 4 above: a) earthworks and land disturbance undertaken for the repair or resealing of a road, footpath, driveway or farm track; and b) earthworks, land disturbance and vertical holes that are subject to a dispensation from Transpower under NZECP 34:2001. Earthworks, land disturbance and vertical holes that do not meet the permitted activity conditions above are proposed to be a non-complying activity.	As with the National Grid Yard rules for buildings and structures, outlined above, this rule has been developed over a number of years by Transpower engaging with councils and stakeholders to give effect to policy 10 and policy 11 in the existing NPS-ET. It recognises that earthworks and land disturbance can compromise the operation and safety of the National Grid. More specifically, earthworks have the potential to undermine transmission line structures, generate dust, and reduce the clearances between the ground and conductors. Earthworks also have the potential to restrict Transpower's ability to access the line and locate the heavy machinery required to maintain support structures around the lines, and may lead to potential tower failure and constraints on the operation of the line. The reference to earthworks and land disturbance aligns with the definitions in the National Planning Standards 2019. It also recognises that land disturbance as temporary works can adversely affect the National Grid. The proposed non-complying status for earthworks, land disturbance and vertical holes that do not meet the permitted activity conditions sends a strong signal that these should generally be avoided in the National Grid Yard. However, there is the option of applying for a dispensation from Transpower under NZECP 34:2001 to avoid the need to obtain a non-complying activity resource consent for the works.
	SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER Support with minor amendments as shown below. The reasons for the two changes are: 1. The ground to conductor clearance standard is re-ordered to clause 7 on the basis Transpower cannot grant a dispensation for breaching this standard under NZECP34. The re-ordering also makes the list of exemptions below more logical i.e. "following activities are proposed to be exempt from clauses 1-6" 2. There is no provision in NZECP34 for Transpower to grant a dispensation for physically impeding vehicular access to a structure, this can only occur by way of a written approval. This has been included under clause b for clarity. Support, with minor amendments as follows: 1) *are no deeper than 300 mm within 6 m of the outer visible edge of a foundation of a National Grid transmission line tower or pole; and* 2) *are no deeper than 3 m between 6 m and 12 m of the outer visible edge of a foundation of a National Grid transmission line tower or pole; or* 3) *are no deeper than 300 mm depth within 2.2 m of the outer visible edge of a National Grid pole; and* 4) *are no deeper than 750 mm depth between 2.2 m and 5 m of the outer visible edge of a National Grid pole support structure; except that vertical holes not exceeding 500 mm in diameter beyond 1.5 m from the outer visible edge of the pole support structure or stay wire are exempt; and* 5) *do not compromise the stability of a National Grid transmission line tower or pole; and* ~~6) *do not result in a reduction in the ground to conductor clearance distances as required in tTable 4 of NZECP 34:2001; and*~~ 6) *do not permanently physically impede access to a National Grid support structure.* 7) *do not result in a reduction in the ground to conductor clearance distances as required in Table 4 of NZECP 34:2001* *The following activities are proposed to be exempt from clauses 1 to ~~4~~ 6 above:* a) *earthworks and land disturbance undertaken for the repair or resealing of a road, footpath, driveway or farm track; and* b) *earthworks, land disturbance and vertical holes that are subject to a dispensation from Transpower under NZECP 34:2001 or for which Transpower has given its written approval in relation to clause 6.* *Earthworks, land disturbance and vertical holes that do not meet the permitted activity conditions above are proposed to be a non-complying activity.*	
R13: National Grid Subdivision Corridor	Introduce a new rule for subdivision within the National Grid Subdivision Corridor as a restricted discretionary activity if two conditions can be met, otherwise it would be a non-complying activity. The two proposed restricted discretionary activity conditions are: • a building platform for a new dwelling or principal building can be accommodated outside of the National Grid Yard • vehicle access to National Grid assets is maintained. If these two conditions are met, the proposed matters of discretion are: 1) the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of NZECP 34:2001 2) the provision for the ongoing efficient operation, maintenance, upgrading and development and ETN activities, including the ability for continued reasonable access to existing transmission lines 3) the extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms	As with the National Grid Yard rules for buildings and structures outlined above, this rule has been developed over a number of years by Transpower engaging with councils and stakeholders to give effect to policy 10 and policy 11 in the existing NPS-ET. It recognises that, while subdivision itself does not affect the National Grid, the purpose of subdivision is generally to provide for or intensify development and, therefore, presents a good opportunity to ensure that activities subject to electrical risks are no more intense than before the subdivision. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). A restricted discretionary activity status for subdivision provides an appropriate incentive and opportunity to design subdivision layouts that avoid building platforms within the National Grid Yard (which is generally narrower that the National Grid Subdivision Corridor). See attachment 1.4.1 for a diagram of the National Grid Subdivision Corridor.

PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR		
	Proposed provisions	**Reasons**
	4) the extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines 5) the nature and location of any proposed vegetation to be planted 6) the outcome of any consultation with, and technical advice from, Transpower.	

SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER

Support with minor amendment to make it clear that the two restricted discretionary conditions are inclusive. In other words, any application breaching one or both of the standards will become a non-complying activity.

- *a building platform for a new dwelling or principal building can be accommodated outside of the National Grid Yard; and*
- *vehicle access to National Grid assets is maintained.*

If these two conditions are met, the proposed matters of discretion are:

1) *the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of NZECP 34:2001*
2) *the provision for the ongoing efficient operation, maintenance, upgrading and development and ETN activities, including the ability for continued reasonable access to existing transmission lines*
3) *the extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms*
4) *the extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines*
5) *the nature and location of any proposed vegetation to be planted*
6) *the outcome of any consultation with, and technical advice from, Transpower.*

Electricity distribution lines and adverse effects from third parties		
	Proposed provisions	**Reasons**
R14: Subdivision of site containing overhead EDN lines (Controlled)	Introduce a new rule for subdivision of a site containing an existing overhead EDN line that would provide for this activity as a controlled activity if any proposed building, structure or building platform complies with the minimum safe distance requirements for poles and towers in NZECP 34:2001, otherwise resource consent would be required as a discretionary activity. If the condition above is complied with, the proposed matters of control are: a) the extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements provided in NZECP 34:2001 b) provision for the ongoing efficient operation, maintenance, and minor upgrading of EDN line infrastructure, including for continued reasonable access for maintenance, inspections, and minor upgrading c) the location of site access and any proposed building platform, and the design and use of any future building as it relates to EDN line infrastructure d) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the overhead EDN lines on future owners and occupiers of the sites that result from the subdivision.	The reasons for the proposal are similar to that proposed for the National Grid Subdivision Corridor above, to protect the EDN from the adverse effects of third parties by ensuring the subdivision does not enable development that would not comply with the safe distance requirements for poles and towers in NZECP 34:2001. It will help ensure that subdivisions are designed in a way that accommodates existing EDN lines by ensuring the buildings and building platforms are set back from these lines. This rule has been adapted from proposed rules for electricity distribution lines in the National Planning Framework and the network utility rules commonly adopted and adapted in district plans across New Zealand. Some councils apply this approach to a subset of 'significant' or 'critical' EDN lines. An alternative approach to achieve the same intent is to provide for subdivision of a site containing an existing overhead EDN line as a restricted discretionary activity and allow for compliance with some or all of NZECP 34:2001 to be assessed as a matter of discretion.
R15: Construction of buildings or structures near overhead EDN lines (Discretionary)	Introduce a new rule to manage buildings and structures within 30 m of EDN lines to ensure these comply with NZECP 34:2001. The rule would provide for the construction of a new building or structure, or alterations or extensions to an existing building or structure within 30 m of the centre line of an overhead EDN line as a permitted activity, provided the construction or alteration complies with the safe distance requirements for poles and towers in NZECP 34:2001.	The reasons for the proposal are similar to that proposed for the National Grid Yard rule outlined above, to protect the EDN from the adverse effects of third parties by new buildings and structures, and that extensions to existing buildings and structures comply with the safe distance requirements for poles and towers in NZECP 34:2001. While compliance with NZECP 34:2001 is mandatory, regardless of what the NES-ENA says, including a nationally consistent rule requiring buildings and structures to comply with some or all of NZECP 34:2001 is expected to improve visibility and increase compliance.

