

In the Environment Court
At Christchurch

ENV-2024-CHC-91

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991 (Act)

In the matter of an appeal under clause 14(1) of Schedule 1 of the Act

Between **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND**

Appellant

And **MACKENZIE DISTRICT COUNCIL**

Respondent

NOTICE OF TRANSPower NEW ZEALAND LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

Dated: 7 October 2024

SIMPSON GRIERSON

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To: The Registrar
Environment Court
Christchurch

1. Transpower New Zealand Limited (**Transpower**) gives notice that it wishes to be a party to the appeal by Royal Forest and Bird Protection Society of New Zealand (**F&B**) against the decision of the Mackenzie District Council on Plan Change 26 of the Mackenzie District Plan (**PC26**).
2. Transpower is a person who made a submission and further submission about the subject matter of the proceedings. The appeal points Transpower is joining concern the same topics and issues that are prevalent throughout its submission and further submission (see **Appendix B**).
3. Transpower is also a person who has an interest in the proceedings that is greater than the public generally for the reasons set out at page 2 of its further submission.
4. Transpower is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
5. Transpower is interested in the parts of the proceedings that will or may affect its ability to operate, maintain, develop and upgrade the National Grid, being those aspects of the F&B appeal set out in **Appendix A**. Transpower's position on those appeal points, and reasons for that position, is also set out in **Appendix A**.
6. In addition to the reasons set out in Appendix A, Transpower considers the relief sought:
 - 6.1 Does not give effect to the National Policy Statement on Electricity Transmission (**NPSET**) or National Policy Statement on Indigenous Biodiversity (**NPSIB**);

- 6.2 Does not give effect to the Canterbury Regional Policy Statement; and
- 6.3 Is not the most appropriate way to achieve the purpose of the RMA.

7. Transpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 7 day of October 2024



Sarah Scott / Ella Hegarty
Counsel for Transpower

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Appendix A

Parts of the proceeding that Transpower is interested in and position on relief

F&B REF	PROVISION APPEALED	RELIEF SOUGHT BY F&B	TRANSPower POSITION ON RELIEF AND REASONS								
11.	INF Introduction (not the REG Introduction)	<p>Delete Table 1 and the paragraph before it.</p> <p>Alternatively, amend Table 1 in the INF introduction as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; padding: 5px;"><u>Ecosystems and indigenous biodiversity</u></td><td style="padding: 5px;"><u>Section 19 – Ecosystems and Indigenous Biodiversity (EIB) – Objectives, Policies and Rules</u> <u>Section 19 – Ecosystems and Indigenous Biodiversity – Rules...and the Objective and Policies...and 2.2.1</u></td></tr> <tr> <td style="width: 15%; padding: 5px;"><u>Natural Features and Landscapes</u></td><td style="padding: 5px;"><u>Natural Features and Landscapes (NFL) – Objectives and Policies</u> <u>Natural Features and Landscapes (NFL)</u></td></tr> <tr> <td style="width: 15%; padding: 5px;"><u>Natural Character</u></td><td style="padding: 5px;"><u>All provisions in the NATC Chapter</u></td></tr> <tr> <td style="width: 15%; padding: 5px;"><u>Zone chapters</u></td><td style="padding: 5px;"><u>All objectives and Policies</u> <u>Where specifically referred to in REG / INF rules, any relevant zone rules and standards and activity classification where a relevant standard is not met.</u></td></tr> </table>	<u>Ecosystems and indigenous biodiversity</u>	<u>Section 19 – Ecosystems and Indigenous Biodiversity (EIB) – Objectives, Policies and Rules</u> <u>Section 19 – Ecosystems and Indigenous Biodiversity – Rules...and the Objective and Policies...and 2.2.1</u>	<u>Natural Features and Landscapes</u>	<u>Natural Features and Landscapes (NFL) – Objectives and Policies</u> <u>Natural Features and Landscapes (NFL)</u>	<u>Natural Character</u>	<u>All provisions in the NATC Chapter</u>	<u>Zone chapters</u>	<u>All objectives and Policies</u> <u>Where specifically referred to in REG / INF rules, any relevant zone rules and standards and activity classification where a relevant standard is not met.</u>	<p>Oppose.</p> <p>Transpower's interest is in the infrastructure chapter introduction / Table 1.</p> <p>The introduction text and Table 1 set clear direction that the provisions that relate to infrastructure are standalone, except where explicitly stated in Table 1 or within the provisions of the Infrastructure chapter itself. The relief seeks to undo this clear direction, which is consistent with the National Planning Standards, which require that the INF (and REG) chapter is standalone, with provisions across the remainder of the district plan not applying to the activities addressed therein unless explicitly stated.</p> <p>This content was subject to expert conferencing through the council hearings process, and Transpower supports the reasoning in the Infrastructure Decision at Section 5 as to the relationship between the INF Chapter and other chapters.</p> <p>The F&B submission is only on the relationship of the INF chapter with the EIB, NFL and NATC chapters. The primary F&B relief goes beyond the scope of the primary submission in seeking to delete Table 1 as it relates to many other chapters (eg historic heritage, notable trees, SASM), and the secondary relief goes</p>
<u>Ecosystems and indigenous biodiversity</u>	<u>Section 19 – Ecosystems and Indigenous Biodiversity (EIB) – Objectives, Policies and Rules</u> <u>Section 19 – Ecosystems and Indigenous Biodiversity – Rules...and the Objective and Policies...and 2.2.1</u>										
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<u>Zone chapters</u>	<u>All objectives and Policies</u> <u>Where specifically referred to in REG / INF rules, any relevant zone rules and standards and activity classification where a relevant standard is not met.</u>										

		<p>beyond the scope of the primary submission by changing the relationship with zone chapters.</p> <p>In relation to the alternative relief on the Ecosystems and Indigenous biodiversity row, the complete wording is not set out in the F&B Appeal. It is:</p> <p><i>Section 19 – Ecosystems and Indigenous Biodiversity - Rules 1.1.1.1, 2.1.1 and 2.2.1 (relating to the National Grid) and the Objective and Policies but only insofar as they apply to the activities managed by Rules 1.1.1.1, 2.1.1 and 2.2.1.</i></p> <p>The decision version approach reflects that there are Objectives, Policies and Rules in Section 19 that apply to the National Grid. The decisions version reflects the position that was agreed by the parties in the settlement of PC18 (including by F&B).</p>
28	INF-P4: Managing Adverse Effects of Infrastructure	<p>Amend the first sentence of INF-P4 as follows: “Manage <u>the effects of the operation, use and development of</u> infrastructure, including ancillary earthworks, so that:...”</p> <p>Include an additional clause in INF-P4 as follows:</p> <p><u>4. adverse effects on indigenous biodiversity outside areas of significant indigenous vegetation and significant habitats of indigenous fauna are managed in accordance with EIB Policy 3.</u></p> <p>Oppose.</p> <p>In respect of the change to the intro part of INF-P4, while Transpower does not oppose the inclusion of “manage the effects of”, this results in repetitious use of ‘effects’ in the policy.</p> <p>Transpower opposes the inclusion of ‘operation, use and development’. Operation, maintenance, replacement, reconstruction, and minor upgrades is covered in P2. F&B’s wording takes the policy beyond its intended activities.</p> <p>In respect of new clause (4):</p>

			<p>The reasons for opposing the relief on the INF Introduction equally apply here.</p> <p>The decisions version of INF-P4 recognises that operational needs and functional needs of infrastructure (including the National Grid) may constrain the extent to which effects on (significant) indigenous biodiversity can be minimised.</p> <p>Effects on IB outside areas of significant indigenous vegetation and significant habitats of indigenous fauna is already appropriately covered by Policy P4(1) and (2), where effects are to be minimised and the infrastructure is also compatible with the values of the surrounding environment (which captures non-significant areas of IB). The proposed relief is also opposed in that new (4) doesn't acknowledge the operational and functional needs of infrastructure.</p> <p>Further, in the decisions version of the EIB chapter, the objectives and policies of the EIB chapter will apply if any clearance of indigenous vegetation associated with the permitted activity rule (2.1.1) for the National does not comply with the relevant standards (requiring RDA consent under 2.2.1). The MoD in 2.2.1 are not limited to significant indigenous biodiversity only.</p>
29.	<p>INF-P5: Infrastructure in Sensitive or Significant Areas</p> <p>Infrastructure in Sensitive or Significant Areas</p>	<p>Amend INF-P5 clauses 2 and 4 as follows:</p> <p>Infrastructure in Sensitive or Significant Areas</p>	Oppose in part.

	<p>Avoid locating infrastructure in identified sensitive areas (outside the road reserve) or within an area of significant indigenous vegetation or significant habitat of indigenous fauna, unless:</p> <ol style="list-style-type: none"> 1. there is a functional or operational need for the infrastructure to be in that location; 2. it is demonstrated through site, route or method selection, design measures and other management methods how significant adverse effects on the values of the sensitive or significant area have been avoided as far as practicable, and otherwise remedied or mitigated <u>and other effects have been avoided, remedied or mitigated;</u> 3. where there are more than minor <u>residual</u> adverse effects that cannot be avoided, remedied or mitigated, regard is had to any offsetting or compensation; and 4. Following application of 1 – 3 above, there are no significant adverse effects remaining, (except that this clause shall not apply to the National Grid). 	<p>Transpower supports the Decisions version of Policy INF-P5 as it better reflects, and gives effect to, the direction for the management of the effects of the National Grid included in the NPSET and the CRPS.</p> <p>The relief does not give effect to the NPSET as:</p> <ul style="list-style-type: none"> - The NPSET provides a comprehensive higher order direction as to the management of effects of the NPSET (refer the Preamble, first sentence, and the Objective), and - None of the relevant NPSET policies (in particular, Policies 4, 7 or 8) require that all effects on the values of sensitive or significant areas be avoided, remedied or mitigated. <p>The relief also does not give effect to the NPSIB, as clause 1.3(3) of that NPS states that nothing in the NPSIB applies to the development, operation, maintenance or upgrade of electricity transmission network assets and activities. In addition, electricity transmission network assets and activities are not “specified infrastructure” for the purposes of the NPSIB.</p> <p>Transpower does not oppose the inclusion of ‘residual’ in subclause (3).</p>
30.	<p>INF-P7: Infrastructure in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</p> <p>Amend INF-P7 as follows:</p> <p>Infrastructure in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</p> <p>In addition to INF-P5, avoid new infrastructure (<u>that is not the National Grid</u>) that has adverse effects on the following, in an</p>	<p>Oppose.</p> <p>This relief seeks to delete the exception for the National Grid in INF-P7. Transpower supports the exclusion for the National Grid in Policy INF-P7.</p>

<p>area of significant indigenous vegetation and significant habitats of indigenous fauna:</p> <p>1. ... 5.</p> <p>unless it is lifeline utility infrastructure or regionally significant infrastructure, <u>and adverse effects on 1 to 5 are avoided as far as practicable</u> in which case INF-P5 applies instead, where:</p> <p>6. the infrastructure provides significant national or regional public benefits;</p> <p>7. there is a functional need or operational need for the infrastructure to be in that particular location; and</p> <p>8. there are no practicable alternative locations for the infrastructure outside of an area of significant indigenous vegetation and significant habitats of indigenous fauna.</p>	<p>The relief is not required to give effect to the NPSIB, as clause 1.3(3) of that NPS states that nothing in the NPSIB applies to the development, operation, maintenance or upgrade of electricity transmission network assets and activities. In addition, electricity transmission network assets and activities are not “specified infrastructure” for the purposes of the NPSIB.</p> <p>The appropriate policy to apply to the National Grid, is the decisions version of P5.</p> <p>The relief sought does not give effect to either the NPSIB or the NPSET.</p>
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Appendix B

Copy of Transpower's submission and further submission

Submission by Transpower New Zealand Limited Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan

26 January 2024

Keeping the energy flowing



TRANSPOWER 

Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Mackenzie District Council (“the Council”)

Name of submitter: Transpower New Zealand Limited (“Transpower”)

This is a submission on the following proposed plan (“the proposal”):

Proposed Plan Changes 23, 24, 25, 26 and 27 (“Proposed Plan Changes”) to the Mackenzie District Plan (“District Plan”).

