

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2021-CHC-94

UNDER The Resource Management Act 1991

IN THE MATTER of an appeal under clause 14(1) of
Schedule 1 of the Act in relation to
Plan Change 18 of the Mackenzie
District Plan

BETWEEN **ENVIRONMENTAL DEFENCE
SOCIETY INCORPORATED**

Appellant

AND **MACKENZIE DISTRICT COUNCIL**

Respondent

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

DATED 26 AUGUST 2021

 **Simpson Grierson**

Barristers & Solicitors

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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 Environmental Defence Society Incorporated (**EDS**) against a decision of the Mackenzie District Council on Plan Change 18 of the Mackenzie District Plan (**PC18**).
2. Transpower is a person who made a 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 further submission.
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 (refer **Appendix B**).
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 EDS appeal set out in **Appendix A**. Transpower's position on those appeal points is also set out in **Appendix A**.
6. The general reasons for Transpower's interest in the proceedings are set out in its further submission at **Appendix B**. In addition, and without limiting those reasons, Transpower considers the decisions version of Section 19 Objective (c), and Policies 2 and 5 give better effect to the National Policy Statement on Electricity Transmission 2008 (**NPSET**), the Canterbury Regional Policy Statement (**CRPS**) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**).

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

DATED this 26th day of August 2021



S J Scott / R P Mortiaux
Counsel for Transpower New Zealand Ltd

Address for service of interested party

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Appendix A

Parts of the proceeding that Transpower is interested in and position

PROVISION APPEALED BY EDS	RELIEF SOUGHT BY EDS	POSITION ON RELIEF
Policy 5	<p>Amend Policy 5 to set out effects management hierarchy for vegetation clearance in areas covered by Policy 5. This should require first that adverse effects on significant indigenous vegetation or significant habitat or indigenous fauna are first avoided where practicable. If avoidance is not practicable, steps should be undertaken to remedy or mitigate adverse effects before offsetting can be considered.</p> <p>Consequential amendments to Policy 2 may also be required.</p>	<p>Oppose.</p> <p>Policy 5 seeks to ensure, through the words 'Despite Policy 2', that any adverse effects on indigenous biodiversity are managed in a way that recognises the national significance of the National Grid. The EDS relief seeks to amend the policy (and potentially Policy 2) so that a different effects management hierarchy applies to the National Grid. This does not give effect to the NPSET.</p>
Section 19, Objective (c)	<p>Seeks to delete subclause (c) in its entirety.</p> <p>Subclause (c) seeks to recognise and provide for the national significance of the National Grid when managing effects on indigenous biodiversity arising from the development, operation, maintenance, refurbishment or upgrade of the National Grid.</p>	<p>Oppose.</p> <p>Same reasons as above apply. The relief sought seeks to change the objective in a way that will not recognise the national significance of the National Grid or give effect to the NPSET.</p>

Appendix B

Copy of Transpower's further submission

Further Submission by Transpower New Zealand Limited Proposed Plan Change 18 (Indigenous Biodiversity) to the Mackenzie District Plan

4 May 2018

Keeping the energy flowing



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, a number of submissions on proposed Plan Change 18 (Indigenous Biodiversity) to the Mackenzie District Plan (PC18).

Transpower has an interest in PC18 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). PC18 must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has a significant interest in ensuring that PC18 meets these statutory obligations.
- Transpower has an interest as a landowner and occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.

Background: The National Grid and Transpower's assets in Mackenzie District

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

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies (and large, 'direct-connect' industrial users, such as the Tiwai Point aluminium smelter), which supply electricity to everyday users. These users may be a considerable distance from the point of generation and therefore Transpower's assets must traverse all regions.

The National Grid extends from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 12,000 kilometres of transmission lines and cables and around 170 substations. The National Grid also includes a telecommunications network of approximately 300 telecommunications sites, forming a network that connects and controls the National Grid.