Electric vehicle charging standard		
	Proposed provisions	**Reasons**
R16: Installing new EV charging infrastructure is a permitted activity	Introduce a new regulation for EV charging infrastructure. This would provide for any of the following types of EV charging infrastructure as permitted activities. **Private use** 1) EV infrastructure that is not available for public use and complies with the relevant zone rules relating to the construction of buildings and structures, and alterations and additions to existing buildings and structures. **Land transport corridor** 2) EV infrastructure located in the land transport corridor. **Ancillary to primary activity** 3) EV infrastructure that is ancillary to the primary activity on site and complies with the following conditions: a) it does not exceed 3 m in height if located within 1 m of any front boundary or 1 m of any boundary adjoining a residential zone b) it complies with the noise and earthworks standards (see below).	The reasons for introducing new regulations to enable EV charging infrastructure is set out in the discussion document. In summary: • Consent applications – while often straightforward – create extra costs and delay to obtain permission for an activity that often creates minimal environmental effects and receives broad public support. • Variability in district plan provisions – where these exist - force national charging providers to understand and comply with different rules and standards across different districts. • Voluntary adoption of plan provisions is slow, so the obligation to obtain a consent is likely to remain in many districts for some time, and even then, planning provisions will remain a patchwork across New Zealand.

Electric vehicle charging standard		
	Proposed provisions	**Reasons**
	Stand-alone EV charging facility 4) EV infrastructure that is the primary activity on site and complies with the following conditions: a) it is not located in a residential zone, natural area, or historic heritage item or setting b) does not exceed 3 m in height if located within 1 m of any front boundary or 1 m of any boundary adjoining a residential zone c) complies with the noise and earthworks standards (see below) d) does not generate more than 10 vehicles per hour (averaged across 24 hours). The proposed noise standards are as follows. **a) Residential zone** i. Noise must not exceed the following limits measured at the boundary of another site: • 7 am to 10 pm: 50 dB LAeq (15min) • 10 pm to 7 am: – 40 dB LAeq (15min) – 65 dB LAFmax. **b) Non-residential zone** i. Noise must not exceed the following limits measured at the boundary of any site zoned residential: • 7 am to 10 pm: 55 dB LAeq (15min) • 10 pm to 7 am: – 45 dB LAeq (15min) – 65 dB LAFmax. ii. Noise must not exceed the following limits measured at the boundary of any site that is not zoned residential: • Any time: 60 dB LAeq (15min) • 10 pm to 7 am: 65 dB LAFmax. The proposed earthworks standards are that earthworks must*:* a) not result in a permanent cut height of more than 1.5 m or fill depth of more than 1.5 m; b) be carried out with controls to minimise the mobilisation of silt or sediment beyond the boundary of the site where the earthworks occur; c) not result in any instability of land at or beyond the boundary of the site where the earthworks occur; d) be reinstated to stabilise the site from further erosion within 1 month after the earthworks are complete. Where permitted activity conditions are not complied with, the proposal is that resource consent would be required for a restricted discretionary activity, with the matters of discretion restricted to: • the effects on the safe and efficient operation of transport networks; • the effects of the operation of the activity, including noise; • the effects on the amenity and character of adjacent properties and environment; • the design and appearance of buildings and structures; • the extent to which a non-compliance is due to evolving technology; and • the measures to avoid, mitigate or remedy any adverse environmental effects.	
	<u>SUBMISSION POINTS – RELIEF SOUGHT (AND REASONING) REQUESTED BY TRANSPOWER</u> Neutral	

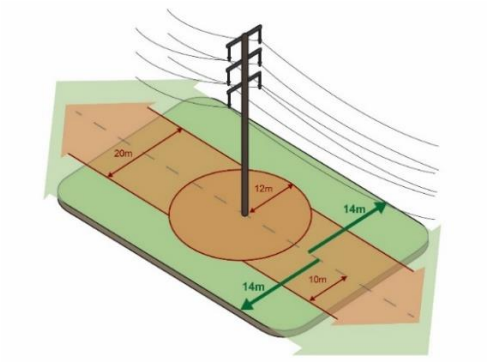
Attachment 1.4.1: National Grid Yard and National Grid Subdivision Corridor

Proposed Amendment to the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2009

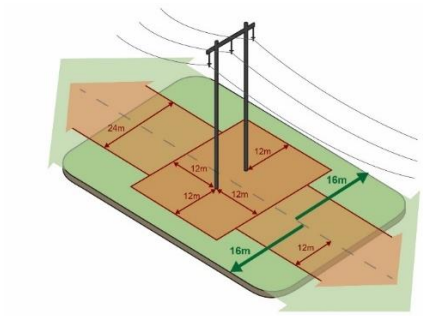
Legend:

National Grid Yard
National Grid Subdivision Corridor

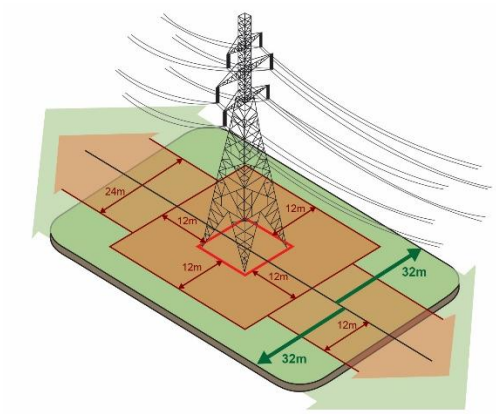
66 kV and 110 kV transmission lines on single poles

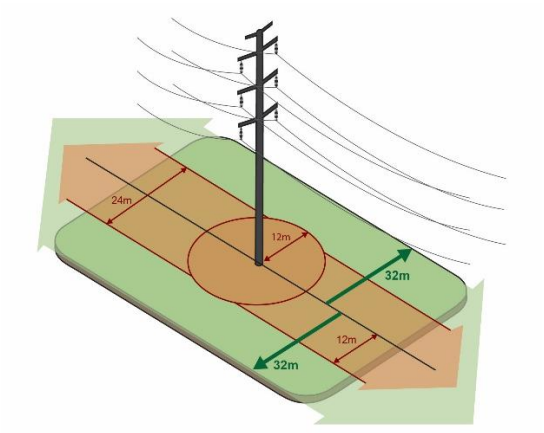


66 kV and 110 kV transmission lines on pi poles

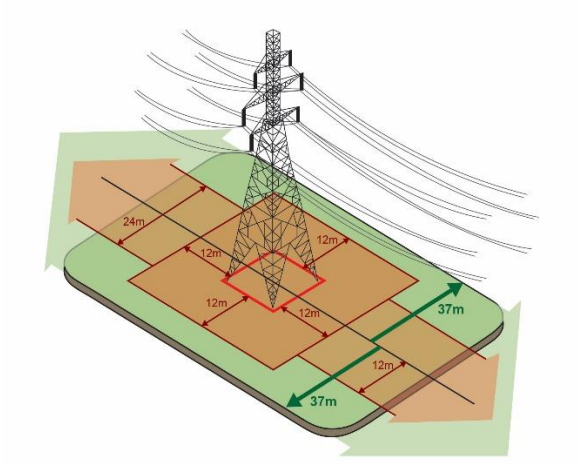


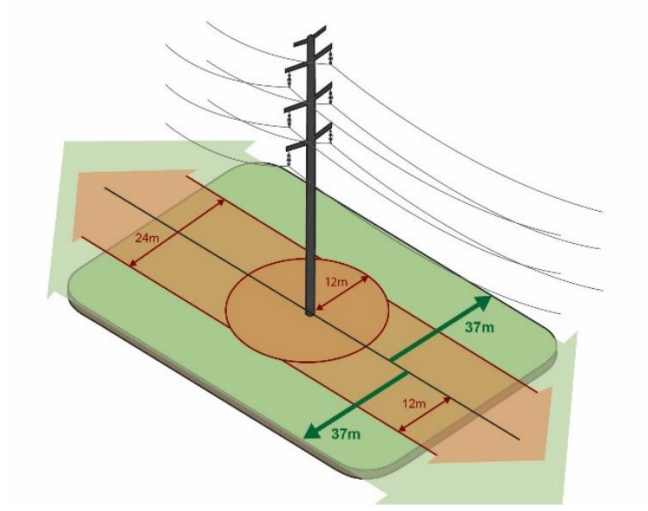
66 kV and 110 kV transmission lines on steel lattice towers



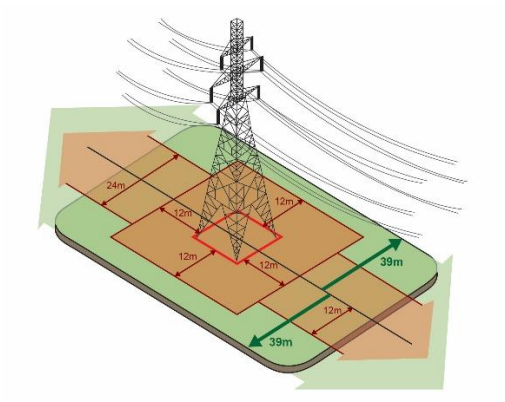


220 kV transmission lines on steel lattice towers and tubular steel monopoles





350 kV transmission lines

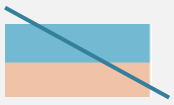


Source: Transpower, February 2025

SUBMISSION POINTS

Support. The diagrams are supported. However, an amendment is sought to the legend as the colours (in particular the blue) as shown in the legend do not reflect that shown in the diagrams, and the colours need to be re-ordered (i.e. the orange should relate to the National Grid Yard).