Transpower could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

The Proposed Plan Changes in its entirety insofar as it relates to the National Grid, and particularly the extent to which the provisions of the Proposed Plan Changes give effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”). A copy of the NPSET is attached as **Appendix B**.

The specific details of Transpower’s submission, and decisions sought in relation to the provisions of the Proposed Plan Changes, are set out in detail in the Table at **Appendix A**.

Transpower’s submission is:

Executive summary

The National Grid is nationally (and regionally) significant infrastructure that is recognised in the Resource Management Act 1991 (“RMA”) context by the NPSET; the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) and the Canterbury Regional Policy Statement 2013 (“CRPS”)¹.

The Proposed Plan Changes are required, amongst other things, to:

- (a) give effect to the provisions of the NPSET and CRPS; and
- (b) not be in conflict with, nor duplicate, the provisions of the NESETA.

Transpower acknowledges Councils’ intent to meet these obligations. Transpower is also appreciative of the collaborative approach to the development of the Proposed Plan Changes; the opportunity to engage with the Councils’ representatives; and the ability to provide feedback on draft provisions on more than one occasion.

It is Transpower’s submission that the Proposed Plan Changes go a long way to achieving the statutory requirements set out above (insofar as is necessary in respect of the scope of the Proposed Plan Changes) but that further amendments to the Proposed Plan Changes are required to:

- (a) give effect to the NPSET;
- (b) give effect to the CRPS;
- (d) achieve the purpose of the RMA;

¹ As published in July 2021 to include Change 1 to Chapter 6.

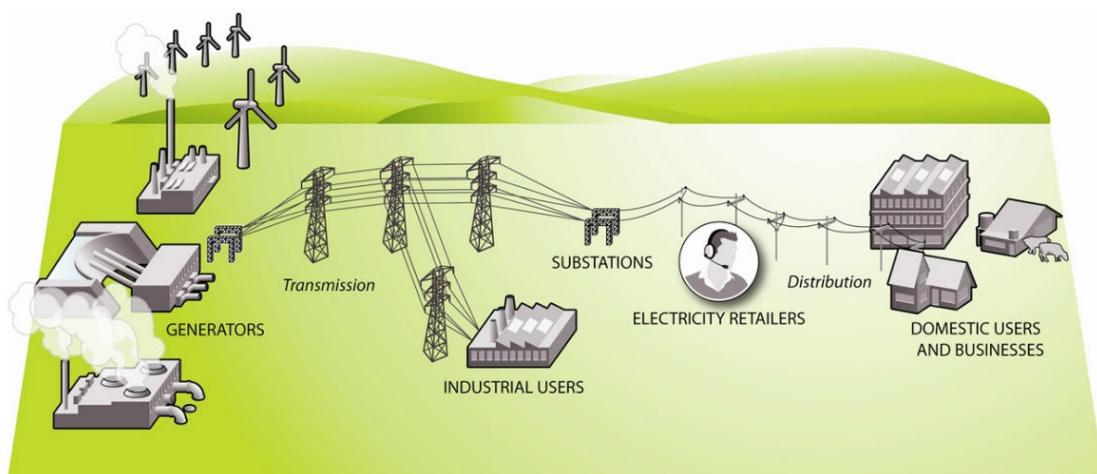
- (e) represent the most appropriate means of exercising Council's functions having regard to the efficiency and effectiveness of the provisions relative to other means; and
- (f) discharge Council's duty under section 32 of the RMA.

This submission outlines those provisions that Transpower supports and also sets out limited amendments to the Proposed Plan Changes that are necessary to meet the statutory requirements set out above.

The National Grid

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network, known as the National Grid. The National Grid connects power stations, owned by electricity generating companies, directly to major industrial users and distribution companies feeding electricity to the local networks that, in turn, distribute electricity to homes and businesses. The role of Transpower is illustrated in Figure 1.

Figure 1: Role of Transpower in New Zealand's Electricity Industry (source: MBIE)



The National Grid stretches over the length and breadth of New Zealand from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 11,000 circuit kilometres of transmission lines and cables and more than 170 substations, supported by a telecommunications network of some 300 telecommunication sites that help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

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

Transpower's Statement of Corporate Intent for 1 July 2023, states that:

"Transpower is central to the New Zealand electricity industry. We connect generators to distribution companies and large users over long distances, providing open access and helping to balance supply and demand. The nature and scope of the activities we undertake are:

- as grid owner, we own, build, maintain, replace, and enhance the physical infrastructure that connects those who generate and those who need electricity to live, work and play across the country; and
- as system operator, through a service provided under contract to the Electricity Authority under the Electricity Industry Participation Code, we operate the electricity market, managing supply and demand for electricity in real time to ensure that the power system remains stable and secure.”

In line with this role, Transpower needs to efficiently operate, maintain and develop the network to meet increasing demand and to maintain security of supply, thereby contributing to New Zealand’s economic and social aspirations. It must be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs.

As the economy electrifies in pursuit of the most cost efficient and renewable sources, the base case in Transpower’s ‘Whakamana i Te Mauri Hiko’ predicts that electricity demand is likely to increase around 55% by 2050. ‘Whakamana i Te Mauri Hiko’ suggests that meeting this projected demand will require significant and frequent investment in New Zealand’s electricity generation portfolio over the coming 30 years, including new sources of resilient and reliable grid connected renewable generation. In addition, new connections and capacity increases will be required across the transmission system to support demand growth driven by the electrification of transport and process heat. Simply put, New Zealand’s electricity transmission system is the infrastructure on which our zero-carbon future will be built. This work supports Transpower’s view that there will be an enduring role for the National Grid in the future, and the need to build new National Grid lines and substations to connect new, renewable generation sources to the electricity network.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”), and the Electricity (Hazards from Trees) Regulations 2003.

Transpower therefore has a significant interest in the development of effective, workable and efficient District Plan provisions through the Proposed Plan Change, where those provisions may affect the National Grid, including in respect of existing assets, and the development of new assets, in the Mackenzie District (“District”).

National Grid Assets in Mackenzie District

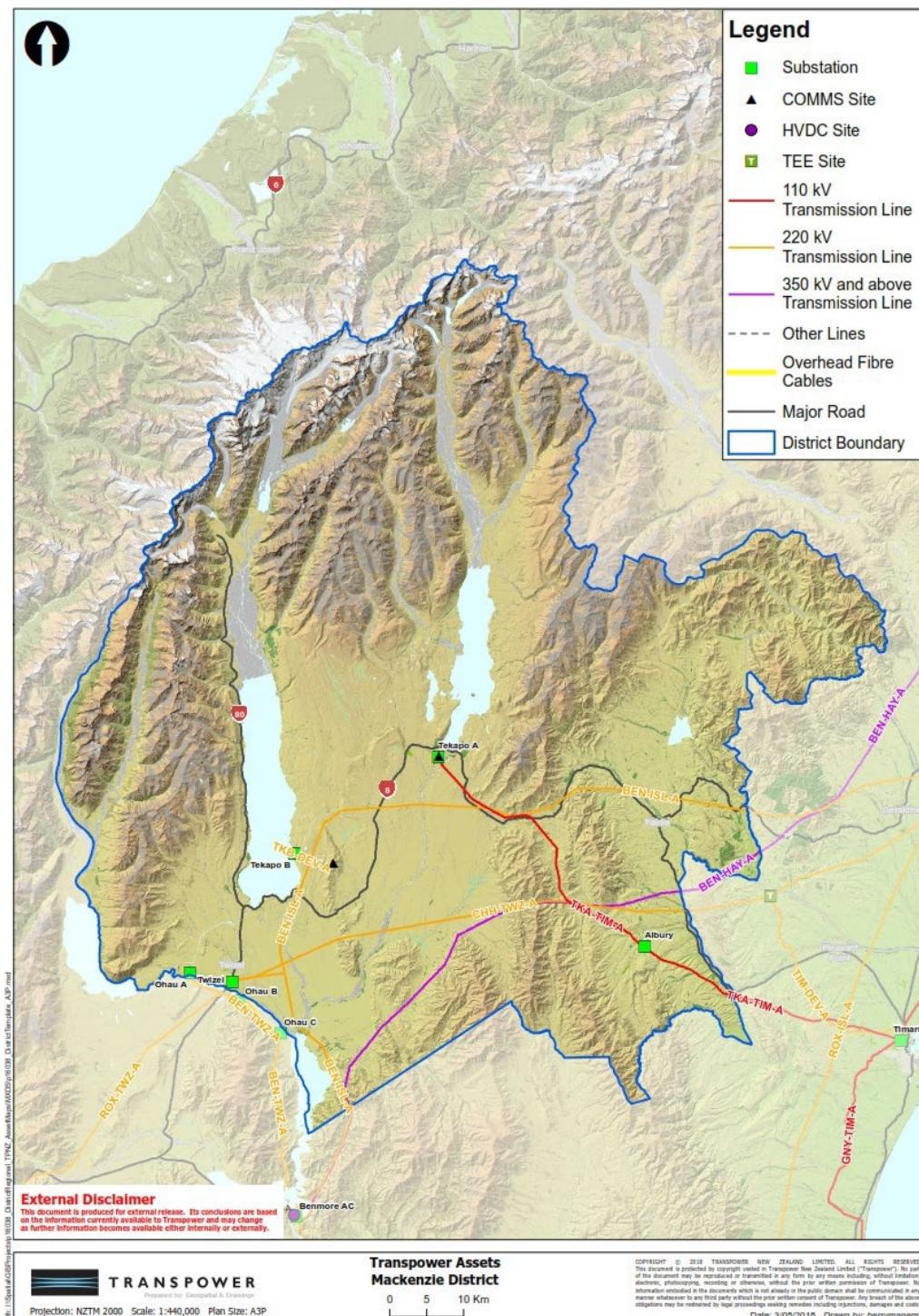
Transpower owns and operates a number of assets within, and traversing Mackenzie District. These assets supply electricity to Mackenzie District, as well as transmit electricity to the rest of New Zealand, and include around 320 kilometres of transmission lines, five substations, communications cables and associated equipment and include the following:

- Benmore – Haywards A (BEN-HAY-A) 350kV HVDC overhead transmission line on towers;
- Benmore – Islington A (BEN-ISL-A) 220kV overhead transmission line on towers;
- Benmore – Twizel A (BEN-TWZ-A) 220kV overhead transmission line on towers;
- Christchurch – Twizel A (CHH-TWZ-A) 220kV overhead transmission line on towers;
- Ohau A – Twizel A (OHA-TWZ-A) 220kV overhead transmission line on towers;
- Roxburgh – Twizel A (ROX-TWZ-A) 220kV overhead transmission line on towers;
- Tekapo A – Timaru A (TKA-TIM-A) 110kV overhead transmission line on poles (including pi poles);
- Tekapo B – Deviation A (TKB-DEV-A) 220kV overhead transmission line on towers;
- Twizel – Deviation A (TWZ-DEV-A) 220kV overhead transmission line on towers;
- Albury Substation;
- Ohau A Substation;

- Tekapo A Substation;
- Tekapo B Substation;
- Twizel Substation; and
- Two communications sites (Mt Mary and Tekapo A).