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 (NZECP 34:2001) and the Electricity (Hazard from Trees) Regulations 2003. The Electricity (Hazards from Trees) Regulations 2003 are of particular relevance to PC18 because the Regulations define safe separation distances between vegetation and electricity lines and sets out a mandatory regime for the trimming and removal of vegetation to retain these safe separation distances.

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 map attached as Appendix A shows the location of National Grid assets in Mackenzie District.

The Resource Management Act 1991 (RMA) and the National Grid

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 generators. Much of Transpower's further submission is focused on the requirements of these documents.

National Policy Statement on Electricity Transmission 2008

The NPSET confirms the national significance of the National Grid and provides policy direction in relation to:

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

A key reason for introducing the NPSET was to resolve the inconsistencies that resulted from the variable provisions for the National Grid in RMA plans and policy statements and to address challenges to its management under the RMA created by the National Grid's physical characteristics and operational security requirements. This includes in relation to the clearance of vegetation.

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:

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

The NPSET Objective is supported by fourteen Policies. The Policies that are relevant to PC18 are:

- 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.
- Policy 3: Requiring decision-makers to consider the constraints on the management of effects by the technical and operational requirements of the National Grid.
- Policy 5: Requiring decision-makers to enable the reasonable operational, maintenance and minor upgrade requirements of established National Grid assets.

Section 75(3) of the RMA requires a district plan to give effect to a national policy statement. PC18 must therefore give effect to the NPSET and, future decisions on the provision of, and submission on, PC18 must be made with consideration of the NPSET. To give effect the NPSET, PC18 must ensure that the national significance of, and benefits of, the National Grid are recognised by including provisions that provide for vegetation clearance associated with the operation, maintenance, upgrading and development of the National Grid.

Canterbury Regional Policy Statement 2013 (CRPS)

Section 75(3) of the RMA also requires a district plan to give effect to a regional policy statement. Therefore, PC18 must also give effect to the CRPS including Policy 16.3.4 that addresses the National Grid in Canterbury as follows:

“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.”*

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 activity transmission activities (subject to standards) and resource consent requirements where these activities do not meet the standards. The NESETA only applies to National Grid lines that existed at 14 January 2010 and does not apply to new lines or 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 proposed plan. Regulation 30 of the NESETA provides for the trimming, felling and removing of trees and vegetation as a permitted activity where a number of conditions are complied with, including the following:

- “(2) Any tree or vegetation must not be trimmed, felled, or removed if –*
- (a) a rule prohibits or restricts its trimming, felling, or removal; or*
 - (b) it is in a natural area.*

A ‘natural area’ is defined by the NESETA as *“an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna”*.

Transpower’s further submission seeks amendments to provisions supported by, or amended by, submission to clarify the role of the NESETA and to provide consistent provisions to apply to transmission lines that are constructed after 14 January 2010 with particular reference to Regulation 30(2).

Transpower’s further submission

Transpower understands that PC18 is part of a broader district plan review process. It is assumed that this review process will include a review of the network utility section of the Mackenzie District Plan, that in turn will encompass further provisions required to fully give effect to the NPSET. The relationship between PC18 and the operative and future network utilities provisions is not entirely clear to Transpower and this further submission is made on the basis that the PC18 provisions may apply to network utilities, although it is noted that the trimming or felling of vegetation for the benefit of network utilities may be permitted, in part, by Rule 1.1.j of the operative District Plan or within the scope of the review of the network utilities section.

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 B. The general reasons for Transpower’s further submission are set out below. These reasons apply to each submission listed in Appendix B and are supplemented by specific reasons and relief in Appendix B.