Transpower request deletion of the proposed legend



Amended colours are sought as below.

National Grid Yard:

National Grid Subdivision Corridor:

Appendix A – Draft Regional Rules prepared by Transpower

The following table sets out the regional rules put forward in Transpower's submission to '*Strengthening National Direction on Renewable Energy Generation and Electricity Transmission'*. Transpower would welcome the opportunity to discuss and refine them.

DPOTENTIAL NEW REGIONAL REGULATIONS	
Clause	**Proposed provisions**
Regional rules	• **Waterway crossings** ***R1. Waterway crossings*** ***Permitted Activities*** *1) The placement, construction, use, maintenance, upgrade or removal of a waterway crossing structure for an existing transmission line or asset, that is fixed in, on, under or over the bed of a river, if the conditions in subclauses 4) to 8) are complied with.* *2) The following activities, where they are associated with an activity described in subclause (1)–* *(a) Disturbance of the river or lake bed;* *(b) Deposition on the river or lake bed;* *(c) Diversion of water;* *(d) Earthworks;* *(e) Discharge of sediment to water;* *(f) Temporary damming of water; and* *(g) Temporary diversion of water.* *Conditions* *3) The structure does not reduce the ability of the river to convey flood flows.* *4) There is no discharge of contaminants to water or the bed, except where this is the result of disturbance of sediment and other materials already existing in the water or bed.* *5) No cleaning or refuelling of machinery or equipment, or storage of fuel, takes place in, or within 10m of, the bed.* *6) All equipment, machinery and materials used for the activity is removed from the bed on completion of the activity.* *7) The works or structures do not prevent any existing fish passage.* *8) The activity does not result in erosion or scour of the riverbanks or the flooding of any other property.* ***R1A. Controlled Activities*** *1) A Waterway crossing structure for an existing transmission line or asset is a controlled activity, if 1 or more of the conditions in subclauses R1 are breached.* ***Matters over which control reserved*** *(a) The impacts of the structure on –* *(i) The values of any affected Natural Area;* *(ii) Fish passage;* *(iii) Water quality;* *(b) The extent, duration, nature and timing of construction works;* *(c) The operational (including economic) and functional needs of the National Grid; and* *(d) Benefits to and of the National Grid* • **Groundwater take, use and dewatering** ***R2: Groundwater take, use and dewatering*** ***Permitted Activities*** *1) The take and use of groundwater and the associated diversion and discharge of that water for the purpose of dewatering, undertaken during the maintenance, repair, or replacement of an existing transmission line or asset, if the conditions in subclauses 2) to 9) are complied with.* ***Conditions*** *2) The take of water continues only for the time required to carry out the work and does not exceed one month.* *3) The discharge point is not located within 20m of a bore used for water abstraction for potable or stock water supply.* *4) The take and diversion are not from land where an activity or industry described in the HAIL is, or has been undertaken.* *5) The take does not cause ground subsidence.* *6) The take does not deplete water in a surface water body.* *7) There is no flooding beyond the boundary of the property on which the discharge occurs.* *8) Where the discharge is to water, or onto or into to land where it may enter a surface water body:* *(a) at the point of discharge the quality of the discharge does not exceed:* *(i) 50g/m³ of total suspended solids where the discharge is within an area identified by a local authority on planning maps as a significant indigenous biodiversity ecosystem or habitat, having mana whenua values, or as a contact recreation area; or* *(ii) 100g/m³ of total suspended solids where the discharge is not within an area identified by a local authority on planning maps as a significant indigenous biodiversity ecosystem or habitat, having mana whenua values, or as a contact recreation area.* *(b) after the zone of reasonable mixing, the discharge does not cause a relevant value in the ANZECC guidelines to be exceeded.* *9) Where a discharge is onto or into land where it may enter groundwater or a surface water body within a drinking water source protection area, the quality of the discharge at the discharge point does not exceed the maximum acceptable value (MAV) for any determinant in the Drinking Water Standards.* ***R2A Controlled Activities*** *1) The take of groundwater and the associated diversion and discharge of that water for the purpose of dewatering, undertaken during the maintenance, repair, replacement of an existing transmission line or asset, if the conditions in subclauses R2. are breached.* ***Matters over which control reserved*** *(a) The infringed conditions above;* *(b) The operational (including economic) and functional needs of the National Grid; and* *(c) Benefits to and of the National Grid*