The location of these assets is shown on the plan at Figure 2.

Figure 2: Location of Transpower's assets in Mackenzie District



Statutory Framework

The national significance of the National Grid is recognised, in an RMA context, by the NPSET and the NESETA. These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by electricity generators.

National Policy Statement on Electricity Transmission 2008

The NPSET was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and provides policy direction to ensure that decision makers under the RMA:

- recognise the benefits of the National Grid;
- manage the adverse effects on the environment of the National Grid;
- manage the adverse effects of third parties on the National Grid; and
- facilitate long term strategic planning for transmission assets.

The NPSET sets a clear directive on how to provide for National Grid resources (including future activities) in planning documents and therefore councils have to work through how to make appropriate provision for the National Grid in their plans, in order to give effect to the NPSET.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the National Grid being largely the same across the country. In promoting the NPSET, central government accepted the importance of, and benefits of, a nationally consistent approach to decisions on transmission activities. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

The single Objective of the NPSET is:

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

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

The NPSET's Objective is implemented by fourteen policies. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. In a general sense these policies address the following:

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

Sections 55 and 75(3) of the RMA require the Council to give effect to the objectives and policies of the NPSET in the District Plan. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it.

Giving effect to the NPSET will ensure that:

- the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to the Mackenzie District and beyond; and
- the adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided depending on the context in which the development occurs.

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

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

Under section 44A of the RMA, local authorities are required to ensure that there are no duplications or conflicts between the provisions of the NESETA and a district plan. That said, there are situations where the NESETA Regulations defer to a district plan. It is therefore important that the relevant district plan provisions are consistent with the intent and effect of the NESETA Regulations.

Canterbury Regional Policy Statement 2013

Section 75(3) of the RMA also requires the Proposed Plan Changes to give effect to a regional policy statement. The operative CRPS (republished in July 2021) includes the following Policy 16.3.4 that is specific to the National Grid and must be given effect to:

"16.3.4 Reliable and resilient electricity transmission network within Canterbury

To encourage a reliable and resilient national electricity transmission network within Canterbury by:

1. *having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network;*
2. *avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;*
3. *enabling the operational, maintenance, upgrade, and development of the electricity transmission network provided that, as a result of route, site and method selection, where:*
 - a. *the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and*
 - b. *other adverse effects on the environment are appropriately controlled."*

Other National Planning Instruments

It is also noted that the National Policy Statement for Indigenous Biodiversity 2023 ("NPSIB") and National Policy Statement for Highly Productive Land 2022 ("NPSHPL") are relevant to the Proposed Plan Changes. Of particular relevance in respect of the National Grid:

- Section 1.3(3) of the NPSIB states that:
"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network

assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.”

As such, the provisions of the Proposed Plan Changes that are intended to give effect to the NPSIB should not apply to the National Grid.

- The NPSHPL includes specific direction and exemptions for the development of ‘specified infrastructure’ (that includes regionally significant infrastructure, such as the National Grid) on highly productive land. Such exemptions must be reflected in any provisions of the Proposed Plan Changes that are to give effect to the NPSHPL and protect highly productive land.

Transpower’s Submission

Transpower supports the vast majority of the provisions included in the Proposed Plan Changes and particularly acknowledges earlier opportunities to engage with the Councils’ representatives and provide feedback on these provisions. Transpower is generally supportive of:

- those provisions that give effect to the NPSET and the CRPS;
- the reference to and provisions that are consistent with, and do not conflict with, the NESETA;
- provisions that recognise the specific needs for, and needs of, infrastructure/network utilities;
- the inclusion of rules that regulate activities in the vicinity of the National Grid; and
- the identification of the National Grid on the planning maps.

Transpower also acknowledges and supports the incorporation by reference, or general reference to the following:

- the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001;
- the Electricity (Hazards from Trees) Regulation 2003); and
- the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz to 100kHz) (Health physics, 2010, 99(6); 818-836).

Transpower provides a detailed submission on the Proposed Plan Changes’ provisions in **Appendix A** that identifies the many provisions that Transpower supports and highlights areas where provisions need to be amended in order to:

- fully give effect to the NPSET;
- fully give effect to the CRPS;
- recognise the benefits of, and national significance of, the National Grid and enable its operation, maintenance, upgrade and development;
- reflect Transpower’s nationally consistent, engineering based, approach to the management of activities near the National Grid, including subdivision;
- meet the requirements of sections 32 and 75 of the RMA; and
- achieve the purpose of the RMA.

Transpower particularly supports the clear direction given in the Infrastructure Chapter in respect of the provisions that do, and don’t, apply to infrastructure activities. In preparing this submission, Transpower has relied on this direction in identifying those provisions that are relevant to the National Grid, and those that are not. While Transpower may not support the provisions that are not relevant, if they were to be relevant it is possible that those provisions may not give effect to the NPSET (or meet the statutory requirements in respect of the National Grid).

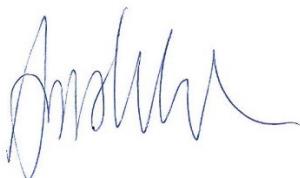
Transpower seeks the following decision from the local authority:

Amend the Proposed Plan Changes to make all required changes, including the specific amendments set out in the Table at **Appendix A**, and such further alternative or consequential relief as may be necessary to fully give effect to this submission.

Transpower welcomes the opportunity, and is available, to continue to work alongside the Council to further develop the Proposed Plan Changes in response to this submission and the submissions made by other parties.

Transpower wishes to be heard in support of its submission.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.



Signature of person authorised to sign
on behalf of Transpower New Zealand Limited

Date: **26 January 2024**

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Appendix A: Transpower New Zealand Limited – Submission on Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower, including specific amendments to the provisions of the Proposed Plan Changes (shown in double red underline and ~~double red strikethrough~~) and further reasons, in addition to those set out in the body of this submission (above), for Transpower's support for, or opposition to, the notified provisions of the Proposed Plan Changes.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
PLAN CHANGE 23 – GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER			
Part 2 – District-Wide Matters			
Natural Environment Values			
NATC – Natural character Introduction	Oppose	Transpower understands, with reference to the Introduction to the Infrastructure Chapter, that the provisions of the NATC Chapter do not apply to infrastructure activities. Transpower considers that the Introduction to the NATC Chapter should include a reciprocal direction for the avoidance of any ambiguity.	Amend the 'Introduction' to include explicit direction that the provisions of the NATC Chapter do not apply to Infrastructure, with the effects of Infrastructure on natural character values being managed in the INF Chapter.
NFL – Natural Features and Landscapes Introduction	Oppose	Transpower understands, with reference to the Introduction to the Infrastructure Chapter, that the provisions of the NFL Chapter do not apply to infrastructure activities. Transpower considers that the Introduction to the NFL Chapter should include a reciprocal direction for the avoidance of any ambiguity.	Amend the 'Introduction' to include explicit direction that the provisions of the NFL Chapter do not apply to Infrastructure, with the effects of Infrastructure on natural features and landscape values being managed in the INF Chapter.
Part 3 – Area-Specific Matters			
Zones: Rural Zones			
GRUZ - General Rural Zone Policies GRUZ-P2 Other Activities	Support	While it is noted that the provisions that apply in the Rural Lifestyle Zone do not apply to infrastructure, Transpower acknowledges and supports the intent of Policy GRUZ-P2 to the extent that clause (3) provides a policy 'pathway' for situations	Retain Policy GRUZ-P2 as notified

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		where infrastructure has a functional need or operational need to establish in the Rural Lifestyle Zone.	
GRUZ - General Rural Zone Policies GRUZ-P3 Reverse Sensitivity	Oppose	Transpower opposes Policy GRUZ to the extent that the Policy may inappropriately constrain the operation, maintenance, upgrade and development of the National Grid. Transpower seeks limited amendment to the Policy to ensure that farm activities do not, for reverse sensitivity reasons, limit the National Grid in a manner that is inconsistent with, and does not give effect to, Policies 1 and 2 of the NPSET.	Amend Policy GRUZ-P3 as follows: "Avoid reverse sensitivity effects of non-farm development and residential activity on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, existing renewable electricity generation activities, <u>the operation, maintenance, upgrade and development of the National Grid</u> and the Tekapo Military Training Area."
PLAN CHANGE 24 – SITES AND AREAS OF SIGNIFICANCE TO MĀORI			
Part 2 – District-Wide Matters Historical and Cultural Values			
SASM – Sites and Areas of Significance to Māori Introduction	Oppose	Transpower opposes the Introduction to the extent that the direction given in the Introduction could be understood to contradict the unambiguous direction in the Infrastructure Chapter. That is, the Infrastructure Chapter clearly directs the chapters and provisions that apply to infrastructure activities. In the case of the SASM provisions, the Infrastructure Chapter directs (by omission) that the SASM provisions do not apply, and instead infrastructure located in SASM is addressed through the INF provisions (and the definition of 'sensitive area'). Conversely, the SASM Introduction implies that the SASM provisions might apply to an activity requiring resource consent under the INF Rules. Transpower supports the approach taken to the standalone INF chapter and therefore considers that the SASM Introduction be amended to confirm this.	Amend the Introduction as follows: "This chapter is not the only chapter in the District Plan <u>that which</u> manages activities that are located within SASM and should be read alongside other sections of the District Plan which also consider the effects on SASM. <u>In the case of infrastructure, all provisions that relate to infrastructure are contained in the Infrastructure Chapter (unless explicitly stated otherwise) and the SASM provisions do not apply.</u> In particular, it should be noted that there are rules in other chapters, including the Natural Character, Natural Features and Landscapes, Public Access and Earthworks chapters which manage activities that occur in SASM, and where an activity is proposed within a SASM which requires resource consent under those chapters, the objectives, policies and matters of discretion in this chapter may also be relevant to consideration of that activity."
PLAN CHANGE 25 - RURAL LIFESTYLE ZONES			
Part 3 – Area-Specific Matters Zones: Rural Zones			
RLZ - Rural Lifestyle Zone	Support	While it is noted that the provisions that apply in the Rural Lifestyle Zone do not apply to infrastructure, Transpower	Retain Policy RLZ-P4 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Policies Policy RLZ-P4 Other Non-Residential Activities		acknowledges and supports the intent of Policy RLZ-P4 to the extent that clause (3) provides a policy 'pathway' for situations where infrastructure has a functional need or operational need to establish in the Rural Lifestyle Zone.	
PLAN CHANGE 26: RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE			
Part 1 – Introduction and General Provisions			
Interpretation			
General	Support in part	Transpower generally supports the use of the term 'national grid', but seeks that, in all locations where the term is used, each word be capitalised to read 'National Grid'. It is Transpower's experience that the most District Plans use initial capital letters in the way. Such an approach is also consistent with the use of the term within Transpower.	Amend 'national grid' to be capitalised to read 'National Grid' in all places where the term is used in the Proposed Plan Changes.
Definitions 'national grid'	Support	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	Retain the definition of 'national grid' as notified.
Definitions 'national grid support structure'	Support	Transpower supports the inclusion of a definition of 'National Grid support structure' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	Retain the definition of 'national grid support structure' as notified.
Definitions 'national grid yard'	Support	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	Retain the definition of 'national grid yard' as notified.
Definitions 'regionally significant infrastructure'	Support	Transpower supports the inclusion of a definition of 'regionally significant infrastructure', but considers that there may be some merit in the term 'electricity transmission network' being replaced with 'National Grid' because these are the same thing	Amend the definition of 'regionally significant infrastructure' as follows: "regionally significant infrastructure means: a. strategic land transport network and arterial roads b. telecommunication facilities