General reasons in respect of submissions supported by Transpower

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

- give effect to the NPSET;

- give effect to Policy 16.3.4 of the 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 in Appendix B 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 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: **4 May 2018**

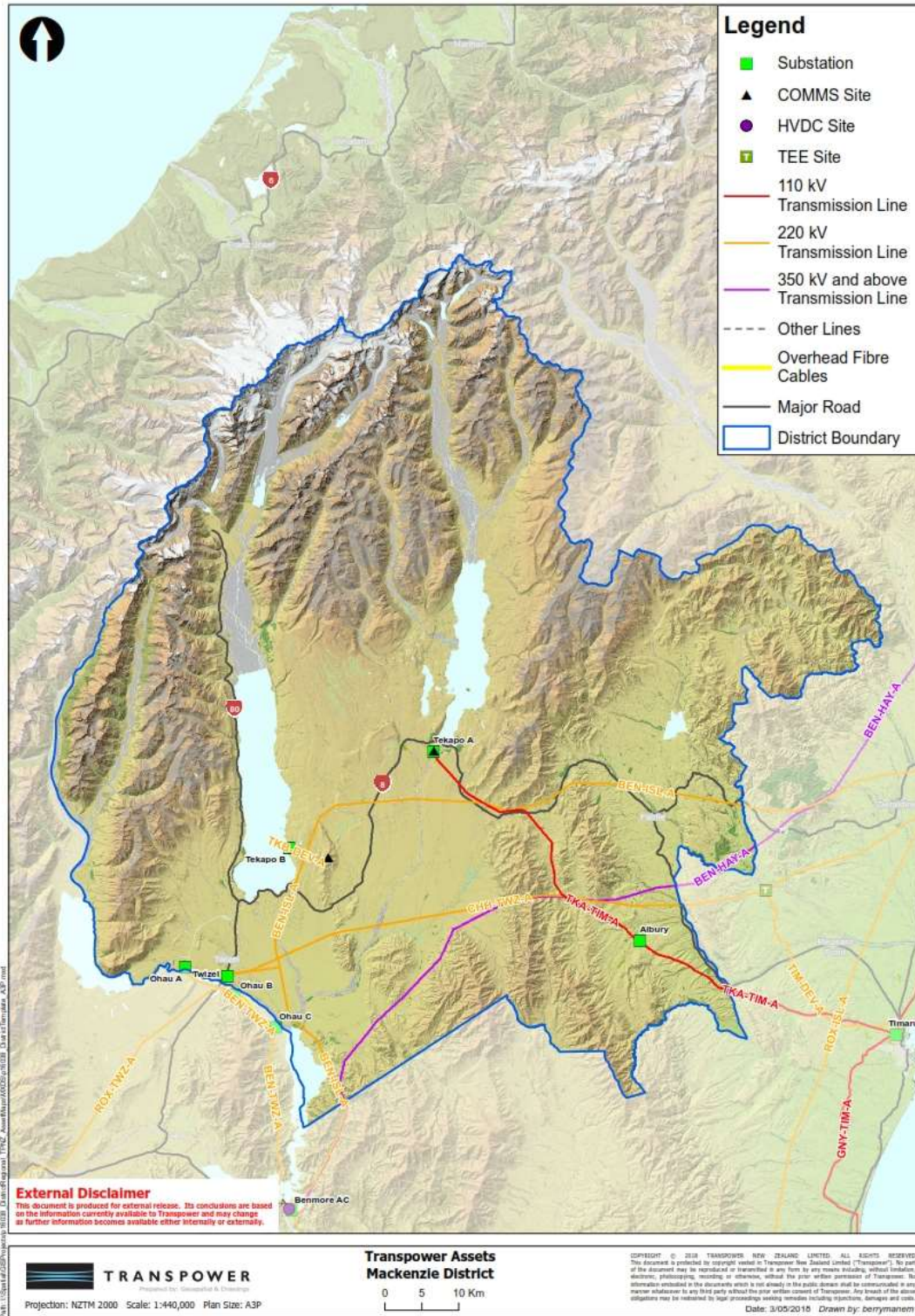
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Appendix A: National Grid Assets in Mackenzie District



Appendix B – Transpower New Zealand Limited: Further Submission on Submissions Made on Proposed Plan Change 18 (Indigenous Biodiversity) to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower, including the reasons for Transpower’s support or opposition and the specific amendments to the provisions of proposed PC18 as a result. The PC18 text is shown without underlining; the relief sought in primary submission is shown as black; and the amendments sought by Transpower are shown in red.