DPOTENTIAL NEW REGIONAL REGULATIONS	
Clause	**Proposed provisions**
	• **Structures and works in the coastal marine area (CMA)** ***R4. Structures and works in the coastal marine area (CMA)*** ***Permitted Activities*** *1) Occupation, maintenance, repair, replacement, or use of an existing transmission line or asset, in the coastal marine area, if the conditions in subclauses 3) to 7) are complied with.* *2) The following activities, where they are associated with an activity described in subclause (1) or (2):* *(a) Occupation of space in the coastal marine area;* *(b) Disturbance of the foreshore or seabed;* *(c) Deposition in, on or under the foreshore or seabed;* *(d) Discharge of contaminants;* *(e) Diversion of open coastal water; and* *(f) Discharges to air associated with the use of a combustion source (diesel-fired compressors and portable petrol generators).* ***Conditions*** *3) The height, width, length, volume, plan area, or cross-sectional area, of the structure in the coastal marine area is increased by no more than 5% in any 12-month period.* *4) The structure is not in an identified port area, navigation protection area or protected coastal marine area.* *5) There is no discharge of contaminants to water or the coastal marine area, except where this is the result of disturbance of sediment and other materials already existing in the coastal marine area.* *6) No cleaning or refuelling of machinery or equipment, or storage of fuel, takes place in, or within 10m of, the coastal marine area.* *7) All equipment, machinery and materials used for the activity is removed from the coastal marine area on completion of the activity.* ***R4A Controlled Activities*** *1) Occupation, maintenance, repair, replacement, or use of an existing transmission line or asset, in the coastal marine area, if the conditions in subclauses R4. are breached.* ***Matters over which control reserved*** *a) Effects on public access, navigation and safety.* *b) Effects of construction or works methods, and timing and hours of operation.* *c) Effects on coastal processes.* *d) Effects on values of protected coastal marine areas.* *e) The operational (including economic) and functional needs of the National Grid; and* *f) Benefits to and of the National Grid* • **Works within the bed of a lake or river** ***R5: Works within the bed of a lake or river*** ***Permitted activities*** *1) The installation, maintenance, use and removal of any structure or equipment relating to an existing transmission line or asset, including any bund, bank, retaining wall, rock or erosion protection structure, groyne, or vegetation (including anchored tree protection), (excluding dams, culvers and weirs), that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of water, including floodwaters, in or out of a waterbody, including:* *(a) the associated deposition of substances on, in or under the bed of a lake river; and* *(b) excavation and associated diversion and discharge of sediment or other disturbance of the bed of a lake or river* *is a permitted activity, if all the conditions in subclause (2) to (5) are complied with:* ***Conditions*** *2) The activity does not prevent access in any way to lawfully established structures;* *3) The works or structures do not prevent any existing fish passage;* *4) The activity is not in, on, or under the bed of any river or lake in a Natural Area or historic heritage item or setting; and* *5) The activity is undertaken in accordance with a plan submitted to the relevant regional council hydrologic engineer (or equivalent).* ***R5A Restricted discretionary activities*** *1) The installation, maintenance, use and removal of any structure or equipment outlined in regulation 1. relating to an existing transmission line or asset is a restricted discretionary activity if 1 or more of the conditions in regulation R5. are breached.* ***Matters to which discretion is restricted*** *(a) The effects on the areas and values identified in regulation R5(4);* *(b) The extent, duration and nature of the works;* *(c) Management of the works and the methods used to carry out the works;* *(d) Control of erosion and sediment and restoration;* *(e) Ecological effects;* *(f) The effects on instability, erosion or flood risk;* *(g) The operational (including economic) and functional needs of the National Grid; and* *(h) Benefits to and of the National Grid.*

Appendix B

To assist officials in understanding the relief sought in the Transpower submission on the various national direction instruments, the following provides a general summary of the submissions and amendments requested.