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		and using the term 'National Grid' is consistent with provisions elsewhere in the Proposed Plan Changes.	<ul style="list-style-type: none"> c. the electricity transmission network <u>National Grid</u> d. wastewater collection, treatment and disposal networks e. community land drainage infrastructure f. community potable water systems g. established community-scale irrigation and stockwater infrastructure h. electricity distribution network"
Definitions 'sensitive activity'	Support	Transpower supports the definition of 'sensitive activity' on the basis that it is generally consistent with the definition included in the NPSET.	Retain the definition of 'sensitive activity' as notified.
Definitions 'tower'	Support	Transpower supports the definition of 'tower' on the basis that it is generally consistent with the definition included in the NESETA.	Retain the definition of 'tower' as notified.
Definitions 'transmission line'	Support	Transpower supports the definition of 'transmission line' on the basis that it is consistent with the definition included in the NESETA.	Retain the definition of 'transmission line' as notified.
Definitions 'upgrade'	Support	Transpower supports the definition of 'upgrade' because the definition appropriately describes those activities that may be undertaken in respect of the National Grid.	Retain the definition of 'upgrade' as notified.
Part 2 – District-Wide Matters Energy, Infrastructure and Transport: Infrastructure			
Introduction	Support	Transpower supports the 'Introduction', and in particular is supportive of the approach (and clear direction) that the provisions that relate to infrastructure are standalone, except where explicitly stated. It is on this basis that Transpower's submission is confined.	Retain the 'Introduction' as notified.
Objectives Objective INF-O1 Infrastructure	Support	Transpower supports Objective INF-O1 on the basis that, as it applies to the National Grid, the Objective seeks outcomes in respect of the development and maintenance of infrastructure that are generally consistent with the Matter of National Significance and Objective of the NPSET.	Retain Objective INF-O1 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Objectives Objective INF-O2 Adverse Effects of Infrastructure	Support	Transpower supports Objective INF-O2 because, as it applies to the National Grid, the Objective is generally consistent with the approach to managing adverse effects of the National Grid set out in the NPSET, including by recognising differing sensitivities of different receiving environments and by acknowledging operation needs and functional needs of infrastructure.	Retain Objective INF-O2 as notified.
Objectives Objective INF-O3 Adverse Effects on Infrastructure	Support	Transpower supports Objective INF-O3 on the basis that the Objective gives effect to Policies 10 and 11 of the NPSET and Policies 5.2.2 and 16.3.4 of the CRPS.	Retain Objective INF-O3 as notified.
Policies Policy INF-P1 Benefits of Infrastructure	Support	Transpower supports Policy INF-P1 because, insofar as the Policy relates to the National Grid, the Policy gives effect to Policy 1 on the NPSET and Policies 5.2.2 and 16.3.4 of the CRPS.	Retain Policy INF-P1 as notified.
Policies Policy INF-P2 Ongoing Use of Existing Infrastructure	Support	Transpower supports Policy INF-P2 on the basis that the Policy, to the extent it relates to the National Grid, gives effect to Policies 2 and 5 of the NPSET.	Retain Policy INF-P2 as notified.
Policies Policy INF-P4 Managing Adverse Effects of Infrastructure	Support in part	<p>Transpower generally supports Policy INF-P4 but considers that the Policy may be interpreted as requiring effects to be minimised at the same time as regard is had to operational needs and functional needs. In the case of the National Grid, it is not always possible for adverse effects to be minimal. This is acknowledged in the preamble to the NPSET that states:</p> <ul style="list-style-type: none"> - <i>These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.</i> - <i>Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.</i> 	<p>Amend Policy INF-P4 as follows:</p> <p><u>Subject to the operational needs and functional needs of infrastructure, manage</u> infrastructure, including ancillary earthworks, so that:</p> <ol style="list-style-type: none"> 1. its form, location and scale minimises adverse effects on the environment; and 2. it is compatible with the values and anticipated character of the surrounding environment; <p><u>while having regard to the operational needs and functional needs of the infrastructure.</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		Transpower seeks that the Policy is amended to clearly express that operational needs and functional needs may limit the extent to which effects can be minimised.	
Policies Policy INF-P5 Infrastructure in Sensitive or Significant Areas	Support	Transpower supports Policy INF-P5 because the Policy generally reflects, and gives effect to, the direction for the management of the effects of the National Grid included in Policies 3, 4, 7 and 8 of the NPSET and Policy 16.3.4 of the CRPS. Further, Transpower acknowledges and supports the exclusion of the National Grid from clause (4) and considers that this approach appropriately reflects the explicit exclusion of the National Grid included in clause 1.3(3) of the NPSIB.	Retain Policy INF-P5 as notified.
Policies Policy INF-P6 Infrastructure on Highly Productive Land	Support	Transpower supports Policy INF-P6 on the basis that the Policy appropriately reconciles the NPSHPL and the NPSET by providing a 'pathway' for specified infrastructure/regionally significant infrastructure.	Retain Policy INF-P6 as notified.
Policies Policy INF-P7 Infrastructure in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna	Support in part	Transpower supports Policy INF-P7 to the extent that it is understood that the Policy is not intended to apply to the National Grid, given the explicit exclusion of the National Grid included in clause 1.3(3) of the NPSIB. However, Transpower seeks amendments to the Policy to more clearly express this exclusion.	Amend Policy INF-P7 as follows: "INF-P7 Infrastructure that is not the National Grid in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna In addition to INF-P5, avoid new infrastructure that is not excluding the national grid) that has adverse effects on the following, in an area of significant indigenous vegetation and significant habitats of indigenous fauna:"
Policies Policy INF-P8 Radiofrequency, Electric and Magnetic Fields	Support	Transpower supports Policy INF-P8 because the Policy gives effect to Policy 9 of the NPSET.	Retain Policy INF-P8 as notified.
Policies Policy INF-P9 Managing Activities in the National Grid Yard	Support	Transpower supports Policy INF-P9 because the Policy gives effects to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS.	Retain Policy INF-P9 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rules Notes for Plan Users	Support	<p>Transpower supports the 'Notes for Plan Users' and, in particular, supports the inclusion for reference to the need for activities to comply with NZECP34:2001 and the Electricity (Hazards from Trees) Regulations 2003.</p> <p>Further, Transpower supports the inclusion of reference to the NESETA prevailing over the provisions of the District Plan.</p>	Retain the 'Notes for Plan Users' as notified.
Rules Existing Infrastructure Rule INF-R1 Operation, Maintenance or Removal of Existing Infrastructure, Including Access Tracks	Support	Transpower supports Rule INF-R1 because the Rule appropriately gives effect to Policy 2 of the NPSET and effectively implements Policy INF-P2.	Retain Rule INF-R1 as notified.
Rules Existing Infrastructure Rule INF-R2 Upgrading Above Ground Infrastructure	Support	To the extent that Rule INF-R2 may apply to future National Grid assets, Transpower supports Rule INF-R2 on the basis that the Rule gives effect to Policies 2 and 5 of the NPSET; is generally consistent with the NESETA and appropriately implements Policy INF-P2.	Retain Rule INF-R2 as notified.
Rules All Infrastructure Rule INF-R4 Temporary Infrastructure	Support	Transpower supports Rule INF-R4 because the Rule appropriately provides for infrastructure that might be necessary in the short term so that the benefits of infrastructure to the health, safety and wellbeing of people and communities are realised.	Retain Rule INF-R4 as notified.
Rules All Infrastructure Rule INF-R7 Below Ground Infrastructure	Support	Transpower supports Rule INF-R7 and considers that the proposed permitted activity status appropriately responds to the anticipated minimal adverse effects of below ground infrastructure.	Retain Rule INF-R7 as notified.
Rules All Infrastructure	Support	Transpower supports Rule INF-R8 on the basis that the Rule provides an appropriate regulatory framework for the establishment of new National Grid assets in a manner	Retain Rule INF-R8 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rule INF-R8 New Lines and Associated Support Structures Including Towers and Poles		consistent with the direction given by the NPSET and CRPS. Transpower particular supports the restricted discretionary activity status that is likely to apply to such assets, given the scale of the National Grid.	
Rules All Infrastructure Rule INF-R11 Any Infrastructure not Otherwise Listed	Support	Transpower supports Rule INF-R11 and considers that discretionary activity status is the most appropriate activity status for other infrastructure activities, having regard to the provisions of the NPSET (if Rule INF-R11 applies to the National Grid), CRPS and objectives and policies included in the Proposed Plan Change.	Retain Rule INF-R11 as notified.
Rules Activities in the National Grid Yard Rule INF-R17 Accessory Buildings to any Sensitive Activity within the National Grid Yard	Support	Transpower supports Rule INF-R17 to the extent that the Rule regulates buildings accessory to sensitive activities in a manner that gives effect, in part, to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS.	Retain Rule INF-R17 as notified.
Rules Activities in the National Grid Yard Rule INF-R18 Network Utility Operation, Infrastructure and Electricity Generation that Connects to the National Grid within the National Grid Yard	Support	Transpower supports Rule INF-R18 on the basis that the Rule appropriately provides for network utilities and infrastructure (including infrastructure that connects to the National Grid, as a permitted activity, subject to standards that give effect to Policy 10 of the NPSET.	Retain Rule INF-R18 as notified.
Rules Activities in the National Grid Yard	Support	Transpower supports Rule INF-R19 to the extent that the Rule regulates fences in a manner that gives effect, in part, to Policies 10 and is consistent with NZECP34:2001.	Retain Rule INF-R19 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rule INF-R19 Fences within the National Grid Yard			
Rules Activities in the National Grid Yard Rule INF-R20 Ancillary Stockyards and Platforms, Including those Associated with Milking Sheds within the National Grid Yard	Support	Transpower supports Rule INF-R20 on the basis that the Rule appropriately provides for activities that will not compromise the National Grid in a manner that gives effect to Policy 10 of the NPSET.	Retain Rule INF-R20 as notified.
Rules Activities in the National Grid Yard Rule INF-R21 Uninhabited Farm and Horticultural Buildings and Structures within the National Grid Yard	Support	Transpower supports Rule INF-R21 on the basis that the Rule appropriately provides for activities that will not compromise the National Grid in a manner that gives effect to Policy 10 of the NPSET.	Retain Rule INF-R21 as notified.
Rules Activities in the National Grid Yard Rule INF-R22 Artificial Crop Protection Structures or Crop Support Structures within the National Grid Yard	Support in part	Transpower generally supports Rule INF-R21, but considers that the Rule would benefit from refinement to also provide for artificial crop protection structures or crop support structures in the National Grid Yard provided that the structure is greater than 12 metres from National Grid support structures that are not pi-poles.	Amend Rule INF-R21 as follows: 1. The structure does not exceed 2.5m in height; and 2. The structure is located at least 8m from a national grid transmission line pi-pole <u>and 12m from any other National Grid support structure</u> ; and 3. The structure is removable or temporary to allow a clear working space of 12m from the pi-pole for maintenance; and 4. All weather access and a sufficient area for maintenance equipment, including a crane, is provided to the transmission line pi-pole."
Rules	Support	Transpower supports Rule INF-R23 on the basis that the Rule appropriately provides for activities that will not compromise	Retain Rule INF-R23 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Activities in the National Grid Yard Rule INF-R23 Alterations and Additions to an Existing Building or Structure for a Sensitive Activity within the National Grid Yard		the National Grid in a manner that gives effect to Policy 10 of the NPSET.	
Rules Activities in the National Grid Yard Rule INF-R24 New Sensitive Activities (including the use of an existing building for a new Sensitive Activity), within the National Grid Yard	Support	Transpower supports Rule INF-R24 on the basis that the Rule appropriately gives effect to Policy 11 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for new sensitive activities in the National Grid Yard.	Retain Rule INF-R24 as notified.
Rules Activities in the National Grid Yard Rule INF-R25 Wintering barns, commercial greenhouses, immoveable protective canopies, produce packing facilities and milking sheds within the National Grid Yard	Support	Transpower supports Rule INF-R25 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for some new agricultural and horticultural buildings in the National Grid Yard.	Retain Rule INF-R25 as notified.
Rules	Support	Transpower supports Rule INF-R26 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy	Retain Rule INF-R26 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Activities in the National Grid Yard Rule INF-R26 Buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties within the National Grid Yard, excluding the accessory use and storage of hazardous substances in domestic scale quantities		16.3.4 of the CRPS through non-complying activity status for the handling and storage of hazardous substances in the National Grid Yard.	
Rules Activities in the National Grid Yard Rule INF-R27 Any Other Activity, Building or Structure within the National Grid Yard Not Otherwise Listed	Support	Transpower supports 'default' Rule INF-R27 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for other activities in the National Grid Yard.	Retain Rule INF-R26 as notified.
Standards Standard INF-S1 Sensitive Areas	Support	Transpower supports Standard INF-S1, and particularly the 'default' to restricted discretionary activity status where the standard is not met. Transpower considers the activity status is appropriate for infrastructure activities in sensitive areas because the effects of infrastructure are well understood, such that the consideration of potential effects can be confined.	Retain Standard INF-S1 as notified.
Standards Standard INF-S2 Radiofrequency,	Support	Transpower supports Standard INF-S2 on the basis that the Standard gives effect to Policy 9 of the NPSET; is consistent with the NESETA; and appropriately implements Policy INF-P8.	Retain Standard INF-S2 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Electric and Magnetic Fields			
Standards Standard INF-S4 National Grid Yard	Support	Transpower supports Standard INF-S4 because the Standard appropriately manages activities that are permitted in the National Grid Yard in order ensure that the National Grid is not compromised in accordance with Policy 10 of the NPSET.	Retain Standard INF-S4 as notified.
Matters of Control or Discretion INF-MD1 Scale, Location and Design of Infrastructure	Support	Transpower supports INF-MD1 on the basis that the provision allows for a fulsome, infrastructure specific, consideration of the potential adverse effects of new infrastructure.	Retain the Matters of Control or Discretion in INF-MD1 as notified.
Part 2 – District-Wide Matters Energy, Infrastructure and Transport: Renewable Electricity Generation			
Matters of Control or Discretion REG-MD4 New Renewable Electricity Generation	Support in part	Transpower generally supports REG-MD4, but seeks a limited amendment to clause (d), consistent with REG-MD3, to include reference to the electricity transmission network, alongside electricity distribution.	Amend the Matters of Control or Discretion in REG-MD4 as follows: "d. The location of existing electricity generation, <u>electricity transmission</u> and distribution infrastructure and the extent to which the proposal contributes to its efficient use."
Part 4 – Appendices and Maps			
Planning Map – National Grid	Support in part	Transpower generally supports the mapping of the National Grid, including distinguishing the voltage of the various transmission lines that traverse the District because mapping in this manner allows the related provisions to be easily understood. Transpower notes that Policy 12 of the NPSET requires the whole of the electricity transmission network to be identified on planning maps. In this instance, the planning maps do not identify all of the assets listed in this submission. Transpower therefore seeks that all National Grid assets are shown on the Planning Map.	Amend the Planning Map to show all National Grid assets (listed in the submission).