Submitter	Provision and Submission Summary	Support/ Oppose	Reason	Allow/Disallow
Biodiversity Objectives 1, 2 and 3 and new Objectives				
Genesis Energy Limited	<p>Seeks the insertion of the following new Objective that is subsequently implemented by Policy 7 and Rule 2:</p> <p><u>“Objective X</u> <u>In respect of activities associated with the nationally significant Waitaki Power Scheme to:</u></p> <p><u>(a) Recognise and provide for special characteristics and significance of the Waitaki Power Scheme</u> <u>(b) Allow vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the Waitaki Power Scheme Management Area.</u> <u>(c) Provide for appropriate vegetation clearance necessary for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme outside the Waitaki Power Scheme Management Area.”</u></p>	Support in part	<p>Transpower supports the submission to the extent that the submission identifies the need for an Objective that is, in turn, implemented by Policy 7 and Rule 2.</p> <p>Transpower opposes the proposed wording of the Objective X because the Objective fails to address the electricity transmission component of Policy 7 and as such does not equally recognise and provide for the national significance of electricity transmission. As a result proposed Objective X:</p> <ul style="list-style-type: none"> • fails to give effect to the NPSET; • fails to give effect to Policies 5.3.9 and 16.3.4 of the CRPS; • does not consider the appropriateness of vegetation clearance that is a mandatory statutory requirement under the Electricity (Hazards from Trees) Regulations 2003. 	<p>Allow the submission to the extent that a further Objective is included in Section 19, subject to amendments that extend the Objective to similarly apply to the National Grid. One option to achieve this is the following:</p> <p><u>“Objective X</u> <u>In respect of activities associated with the nationally significant Waitaki Power Scheme and nationally significant National Grid to:</u> <u>(a) Recognise and provide for the benefits, special characteristics and significance of the Waitaki Power Scheme and the National Grid.</u> <u>(b) Allow vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the Waitaki Power Scheme Management Area and in the vicinity of the National Grid....”</u></p>
Meridian Energy Limited	<p>Seeks the insertion of the following new Objective that is subsequently implemented by Policy 7 and Rule 2.</p> <p><u>“Objective X</u> <u>For activities associated with the nationally significant Waitaki Power Scheme to:</u></p>	Support in part	<p>Transpower supports the submission to the extent that the submission identifies the need for an Objective that is, in turn, implemented by Policy 7 and Rule 2.</p> <p>Transpower opposes the proposed wording of the Objective X because the Objective fails to</p>	<p>Allow the submission to the extent that a further Objective is included in Section 19, subject to amendments that extend the Objective to similarly apply to the National Grid. One option to achieve this is the following:</p> <p><u>“Objective X</u></p>