Package 1 Infrastructure and development

National Policy Statement for Electricity Networks - NPS-EN

Transpower is generally supportive of the NPS-EN and in particular the 'benefits' and 'consideration/recognition' policies and the introduction of P10 for the protection of the electricity network ('EN'). However, it has concerns with the lack of reconciliation of matters subject to Section 6 of the RMA and other national direction in the interim, until the Phase 3 changes are enacted and the transition to the new system is complete. Transpower supports in principle the inclusion of the electricity distribution network.

The primary points and amendments requested by Transpower are:

- Clear implementation requirements and inclusion of 'readymade' provisions for inclusion in plans.
- Confined refinement to definitions for *Customer driven projects, Decision makers, EN assets, EN line, Routine EN* activities*, Sensitive activities,* and *Upgrading*, and inclusion of a definition of *Transmission line or distribution line)*.
- Support for the objective, with confined amendment requested to clause b. and e. and rewording of clause f.
- P1 - amendment to clause 2) e) i) to recognise expanded or increased REG, and inclusion of reference to the broader issue of climate change mitigation.
- P2 - amendment to clause 2) b) to recognise the different needs, technical requirements and therefore scale of the EDN and ETN, and a new clause to recognise the need for EN to locate in hazard areas.
- P3 – confirmation as to how clause a) will be given effect to.
- P4 and P5 – support with minor amendments.
- P6 – amendment to apply the policy to significant adverse effects, and amendment to the avoid, remedy or mitigate where practicable policy directive.
- P8 – amendment to the chapeau to replace 'upgrades' with 'non-routine', and insertion of 'where appropriate' at the start of the policy.
- P9 – support.
- P10 – confined amendments to clause 1) to refer to activities.
- P11 – amendment to refer to strategic planning documents.
- P12 – amendment to broaden application ('Electric and magnetic fields' policy).
- Significant amendments are requested to P7 to provide a complete policy framework for non-routine and new development ET activities that would apply to all environments, including matters subject to Section 6 and other national direction.

National Environmental Standards for Electricity Network Activities - NES-EN

Transpower supports the amendment and updating of the NESETA to respond to the increasing challenges of enabling electrification.

The primary points and amendments requested by Transpower are:

- Refinement and correction to some definitions, including ensuring consistency with the NPS-EN.
- Reframing of Regulation 4 to reflect requested amendments and clarify application of the NES-ENA.
- Refinement of the noise standards within Regulations 6 and 10, and inclusion of a definition for 'Assessment point'.
- Expansion of Regulation 23 to permit signage within the bed of a lake, river, stream or coastal marine area.
- Amendment to Regulations 30-32 relating to Trimming, felling, and removing trees and vegetation.
- Amendment to Regulations 33-35 relating to earthworks, including removing the exclusion of regional earthworks rules within Regulation 4.
- Amendment to Regulation 36 to manage soil disturbance on contaminated land, and removing the application of the NES-CS.
- Inclusion of regional rules for Waterway Crossings, Groundwater take and use, dewatering; Structures and works in the coastal marine area; and Works within the bed of a lake or river.
- Minor amendments (corrections) to the Part 4 Rules for the National Grid Yard and Corridor, and insertion of inclusion of the yard and corridor provisions from the AUP.

National Policy Statement for Infrastructure - NPS-I

Noting the NPS-I does not apply to the ETN, Transpower generally supports the proposed direction outlined in the NPS-I. Notwithstanding the general support, Transpower prefers the wording within the NPS-EN in so far as the application of any policies to the ETN. As with the NPS-EN, a principal concern of Transpower is the lack of reconciliation between the enabling provisions of the NPS-I and other 'protective' forms of national direction (and Section 6 RMA matters in general).

The primary points and amendments requested by Transpower are:

- Refinement and correction to some definitions, including ensuring consistency with the NPS-EN.
- Amendment to clause f) of the objective to reflect the 'proportionate' approach under the NPS-EN.
- Support for policies, with amendment to policies P1, P3, P6 and P7.
- Significant amendments are requested to P8 to provide clear guidance on the expectations for management of effects, particularly in relation to Section 6 RMA values such as for landscapes, indigenous biodiversity and historic heritage.
- Concerns if P9 and P10 were applied to the ETN.