Provision	Support/Oppose	Submission/Reasons	Decision Sought
PLAN CHANGE 27: SUBDIVISION, EARTHWORKS, PUBLIC ACCESS AND TRANSPORT			
Part 1 – Introduction and General Provisions			
Interpretation			
Definitions 'national grid'	Support	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	Retain the definition of 'national grid' as notified.
Definitions 'national grid subdivision corridor'	Support	Transpower supports the inclusion of a definition of 'National Grid subdivision corridor' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	Retain the definition of 'national grid subdivision corridor' as notified.
Definitions 'national grid yard'	Support	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	Retain the definition of 'national grid yard' as notified.
Part 2 – District-Wide Matters			
Natural Environment Values: Public Access			
Objectives Objective PA-O1 Provision of Public Access	Oppose	Transpower opposed Objective PA-O1 to the extent that the Objective fails to recognise that there are situations where it is necessary to restrict public access in order to protect public health and safety. Transpower notes that there are situations where public access must be restricted when works to operation, maintain, upgrade and develop the National Grid in order to appropriately manage risk to public health and safety. Transpower seeks that the Objective is amended to reflect this outcome.	Amend Objective PA-O1 as follows: "Access to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values is maintained or improved <u>unless restriction to access are necessary to protect public health and safety.</u> "
Policies New Policy PA-PX Restrictions on Public Access	Oppose	For the reasons set out above, Transpower considers that there is a need to recognise and provide for situations where it is necessary to restrict public access in order to protect public health and safety.	Insert a new Policy as follows: <u>PA-PX Restrictions on Public Access</u>

Provision	Support/Oppose	Submission/Reasons	Decision Sought			
			<u>Recognise and provide for permanent and temporary restrictions on public access where restrictions are necessary to protect public health and safety."</u>			
Part 2 – District-Wide Matters						
Subdivision						
Objectives Objective SUB-O1 Subdivision Design	Oppose	Transpower is concerned that Objective SUB-O1 does not describe the role subdivision plays in manage the effects of future land uses. Transpower considers that this is necessary to provide a 'hook' on which the subsequent policies, that do address effects of subdivision, 'hang'. That is, the policies that relate to subdivision need to implement an objective and, as proposed, there is no clear objective that addresses the recognises the role of subdivision in managing adverse effects of future uses. Transpower therefore seeks the inclusion of a further clause that is implemented by the subsequent subdivision policies.	<p>Amend Objective SUB-O1 as follows:</p> <p><u>"Subdivision is designed to:</u></p> <ol style="list-style-type: none"> <u>1. align with the purpose and character of the zone in which it occurs;</u> <u>2. maintain the values of any overlays within which it is located;</u> <u>3. achieve integration and connectivity with surrounding neighbourhoods; and</u> <u>4. provide infrastructure that is appropriate for the intended use of the subdivision, which is integrated with existing infrastructure, and</u> <u>5. avoid conflict between incompatible intended uses."</u> 			
Policies Policy SUB-P3 National Grid Subdivision Corridor	Support in part	Transpower generally supports Policy SUB-P3 but seeks minor amendment to align the Policy with the Policy 10 of the NPSET that expressly refers to ensuring that " <i>that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised</i> ".	<p>Amend Policy SUB-P3 as follows:</p> <p><u>"Only allow subdivision within the national grid subdivision corridor where it can be demonstrated that any adverse effects on and from the national grid, including effects on public health and safety, will be appropriately avoided, remedied, or mitigated managed and the operation, maintenance, repair, upgrading and development of the national grid will not be compromised."</u></p>			
Rules Rule SUB-R3 Subdivision to Create Access, Reserve, or Infrastructure Sites	Oppose	Transpower does not support Rule SUB-R3 because it is considered that restricted discretionary activity status is overly onerous in situations where the subdivision is for infrastructure and the relevant standards are met. Transpower considers that the Plan Change 27 Section 32 Report does not include an evaluation of subdivision for infrastructure (and the appropriate activity status) in sufficient detail to justify restricted discretionary activity status. Transpower therefore seeks that	<p>Amend Rule SUB-R3 as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;"><u>"All Zones</u></td><td style="width: 25%; padding: 5px;"><u>Activity Status: RDISCON</u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u></td><td style="width: 50%; padding: 5px;"><u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u></td></tr> </table>	<u>"All Zones</u>	<u>Activity Status: RDISCON</u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u>	<u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u>
<u>"All Zones</u>	<u>Activity Status: RDISCON</u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u>	<u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u>				