	<p>(a) <u>Address the special characteristics and significance of the Waitaki Power Scheme</u></p> <p>(b) <u>Enable vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the Waitaki Power Scheme Management Area.</u></p> <p>(c) <u>Provide for appropriate vegetation clearance necessary for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme outside the Waitaki Power Scheme Management Area."</u></p>		<p>address the electricity transmission component of Policy 7 and as such does not equally recognise and provide for the national significance of electricity transmission. As a result proposed Objective X:</p> <ul style="list-style-type: none"> • fails to give effect to the NPSET; • fails to give effect to Policies 5.3.9 and 16.3.4 of the CRPS; <p>does not consider the appropriateness of vegetation clearance that is a mandatory statutory requirement under the Electricity (Hazards from Trees) Regulations 2003.</p>	<p>For activities associated with the nationally significant Waitaki Power Scheme <u>and nationally significant National Grid to:</u></p> <p>(a) <u>Address the special characteristics, benefits and significance of the Waitaki Power Scheme and the National Grid.</u></p> <p>(b) <u>Enable vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the Waitaki Power Scheme Management Area and in the vicinity of the National Grid. ..."</u></p>
Biodiversity Policy 2				
Genesis Energy Limited	<p>Seeks that Policy 2 is amended and augmented by an additional Policy 2A as follows:</p> <p>"2. To avoid, remedy or mitigate, adverse effects of land use activities on the natural character and significant indigenous vegetation and significant habitats of indigenous fauna in indigenous land and water ecosystems functions in the District including:</p> <p>a) Landform, physical processes and hydrology</p> <p>b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas</p> <p>c) Aquatic habitat and water quality and quantity.</p> <p><u>2A. To manage, or offset or compensate, actual or potential effects of the use, development and protection of land to maintain indigenous biological diversity in the District."</u></p>	Support in part	<p>Transpower supports the amendment to Policy 2 that are promoted in the submission on the basis that the amendments:</p> <ul style="list-style-type: none"> • appropriately confine the Policy to section 6(c) matters; • better reflects, and gives effect to, the policy direction in Policy 9.2.3 of the CRPS; • better align with district council functions and the provisions that implement this policy. <p>Transpower considers that further amendment is necessary to proposed Policy 2A to ensure that the Policy is clear that compensation or off-setting cannot be required, but can be proposed or agreed to by an applicant. This is consistent with new section 104(ab) of the RMA.</p>	<p>Allow the submission by making the amendments proposed, subject to the following further amendment to proposed Policy 2A or alternatively, insert Policy 2A as proposed by Meridian Energy Limited:</p> <p><u>"2A. To manage, or offset or compensate (when proposed or agreed to by an applicant), actual or potential effects of the use, development and protection of land to maintain indigenous biological diversity in the District."</u></p>
Meridian Energy Limited	<p>Seeks that Policy 2 is amended and augmented by an additional Policy 2A as follows:</p> <p>"2. To avoid, remedy or mitigate, adverse effects on the natural character and</p>	Support	<p>Transpower supports the amendments to Policy 2 that are promoted in the submission on the basis that the amendments:</p>	<p>Allow the submission.</p>

	<p><u>significant indigenous vegetation and significant habitats of indigenous fauna in indigenous land and water ecosystems functions in the District including:</u></p> <p>a) Landform, physical processes and hydrology</p> <p>b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas</p> <p>c) Aquatic habitat and water quality and quantity.</p> <p>2A. <u>To manage actual or potential effects of the use, development and protection of land to maintain indigenous biological diversity in the District.”</u></p>		<ul style="list-style-type: none"> • appropriately confine the Policy to section 6(c) matters; • better reflects, and gives effect to, the policy direction in Policy 9.2.3 of the CRPS; • better align with district council functions and the provisions that implement this policy. 	
Biodiversity Policy 7				
Environmental Defence Society Inc. (EDS)	<p>Seeks the replacement of Policy 7 with the following: <u>“To recognise that the location of renewable energy generation structures and activities can overlap with indigenous biological diversity values.”</u></p>	Oppose	<p>Transpower opposes this submission because the replacement Policy 7 that is proposed does not retain reference to electricity transmission or the enablement of its “upgrading, maintenance and enhancement”. As such, the relief sought:</p> <ul style="list-style-type: none"> • fails to give effect to the NPSET, including the requirement to enable reasonable operational, maintenance and minor upgrade requirements in Policy 5; • fails to give effect to Policies 5.3.9 and 16.3.4 of the CRPS; and therefore • does not achieve the purpose of the RMA. 	Disallow the submission.
Genesis Energy Limited	<p>Seeks amendments to Policy 7 as follows: <u>“To recognise and provide for the national significance, economic and social importance of renewable energy generation and transmission, including in particular activities of the Waitaki Power Scheme and the special features of that activity, including:</u></p> <p>a. <u>the need to locate the activity where the renewable energy resource is available;</u></p>	Support in part	<p>Transpower supports the relief sought in the submission to the extent that the amendments provide greater detail in respect of how the recognition of the importance of energy generation and transmission is achieved. Transpower also supports the deletion of reference to being “consistent with objectives and policies of this Plan” on the basis that these provisions may change as part of the district plan</p>	Allow the submission, subject to the following further amendments: <u>“To recognise and provide for the national significance, economic and social importance of renewable energy generation and electricity transmission, including in particular electricity transmission on the National Grid and activities of the Waitaki Power Scheme and the special features of that activity, including:</u>