National Policy Statement for Renewable Electricity Generation - NPS-REG

While Transpower's main role is to ensure the reliable supply of electricity to the country, Transpower is also responsible for managing the power system in real time, a role referred to as the 'System Operator'. As part of this role, Transpower operates the electricity market to ensure electricity transmitted through the Grid is delivered whenever and wherever it is needed, 24 hours a day, seven days a week. In this way, we balance electricity demand and supply. To ensure this balance, Transpower is responsible for providing information and forecasting to the industry about security of electricity supply.

Transpower is cognisant that while it has a strong interest in the NPS-REG, its actual application to the ETN is limited. As such Transpower recognises that the electricity generators are best placed to comment on specific wording and concerns with the NPS-REG. At a high level, Transpower is concerned that the intent of the amendments to the NPS-REG will not address the problems articulated in the discussion document. On this basis, Transpower has requested limited amendments to the NPS, with those sought confined to refinement and correction to the definitions of *REG activities* and *REG assets*.

National Environmental Standards for Telecommunication Facilities - NES-TF

Noting Transpower's confined use and interaction with the NES-TF, in principle Transpower is supportive of the proposed changes to the NES in so far as it applies to the ETN, acknowledging that other users of the NES may have broader concerns. In particular Transpower supports the new state of emergency provisions. Transpower requested clarification as whether the NES-ENA or NES-TF manage Optical Ground Wire ('OPGW'), with specific wording requested to address the issue.

National Environmental Standards for Granny Flats - NES-GF

Transpower is neutral on the overall objective and the majority of provisions in the NES-GF. However, Transpower requests clarity on the relationship to the NES-ENA. It is requested that the NES-GF is amended by adding reference to Part 4 of the NES-ENA (the corridor provisions).

National Environmental Standards for Papakāinga - NES-P

Transpower is neutral on the overall objective and the majority of provisions in the NES-P. However, Transpower requests clarity on the relationship to the NES-ENA (noting ET is not included within *PAS3 Applicable rules of the underlying zone*). It is requested that the NES-P is amended by adding reference to Part 4 of the NES-ENA (the corridor provisions).

National Policy Statement for Natural Hazards - NPS-NH

Transpower supports the NPS-NH not applying to infrastructure. However, despite this exclusion, the NPS-NH states this NPS does not limit local authorities from managing natural hazard risk beyond the application of the NPS. Transpower is concerned this non-limitation could mean local authorities could apply provisions for infrastructure (including the National Grid) despite the specific exclusion in the NPS-NH. Transpower seeks this non-limitation be clarified/confined.

Package 2 and 3 - Primary Sector, and Freshwater

National Policy Statement for Freshwater and National Environmental Standards for Freshwater

Acknowledging the confined scope of the proposed amendments within Package 2, Transpower has provided general comments on the discussion points for Package 3, including concerns with any delay in the identification of wetlands; that Regulations 46(4)(b), 46(4)(c) and 46(4)(d) of the NES-F not apply in relation to altering, relocation and replacing support structures, transmission line removal, tree trimming and earthworks; and that 'operational need' be included for specified infrastructure (as is proposed for quarries as part of Package 2). Other matters to be addressed relate to how upgrading is managed within the NES, the lack of provision for Specified Infrastructure ancillary activities, the ability for councils to impose more stringent rules, and the offsetting and compensation principles when applied to existing electricity transmission assets.

New Zealand Coastal Policy Statement - NZCPS

Transpower supports the amendments to Policy 6, and specifically the amendment to recognise that electricity transmission (as a priority activity) may have an operational need to locate in the coastal marine area. Notwithstanding its support and the proposed changes to Policy 6, Transpower is cognisant the NZCPS requires the avoidance of all adverse effects in valued areas, and the avoidance of significant adverse effects in all other areas (referred to as the 'protection policies' within the discussion document). The amendments proposed to the NZCPS and in the NPS-EN neither recognise or reconcile these tensions, or provide a policy pathway for recognised activities when read alongside protective NZCPS policies, despite the recognition of 'operational need' within the NZCPS or how 'enabling' the NPSET/NPS-EN policies are expressed to be. While Transpower understands that reconciliation of the major tensions will occur as part of the replacement of the RMA in Phase 3 of the reform, and therefore the policy 'gap' and tensions are an interim issue, given the significance of the issue and need to enable electricity transmission (and renewable electricity generation) as soon as possible, Transpower would support the policy gap being addressed in the interim to provide certainty. Suggested additional wording to Policy 6 is requested in the Transpower submission.