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		<p>Rule SUB-R3 is amended to apply a controlled activity status (along with consequential amendments to the Rule).</p> <p>Further, Transpower seeks that the default activity status in situations where compliance with the conditions and standards in Rule SUB-R3 are not achieved is uniformly restricted discretionary on the basis that the potential effects of such subdivision are sufficiently known and able to be managed through matters of discretion. It is noted that non-compliance with SUB-S2 for other activities has restricted discretionary status and taking the same approach in Rule SUB-R3 is consistent in this regard.</p> <p>In addition, Transpower seeks that the matters of discretion or, subject to the relief sought by Transpower, the matters of control, provide for a consideration of the positive effects of allowing a subdivision of a site for infrastructure purposes.</p> <p>Insofar as the Rule relates to the National Grid, Transpower is of the view that providing for a consideration of the benefits of the National Grid is necessary to give effect to Policy 1 of the NPSET.</p>	<p><u>legal access (including roads).</u></p> <p><u>b. A reserve that will vest in a local authority or the Crown.</u></p> <p><u>c. An allotment to be used solely to house infrastructure.</u></p> <p><u>2. And any balance allotment complies with the requirements set out in the SUB-Standards relevant to the allotment so that no new non-compliance with the standards is created by the subdivision.</u></p> <p><u>And the activity complies with the following standards:</u></p> <p><u>SUB-S2 Property Access</u></p> <p><u>SUB-S10 Stormwater Disposal</u></p> <p><u>Matters over which control is reserved of discretion are restricted to:</u></p> <p><u>a. If legal access is to be to a State Highway:</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>a. If legal access is to be to a State Highway:</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>ii. Whether access can be obtained from an alternative road that is not a State Highway; and</u></p> <p><u>iii. The design and siting of any accessway or vehicle crossing.</u></p> <p><u>b. Whether the allotment needs to be supplied with infrastructure or services, and if so:</u></p> <p><u>SUB-MD2 Infrastructure</u></p> <p><u>SUB-MD3 Water Supply</u></p> <p><u>SUB-MD4 Stormwater Disposal</u></p> <p><u>SUB-MD6 Easements</u></p> <p><u>SUB-MD9 Wastewater Disposal</u></p> <p><u>c. SUB-MD7 Reverse Sensitivity.</u></p> <p><u>d. Where all or part of the site is within a SASM:</u></p> <p><u>SASM-MD1 Activities in a SASM</u></p> <p><u>e. the positive effects of, or benefits of, the access,</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<p><u>cumulative effects on traffic safety, and flow;</u></p> <p>ii. <u>Whether access can be obtained from an alternative road that is not a State Highway; and</u></p> <p>iii. <u>The design and siting of any accessway or vehicle crossing.</u></p> <p>b. <u>Whether the allotment needs to be supplied with infrastructure or services, and if so:</u></p> <p><u>SUB-MD2 Infrastructure</u></p> <p><u>SUB-MD3 Water Supply</u></p> <p><u>SUB-MD4 Stormwater Disposal</u></p> <p><u>SUB-MD6 Easements</u></p> <p><u>SUB-MD9 Wastewater Disposal</u></p> <p>c. <u>SUB-MD7 Reverse Sensitivity.</u></p> <p>d. <u>Where all or part of the site is within a SASM:</u></p> <p><u>SASM-MD1 Activities in a SASM</u></p> <p>e. <u>the positive effects of, or benefits of, the</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<u>access, reserve or infrastructure.</u>
Rules SUB-R5 Subdivision within the National Grid Subdivision Corridor	Support in part	<p>Transpower supports Rule SUB-R5 on the basis that the Rule gives effect to Policies 10 and 11 of the NPSET and is consistent with the approach that Transpower seeks to the management of subdivision in the vicinity of the National Grid in district plans across New Zealand.</p> <p>Transpower seeks a limited amendment to the Rule to correctly reference NZECP34:2001 and to clarify that the condition in the Rule need only require that each lot is capable of accommodating a building platform outside of the National Grid Yard.</p>	<p>Amend Rule SUB-R5 as follows:</p> <p>“1. A building platform is identified on, the The subdivision plan demonstrates that each lot is capable of accommodating a building platform located is outside of the national grid yard, and proposed to be secured by way of a consent notice.”</p> <p>Amend Rule SUB-R5, matter of discretion (b) as follows:</p> <p>b. The extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements of the NZECP 34:2001 New Zealand Electrical Electricity Code of Practice for Electrical Electricity Safe Distances.”</p>
Standards SUB-S1 Allotment Size and Dimensions	Support in part	Transpower does not oppose Standard SUB-S1 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p>Amend Standard SUB-S1(2) and (5) as follows:</p> <p>“Every allotment created shall contain a building square not less than 15m x 15m. This requirement shall not apply to any allotment created solely for access, reserves, or network utility operations.”</p>
Standards SUB-S3 Water Supply	Support in part	Transpower does not oppose Standard SUB-S3 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p>Amend Standard SUB-S3(1) as follows:</p> <p>“Every allotment created shall be supplied with a separate connection to a Council reticulated water supply. This requirement shall not apply to any allotment created solely for access or network utility operations.”</p>
Standards SUB-S4 Wastewater Disposal	Support in part	Transpower does not oppose Standard SUB-S4 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p>Amend Standard SUB-S4(1) as follows:</p> <p>“Every allotment created in a township with a Council reticulated wastewater network shall be supplied with a separate connection to that network. This requirement shall not apply to any allotment created solely for access or network utility operations.”</p>
Standards	Support in part	Transpower does not oppose Standard SUB-S7 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for</i>	<p>Amend Standard SUB-S7(1) as follows:</p> <p>“All allotments, other than allotments for access, roads, utilities, or reserves, must be provided with connections at the boundary of the”</p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
SUB-S7 Electricity Supply and Telecommunications		<i>access, reserves, or network utility operations</i> " is not necessary. Transpower therefore seeks that this reference be deleted.	<u>allotment to an electricity supply and telecommunication system networks.</u> "
Part 2 – District-Wide Matters General District Wide Matters: Earthworks			
Advice Note	Oppose	Transpower acknowledges the Advice Note that directs that the proposed earthworks rules do not apply in the Open Space and Recreation and Special Purpose Zone. Transpower considers that the Advice Note may result in a gap in the provisions such that there are zones where the rules do not protect the National Grid from the adverse effects of earthworks and land disturbance. Transpower seeks that Standard EW-S6 applies on a districtwide basis and, to achieve this outcome, seeks that the Advice Note be deleted or such alternative relief to have the same effect.	Delete the Advice Note as follows: "Advice Note: The rules in this chapter do not apply to the Open Space and Recreation and Special Purpose Zones."
Objectives Objective EW-O1 Earthworks	Support	Transpower supports Objective EW-O1 on the basis that, insofar as it relates to the National Grid, the Objective directs the protection of infrastructure from the adverse effects of earthworks in a manner that gives effect to Policy 10 of the NPSET.	Retain Objective EW-O1 as notified.
Policies Policy EW-P2 Manage Earthworks	Support in part	Transpower generally supports Policy EW-P2 but is concerned that clause (2) of the Policy could be understood to suggest that earthworks can have 'reasonable' effects on the stability of adjoining land, infrastructure, buildings, and structures. Insofar as the Policy relates to the National Grid, Transpower considers that allowing adverse effects on the National Grid is contrary to Policy 10 of the NPSET. Transpower is of the view that compromising the stability of adjoining land and land uses is inappropriate and the Policy should more clearly direct that this is the case. Further, Transpower considers that Policies EW-P1 and EW-P2 do not directly provide for earthworks other than small-scale	Amend Policy EW-P2 as follows: <u>"Allow larger scale earthworks where Manage the adverse effects of earthworks, including their scale and nature, are managed to:</u> <ol style="list-style-type: none"> 1. <u>minimise adverse effects on the character, values and qualities of the surrounding environment, relative to the sensitivity of the surrounding environment;</u> 2. <u>avoid unreasonable effects on stability of adjoining land, infrastructure, buildings, and structures;</u> 3. <u>minimise silt and sediment loss from the site; and</u> 4. <u>ensure that sites are appropriately rehabilitated following completion of earthworks.</u>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		<p>earthworks. It is considered that this creates a policy gap and does not appropriately implement Objective EW-O1 or provide a policy basis for the subsequent rule framework. Transpower considers that this can be rectified by a limited amendment in Policy EW-P2.</p>	
<p>Rules Rule EW-R1 Earthworks for Maintenance or Repair of Existing Activities</p>	<p>Oppose</p>	<p>Transpower opposes Rule EW-R1 because the Rule is not subject to Standard EW-S6 – Proximity to the National Grid. While the activities regulated by Rule EW-R1 are generally small-scale, these earthworks still have the potential to have an adverse effect on the National Grid, including by destabilising National Grid assets or creating ground to conductor clearance violations. For this reason, Transpower seeks that Rule EW-R1 is subject to Standard EW-S6.</p>	<p>Amend Rule EW-R1 as follows: “And the activity complies with the following standards: EW-S4 – Accidental Discovery Protocol <u>EW-S6 – Proximity to the National Grid</u>”</p>
<p>Rules Rule EW-R2 Earthworks General</p>	<p>Oppose</p>	<p>Transpower opposes Rule EW-R2 because the Rule is not subject to Standard EW-S6 – Proximity to the National Grid. While the activities regulated by Rule EW-R2 are generally small-scale, these earthworks still have the potential to have an adverse effect on the National Grid, particularly in the case of fenceposts.</p> <p>That said, Transpower notes that the definition of ‘earthworks’ excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Instead, these activities fall within the definition of ‘land disturbance’. In order for the Rule to appropriately reflect the definitions and activities that are regulated by the Rule, it is important that the rule also relates to ‘land disturbance’.</p> <p>Transpower seeks that: Rule EW-R1 applies to ‘land disturbance’ and is subject to Standard EW-S6.</p>	<p>Amend Rule EW-R2 to include reference to ‘land disturbance’ as follows: “EW-R2 Earthworks <u>and Land Disturbance</u> General”</p> <p>Amend Rule EW-R2 as follows: “And the activity complies with the following standards: EW-S4 – Accidental Discovery Protocol <u>EW-S6 – Proximity to the National Grid</u>”</p>
<p>Rules Rule EW-R3 Earthworks for Subdivision</p>	<p>Support</p>	<p>Transpower supports Rule EW-R3 to the extent that the Rule is subject to Standard EW-S6 – Proximity to the National Grid and, as such, gives effect to Policy 10 of the NPSET.</p>	<p>Retain Rule EW-R3 as notified.</p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rules Rule EW-R4 Earthworks not Specified in EW-R1, EW-R2 or EW-R3	Support	Transpower supports Rule EW-R4 to the extent that the Rule is subject to Standard EW-S6 – Proximity to the National Grid and, as such, gives effect to Policy 10 of the NPSET.	Retain Rule EW-R4 as notified.
Standards Standard EW-S6 Proximity to the National Grid	Support in part	Transpower supports Standard EW-S6 to the extent that the Standard seeks to manage land disturbance and earthworks in the vicinity of the National Grid in a manner that gives effect to Policy 10 of the NPSET and is generally consistent with the requirements established by NZECP34:2001. That said, Transpower notes that the various clauses of the Standard address either earthworks or land disturbance. Due to the nuances of the definitions of 'earthworks' and 'land disturbance' when considered relative to NZECP34:2001, Transpower considers that limited amendments to the Standard are necessary to ensure consistency with NZECP34 and to ensure that the National Grid is not compromised in a manner consistent with Policy 10 of the NPSET.	<p>Amend Standard EW-S6 as follows:</p> <ol style="list-style-type: none"> 1. The earthworks <u>or land disturbance</u> shall be no deeper than 300mm within 6m of the outer visible edge of a foundation of a national grid transmission line tower or pole. 2. The earthworks <u>or land disturbance</u> shall be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a national grid transmission line tower or pole. 3. The <u>earthworks or</u> land disturbance does not compromise the stability of a national grid transmission line tower or pole. 4. The <u>earthworks or</u> land disturbance does not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001). 5. The earthworks <u>or land disturbance</u> do not permanently physically impede access to a national grid support structure. <p>Standards EW-R6.1-5 do not apply to the following:</p> <ol style="list-style-type: none"> a. Land disturbance undertaken as part of agricultural, horticultural, or domestic cultivation, or repair or resealing of a road, footpath, driveway, or farm track. b. Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5 metres from outer visible edge of foundation of a national grid transmission line pole or stay wire. c. Earthworks <u>or land disturbance</u> that otherwise comply with NZECP 34:2001."