	<p>b. <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity;</u></p> <p>c. <u>maintaining the output from existing renewable electricity generation activities;</u></p> <p>d. <u>the location of existing structures and infrastructure</u></p> <p>and <u>consistent with objectives and policies of the Plan, to provide for its development, upgrading operation, maintenance and upgrading by: enhancement</u></p> <p>(i) <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Power Scheme as distinct from Indigenous Vegetation Clearance for other activities;</u></p> <p>(ii) <u>Permitting indigenous Vegetation Clearance in areas that are part of the Waitaki Power Scheme Management Areas where they involve Waitaki Power Scheme Activities</u></p> <p>(iii) <u>Despite Policy 6 in any areas outside the Waitaki Power Scheme Management Area to provide for development, maintenance and upgrading of the Waitaki Power Scheme by allowing appropriate environmental off-setting and/or environment compensation of residual adverse effects (i.e. effects where it is not reasonable practicable to prevent adverse effects)."</u></p>		<p>review process and therefore the clause is not sufficiently certain.</p> <p>Transpower considers that further amendment to Policy 7 is necessary to explicitly refer to the National Grid and to ensure that the Policy gives effect to the NPSET and Policy 16.3.4 of the CRPS.</p>	<p>a. <u>the need to locate the activity where the renewable energy resource is available;</u></p> <p>b. <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity and the National Grid;</u></p> <p>c. <u>maintaining the output from existing renewable electricity generation activities;</u></p> <p>d. <u>the location of existing structures and infrastructure</u></p> <p>and <u>consistent with objectives and policies of the Plan, to provide for its development, upgrading operation, maintenance and upgrading by: enhancement</u></p> <p>(i) <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Power Scheme and National Grid as distinct from Indigenous Vegetation Clearance for other activities; ..."</u></p>
Meridian Energy Limited	<p>Seeks amendments to Policy 7 as follows:</p> <p>"To recognise <u>and provide for the nationally significant</u>, economic and social importance of renewable energy generation and transmission activities of the Waitaki Power Scheme and the <u>special features of that activity, including:</u></p> <p>a. <u>the need to locate the activity where the renewable energy resource is available;</u></p> <p>b. <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity;</u></p>	Support in part		<p>Allow the submission, subject to the following further amendments:</p> <p>"To recognise <u>and provide for the nationally significant</u>, economic and social importance of renewable energy generation and <u>electricity</u> transmission activities of the Waitaki Power Scheme, <u>and on the National Grid</u>, and the <u>special features of that activity, including:</u></p> <p>a. <u>the need to locate the activity where the renewable energy resource is available;</u></p>