Appendix B: National Policy Statement on Electricity Transmission
2008

Further Submission by Transpower New Zealand Limited

Proposed Plan Changes 23, 26 and 27 to the Mackenzie District Plan

1 March 2024

Keeping the energy flowing



TRANSPOWER 

Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To Mackenzie District Council (“the Council”)

Name of person making further submission: Transpower New Zealand Limited (“Transpower”)

This is a further submission in support of, and in opposition to, submissions on: Proposed Plan Changes 23, 26 and 27 (“Proposed Plan Changes”) to the Mackenzie District Plan (“District Plan”).

Transpower has an interest in the Proposed Plan Changes that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 (“NPSET”) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”). The proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the proposed District Plan meets these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

Transpower’s further submissions

Transpower’s support of, or opposition to, a particular submission including the reason for Transpower’s support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower’s further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.

General reasons and decisions sought in respect of submissions supported by Transpower

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;
- give effect to relevant provisions of the Canterbury Regional Policy Statement 2013 (July 2021) (“CRPS”);
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council’s functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

General reasons and decisions sought in respect of submissions opposed by Transpower

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

Transpower wishes to be heard in support of its further submissions.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.



Signature of person authorised to sign
on behalf of Transpower New Zealand Limited

Date: **1 March 2024**

Electronic address for service: **ainsley@amconsulting.co.nz**

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Postal address: **8 Aikmans Road, Merivale, Christchurch 8014**

Contact person: **Ainsley McLeod**

Appendix A – Transpower New Zealand Limited: Further Submission on Submissions Made on Proposed Plan Changes 23, 26 and 27 to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed Plan Changes, including the reasons for Transpower's support or opposition in respect of the original submission. The Proposed Plan Change text is shown without underlining; the relief sought in primary submission is shown as red underlined and ~~red strikethrough~~.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PLAN CHANGE 23 – GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER				
New Zealand Transport Agency (Submission number PC23.15)				
PC23.15 15.02	<p>Interpretation Definitions Sensitive Activity</p> <p>Supports the inclusion of the activities identified in the proposed condition. However, it is considered that it should also include the following:</p> <ul style="list-style-type: none"> . Hospitals, healthcare facilities and any elderly persons housing, and . Marae and places of worship <p>The above activities are subject to adverse effects from noise and they should be included in the definition to ensure any provisions related to address such effects.</p> <p>Amend the definition as follows:</p> <p><i>"Means any:</i></p> <p>...</p> <p><i>e. <u>Hospitals, healthcare facilities and any elderly persons housing, and</u></i></p> <p><i>f. <u>Marae and places of worship.</u>"</i></p>	Support	Transpower supports the submission on the basis that the relief sought is generally consistent with the definition of 'sensitive activities' in the NPSET.	Allow the submission.
New Zealand Pork (Submission number PC23.26)				
PC23.26 26.06	<p>Interpretation Definitions Sensitive Activity</p>	Support in part	Transpower does not oppose the relief sought but is concerned that, insofar as the definition is necessary to give effect to Policy 11 of the NPSET,	Allow the submission to the extent that any amendment is

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Oppose the narrow definition of sensitive activity which does not cover other activities that are equally sensitive to the effects of rural production and could give rise to reverse sensitivity effects. Amend the definition to cover other activities that are equally sensitive to the effects of rural production. E.g., Home business, Rural tourism activity, Residential visitor accommodation, Conservation activity, Camping grounds, Conference facilities, Healthcare facilities.		any amendment to the definition is consistent with the definition of 'sensitive activities' in the NPSET.	consistent with the definition of 'sensitive activities' in the NPSET.
PC23.26 26.12	General Rural Zone Policies Policy GRUZ-P3 Support policy to avoid reverse sensitivity, but activities giving rise to reverse sensitivity effects extend beyond residential and activities, and the term 'non-farm development' is vague. Suggest that the policy instead references sensitive activities, which is defined in the plan. Amend as follows: <i>"Avoid reverse sensitivity effects of non-farm development and residential activity <ins>sensitive activities</ins> on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, existing renewable electricity generation activities and the Tekapo Military Training Area."</i>	Oppose	Subject to the relief sought in Transpower's primary submission, Transpower does not support the submission because the relief sought inappropriately narrows the Policy to only sensitive activities whereas (consistent with Policy 10 of the NPSET) activities that do not fall within the definition of a sensitive activity may still give rise to reverse sensitivity effects on the operation, maintenance, upgrade and development of the National Grid.	Disallow the submission.
PLAN CHANGE 26: RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE				
Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited (Submission number PC26.02)				
PC26.02 2.03	Infrastructure Introduction While the telecommunications companies preference is to have an out and out standalone chapter for network utilities which incorporates all overlays and other district wide matters, the rolling review structure for the Operative Mackenzie District Plan means that this is fraught. As such, the clear wording provided in the introduction to the Infrastructure Chapter about which other chapters in the Operative District Plan apply. Retain as notified.	Support	Consistent with Transpower's primary submission, Transpower supports the inclusion of clear wording to direct which provisions of the District Plan apply to infrastructure.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PC26.02 2.27	<p>Infrastructure Rules New Rule</p> <p>A new rule, listed under the “all Infrastructure” subsection, which explicitly permits infrastructure within existing buildings should be included so it is abundantly clear such proposals are permitted. Amend as follows:</p> <p><i><u>All zones:</u></i> <i><u>Activity Status: PER</u></i> <i><u>Where:</u></i> <i><u>1. The infrastructure is located entirely within an existing building.</u></i></p>	Support	Transpower supports the relief sought and similarly considers that it is appropriate for infrastructure located within an existing building to be permitted on the basis that the activity would not have an adverse effect on the environment.	Allow the submission.
Director General of Conservation (Submission number PC26.03)				
PC26.03 3.03	<p>Infrastructure Entire Chapter</p> <p>There is no justification for limiting the applicability of the Ecosystem and Indigenous Biodiversity chapter to only the objective and rules, as policies and methods may also be relevant.</p> <p>Amend the Introduction as follows:</p> <p>“The provisions of other chapter in this District Plan do not apply to activities managed in this chapter, except as follows:... ...The objective and rules in Ecosystems and Indigenous Biodiversity...”</p>	Oppose	Transpower does not support the relief sought on the basis that the policies in the INF Chapter are intended to implement the Objective in the Ecosystems and Indigenous Biodiversity Chapter in a manner that is specific to infrastructure and that gives effect to the higher order planning instruments’ direction in respect of infrastructure. Further, it is considered problematic to introduce additional provisions to apply to infrastructure activities through a submission because submissions have been made on the Proposed Plan Changes on the understanding that certain provisions do not apply. A change in approach does not afford parties an opportunity to make submissions on the provisions that are relevant to the relief sought.	Disallow the submission.
PC26.03 3.05	Infrastructure Policies Policy INF-P5	Oppose	Transpower does not support the relief sought, insofar as the relief relates to the National Grid, because the amendments sought to clauses (2) and (3) do not give effect to the NPSET. That is, the NPSET does not have a requirement to minimise adverse effects on indigenous vegetation and	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>This policy adopts an effects management hierarchy approach, which is appropriate, but the drafting could better align with best practice.</p> <p>The policy would allow loss of significant indigenous vegetation and habitats and their values, which is inconsistent with s6(c) and s31(1)(b)(iii) of the RMA, the Objective and Clause 3.10 of the National Policy Statement for Indigenous Biodiversity (NPSIB), and Objective 9.2.3 and Policy 9.3.1 of the CRPS.</p> <p>Amend as follows, or words to like effect:</p> <p><i>"Avoid locating infrastructure in identified sensitive areas (outside the road reserve) or within an area of significant indigenous vegetation or significant habitat of indigenous fauna, unless:</i></p> <ol style="list-style-type: none"> <i>1. there is a functional or operational need for the infrastructure to be in that location;</i> <i>2. it is demonstrated through site, route or method selection, design measures and other management methods how significant adverse effects on the values of the sensitive or significant area have been avoided as far as practicable, and otherwise <u>minimised or remedied or mitigated</u>;</i> <i>3. where there are more than minor adverse effects that cannot be avoided, <u>minimised or remedied or mitigated</u>, regard is had to any offsetting or compensation; and</i> <i>4. Following application of 1. - 3. above, there are no <u>significant more than minor</u> residual adverse effects remaining, (except that this clause shall not apply to the national grid)."</i> 		<p>habitats, rather the NPSET has a generic direction to avoid, remedy or mitigate such effects. Further, the NPSIB does not apply to the National Grid and therefore any direction to minimise adverse effects in the NPSIB is not relevant or appropriate for the National Grid.</p>	

Helios Energy Limited (Submission number PC26.04)

PC26.04 4.03	<p>Interpretation</p> <p>Definitions</p> <p>Transmission Lines</p> <p>The definition does not take into account the transmission infrastructure (such as transmission lines) required from a solar farm to a substation, which may not be part of the National Grid.</p> <p>Amend as follows:</p>	Oppose	<p>Transpower does not support the submission on the basis that the relief sought is of no consequence to any provision in the Proposed Plan Change. That is, the term is used only in respect of the National Grid Yard and National Grid Subdivision Corridor provisions that only apply to the National Grid in any case. It is noted that the definition replicates the NESETA definition that</p>	Disallow the submission.
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Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>to and</u> in the national grid; and..."</i>		also relates only to the National Grid. For this reason, Transpower prefers that the notified definition be retained.	
Tekapo Landco Limited and Godwit Leisure Limited				
P26.05 5.03	Infrastructure Introduction The submitter supports the exclusion of earthworks rules for infrastructure activities as stated by "The provisions in the earthworks chapter do not apply to earthworks that form part of the activities managed in this chapter (unless specified within the rules in this chapter), but do apply to the construction of new roads and access tracks associated with any infrastructure"; however it is sought that this provision be made into a rule, and also referenced within the Earthworks Chapter. The exclusion of earthworks for infrastructure is supported however the wording is included in the 'Introduction' part of the Chapter and it is considered that this should be made into a 'Rule' in order to have legal effect.	Support	Transpower supports the submission and similarly considers that there is merit in including the direction in respect of provisions that apply to infrastructure as a rule in order to have legal effect.	Allow the submission.
Nova Energy Limited (Submission number PC26.06)				
P26.06 6.05	Interpretation Definitions Transmission Line This definition could also apply to the connection of transmission lines between electricity generation infrastructure and distribution networks, as well as the national grid. The additional wording is not required within the definition. Amend as follows: "a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>in the</u> <u>national grid</u> ; and b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a. applies; but	Oppose	Transpower does not support the submission on the basis that the relief sought is of no consequence to any provision in the Proposed Plan Change. That is, the term is used only in respect of the National Grid Yard and National Grid Subdivision Corridor provisions that only apply to the National Grid in any case. It is noted that the definition replicates the NESETA definition that also relates only to the National Grid. For this reason, Transpower prefers that the notified definition be retained.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	c. does not include an electricity substation."			
NZ Transport Agency Waka Kotahi (Submission number PC26.08)				
P26.08 8.03	<p>Interpretation Definitions Sensitive Activity</p> <p>Supports the general intent of this definition. However, relief is sought to include hospitals, healthcare facilities and any elderly person housing or complex, as well as marae and places of worship in the list of sensitive activities.</p> <p>Hospitals, healthcare facilities and any elderly person housing or complex are included under the definition of 'noise sensitive activities' in the CRPS. Places of worship and maraes are generally susceptible to noise and should therefore also be included under this definition.</p> <p>Amend as follows:</p> <p><i>"means any:</i></p> <ul style="list-style-type: none"> <i>a. residential activity</i> <i>b. visitor accommodation</i> <i>c. community facility</i> <i>d. educational facility</i> <i>e. Hospitals, healthcare facilities and any elderly person housing or complex</i> <i>f. Marae and places of worship"</i> 	Support	<p>Transpower supports the submission on the basis that the relief sought is generally consistent with the definition of 'sensitive activities' in the NPSET.</p>	Allow the submission.
Te Rūnanga o Ngāi Tahu (Submission number PC26.12)				
P26.12 12.01	<p>Infrastructure Introduction</p> <p>While the introduction does acknowledge the impacts that infrastructure can have on Mana whenua values the introduction does not include the SASM chapter as a chapter that applies to these provisions however the infrastructure refers to matters covered in the SASM chapter.</p> <p>Amend as follows:</p>	Oppose	<p>Transpower does not support the relief sought on the basis that:</p> <ul style="list-style-type: none"> - it is understood that the provisions in the INF Chapter are intended to address the impact of infrastructure activities on SASM in a specific way; - it is problematic to introduce such a fundamental change through a submission such that the parties affected by the change do not have the 	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>The provisions in other chapters in this District Plan do not apply to activities managed in this chapter, except as follows:</i></p> <ul style="list-style-type: none"> • <i>Sites and Areas of Significance to Māori</i> • <i>Natural Hazards</i> • <i>Historical Heritage..."</i> 		opportunity to submit on the SASM provisions (given the Proposed Plan Change was notified with a clear understanding that these provisions do not apply to infrastructure).	
Royal Forest and Bird Protection Society of New Zealand Inc (Submission number PC26.13)				
P26.13 13.15	<p>Infrastructure</p> <p>Entire Chapter</p> <p>Forest & Bird has similar concerns with the wording and approach in the INF chapter that would override the objective and policies of the EIB chapter and that the scope of permitted and controlled activities is inappropriate to protect significant and outstanding natural areas and the need for appropriate discretion in RDIS rules for effects on ecological, natural landscape, features, and character.</p> <p>Amend the INF chapter to address concerns, including that the EIB chapter applies with respect to effects on indigenous biodiversity.</p>	Oppose	<p>Transpower does not support the relief sought on the basis that the policies in the INF Chapter are intended to implement the Objective in the Ecosystems and Indigenous Biodiversity Chapter in a manner that is specific to infrastructure and that gives effect to the higher order planning instruments' direction in respect of infrastructure. Further, it is considered problematic to introduce additional provisions to apply to infrastructure activities through a submission because submissions have been made on the Proposed Plan Changes on the understanding that certain provisions do not apply. A change in approach does not afford parties an opportunity to make submissions on the provisions that are relevant to the relief sought.</p>	Disallow the submission.
Genesis Energy Limited (Submission number P26.15)				
PC26.15 15.01	<p>Interpretation</p> <p>Definitions</p> <p>New Definition -Minimise</p> <p>The term "minimise" is used in INF-P4 and INF-P6 but is not defined in the plan change. Genesis seeks adoption of a new definition set out in the relief sought.</p> <p>Insert new definition as follows:</p> <p><i>"Minimise means:</i></p> <p><i>To reduce to the smallest amount reasonably practicable."</i></p>	Support	<p>Transpower does not oppose the proposed definition of "minimise". However, it is considered that the definition is not necessary to assist in understanding Policies INF-P4 and INF-P6 on the basis that the term is well understood.</p>	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PC26.15 15.38	<p>Infrastructure Objectives INF-O3</p> <p>Support the intent of Objective INF-O3 which seeks to ensure that the efficient operation, maintenance, upgrading and development of regionally significant infrastructure is not constrained or compromised by other activities; however, consider that infrastructure of local and national significance along with lifeline utility infrastructure should also be included alongside regionally significant infrastructure.</p> <p>Amend Objective INF-O3 as follows:</p> <p><i>"The efficient operation, maintenance, upgrading and development of <u>locally</u>, <u>regionally</u> or <u>nationally</u> significant infrastructure and lifeline utility infrastructure is not constrained or compromised by other activities."</i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference locally and nationally significant infrastructure, along with lifeline utilities, in the Objective.	Allow the submission.
PC26.15 15.44	<p>Infrastructure Policies Policy INF-P6</p> <p>Gensis generally supports the policy pathway provided by INF-P6 for the establishment of regionally significant infrastructure or lifeline utility infrastructure that has a functional or operational need to be located on highly productive land. However, Genesis considers that nationally significant infrastructure should also be included.</p> <p>Amend INF-P6 as follows:</p> <p><i>"Avoid locating infrastructure on Highly Productive Land, unless:</i></p> <ol style="list-style-type: none"> <i>1. it is small-scale and does not impact the productive capacity of the land; or</i> <i>2. it is regionally or nationally significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land;</i> <p><i>and..."</i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference nationally significant infrastructure in the Policy.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Alpine Energy Limited (Submission number PC26.17)				
PC26.17 17.07	<p>Infrastructure</p> <p>Rules</p> <p>INF-R8</p> <p>Seeks an amendment to this rule to permit the installation of new overhead lines and structures in Rural Lifestyle and Industrial zones. A requirement to underground all new lines and extensions of more than three structures in these zones could add significant cost to customers seeking to connect to the electricity distribution network, and to all Mackenzie District electricity consumers through the increased cost to underground significant parts of our expanding network across a growing District. The undergrounding of new lines in Rural Lifestyle and Industrial zones is out of step with other Canterbury District Plans.</p> <p>We acknowledge the role of objectives and policies requiring further compliance for new lines within ONL and ONF overlays. We look forward to working with Mackenzie District Council to avoid and mitigate any adverse effects on ONL and ONF from the essential distribution infrastructure required to support district wide development, and to achieve objectives including REG-O1 – to maintain or increase output from renewable electricity generation in the District.</p> <p>Amend as follows:</p> <p><i>"1. Where located within a Residential, <u>Rural Lifestyle</u>, Open Space, Commercial and Mixed Use, <u>Industrial</u> or Pukaki Village Zone:</i></p> <ul style="list-style-type: none"> <i>a. Any new lines must be located underground; or</i> <i>b. Any extension to an existing overhead line must involve no more than three additional support structures."</i> 	Support	<p>Transpower supports the submission to the extent that a requirement to underground all new lines is expensive. Transpower also notes undergrounding lines may not be the most appropriate in respect of operational constraints. That said, it is acknowledged that a consent pathway remains for overhead lines in the listed zones.</p>	Allow the submission.
Meridian Energy Limited (Submission number PC26.18)				
PC26.18 18.01	<p>Interpretation</p> <p>Definitions</p> <p>New Definition – Minimise</p>	Support	<p>Transpower does not oppose the proposed definition of "minimise". However, it is considered that the definition is not necessary to assist in</p>	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>The term “minimise” is used in INF-P4 and INF-P6 but is not defined in the plan change. Seeks adoption of the definition of “minimise” set out its relief sought.</p> <p>Insert new definition as follows:</p> <p><i><u>Minimise means:</u></i> <i><u>to reduce to the smallest amount reasonably practicable.</u></i></p>		understanding Policies INF-P4 and INF-P6 on the basis that the term is well understood.	
PC26.18 18.13	<p>Infrastructure</p> <p>Objectives</p> <p>Objective INF-O3</p> <p>While Meridian generally supports INF-O3, Meridian considers that it should be extended to address locally, regionally and nationally significant infrastructure. With this, Meridian notes that the notified definition of regionally significant infrastructure does not include nationally significant infrastructure, and considers that specific reference to nationally significant infrastructure is needed in this objective.</p> <p>Amend Objective INF-O3 as follows:</p> <p><i><u>The efficient operation, maintenance, upgrading and development of locally, regionally and nationally significant infrastructure is not constrained or compromised by other activities.</u></i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference locally and nationally significant infrastructure in the Objective.	Allow the submission.
PC26.18 18.19	<p>Infrastructure</p> <p>Policies</p> <p>Policy INF-P6</p> <p>Generally supports INF-P6, but considers that nationally significant infrastructure should also be listed in condition 2 of this policy. It is possible that nationally significant infrastructure, that is not otherwise described in the definition of ‘regionally significant infrastructure’ or ‘lifeline utility infrastructure’, may have a functional need or operational need to be located on highly productive land.</p> <p>Amend INF-P6 as follows:</p> <p><i><u>Avoid locating infrastructure on Highly Productive Land, unless:</u></i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference nationally significant infrastructure in the Policy.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>1. <i>it is small-scale and does not impact the productive capacity of the land; or</i></p> <p>2. <i>it is regionally <u>or nationally</u> significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land; and...</i>"</p>			
Canterbury Regional Council (Submission number PC26.19)				
PC26.19 19.02	<p>Interpretation</p> <p>Definitions</p> <p>National Grid</p> <p>For consistency with national direction, use the NPSREG definition.</p> <p>Delete the definition and replace with:</p> <p><i>"<u>The lines and associated equipment used or owned by Transpower to convey electricity.</u></i></p> <p><i>(National Policy Statement for Renewable Energy Generation Definition)"</i></p>	Oppose	<p>The definition included in the Proposed Plan Change replicates the definition in the NPSET. As such, the definition is consistent with national direction that relates to the National Grid. It is not clear why the submitter prefers the NPSREG definition.</p>	Disallow the submission.
PC26.19 19.04	<p>Interpretation</p> <p>Definitions</p> <p>Transmission Lines</p> <p>This definition is sourced from the NESETA, but the source has not been acknowledged.</p> <p>Add note to definition:</p> <p><i>"<u>National Environmental Standards for Electricity Transmission Activities Definition)"</u></i></p>	Support	<p>Transpower supports including reference to the NESETA.</p>	Allow the submission.
PLAN CHANGE 27: SUBDIVISION, EARTHWORKS, PUBLIC ACCESS AND TRANSPORT				
Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited (Submission number PC27.6)				
PC27.06 6.04	<p>Earthworks</p> <p>Introduction</p> <p>Seek a similar statement to that found in the Infrastructure chapter that earthworks rules do not cover infrastructure activities.</p> <p>Amend as follows:</p>	Support	<p>Transpower supports the relief sought on the basis that the additional sentence provides greater clarity for plan users by setting out how the Proposed Plan Change manages earthworks associated with infrastructure activities.</p>	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>"This earthworks chapter covers general earthworks provisions in all rural, residential, commercial and mixed use and industrial zones. Additional earthworks provisions may apply within overlays such as Outstanding Natural Landscapes and Sites and Areas of Significance to Māori. These earthworks provisions have been included in the respective Overlay chapters because they address the overlay related effects of earthworks on the identified values, characteristics, risks, or features. <u>The earthworks provisions within overlays apply in addition to the provisions of this chapter unless specified otherwise.</u> <u>The chapter does not cover earthworks associated with infrastructure activities, unless it is specified within the rules in the infrastructure chapter that earthworks provisions apply.</u>"</i></p>			