	<p>c. the location of existing structures and infrastructure and consistent with objectives and policies of the Plan, to provide for its development, upgrading operation, maintenance and upgrading by: <u>enhancement</u></p> <p>(i) <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Electric Power Scheme as distinct from Indigenous Vegetation Clearance for other activities;</u></p> <p>(ii) <u>Permitting Indigenous Vegetation Clearance in areas that are part of the Waitaki Power Scheme Management Areas where they involve Waitaki Power Scheme Activities</u></p> <p>(iii) <u>Despite Policy 6 in any areas outside the Waitaki Power Scheme Management Area to provide for development, maintenance and upgrading of the Waitaki Electric Power Scheme by allowing appropriate environmental off-setting and/or environment compensation of residual adverse effects (i.e. effects where it is not reasonable practicable to prevent adverse effects)."</u></p>			<p>b. logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity <u>and the National Grid;</u></p> <p>c. the location of existing structures and infrastructure and consistent with objectives and policies of the Plan, to provide for its development, upgrading operation, maintenance and upgrading by: <u>enhancement</u></p> <p>(i) <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Electric Power Scheme and the National Grid as distinct from Indigenous Vegetation Clearance for other activities; ..."</u></p>
Biodiversity – New Policy				
<p>Mt Gerald Station Limited</p> <p>The Wolds Station Limited</p>	<p>Seeks the inclusion of a new policy as follows: <u>"To allow clearance of significant indigenous vegetation or habitats of indigenous fauna where such activities are necessary for:</u></p> <ul style="list-style-type: none"> <u>- the management of the site including the management of pests and the removal of diseased, damaged or dead plants;</u> <u>- To facilitate access for livestock, utility structures or farm vehicles past or through the site; and</u> <u>- Enable the reasonable use of the land and the maintenance of existing infrastructure."</u> 	<p>Support in part</p>	<p>Transpower supports the submission to the extent that the proposed new policy seeks to provide for the access to, and maintenance of, utilities and infrastructure (that would include the National Grid) in a manner that gives effect to the NPSET.</p>	<p>Allow the submission to the extent that it provides for the access to, and maintenance of, the National Grid.</p>

Director General of Conservation	Seeks the inclusion of the following new policy: <u>“To avoid adverse effects of subdivision, use and development on significant indigenous vegetation and habitat.”</u>	Oppose	Transpower opposes the proposed policy to the extent that the policy does not reconcile matters of national importance under section 6(c) of the RMA with matters of national significance, such as the National Grid. Section 4 of the NPSET states the <i>“matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network”</i> . The operation, maintenance, development and upgrade of the National Grid may necessitate to removal of indigenous vegetation, given the National Grid’s location and linear nature. It is considered that such situations, where avoidance is not achievable, must be recognised in order to give effect to the NPSET.	Disallow the submission to the extent that it applies to the National Grid.
Biodiversity Rules – Permitted Activities excluding Waitaki Power Scheme				
Mt Gerald Station Limited The Wolds Station Limited	Seeks the following amendment to Standard (1) in Rule 1.1.1: “The clearance is for the purpose of maintenance or repair <u>replacement or minor upgrade</u> of existing fence lines, vehicle tracks, roads, <u>stock crossings</u> , firebreaks, drains, <u>ponds</u> , <u>dams</u> , stockyards, farm buildings, water troughs, <u>waterlines</u> , <u>waterway crossings</u> or <u>any other utility</u> or airstrips; ...”	Support in part	Transpower supports the submission to the extent that the submission appropriately seeks an exemption for utilities. It is considered that such an exemption gives effect to the NPSET insofar as it relates to the National Grid.	Allow the submission.
Royal Forest and Bird Protection Society of New Zealand Inc.	Seeks the following amendments to Standard (1) in Rule 1.1.1: “1. The clearance is for the purpose of maintenance or repair of existing fence lines, vehicle tracks, roads, firebreaks , drains, stockyards, farm buildings, <u>or</u> water troughs or <u>airstrips</u> ; and within the setbacks identified <u>under condition 8 is not more than 1.5 metres on either side of the existing fence line, vehicle track, road, drain, stockyards farm building, water trough.</u>	Support in part	Transpower supports the submission to the extent that the submission extends the exemption to apply within the setbacks in Standard (8) in a manner that gives effect to the NPSET and Policy 16.3.4 of the CRPS, insofar as this relief would apply to the National Grid.	Allow the submission, subject to the relief supported above (Mt Gerald Station Limited and The Wolds Station Limited).

	<u>1a. The clearance is for the purpose of maintenance or repair of existing firebreaks or airstrips.”</u>			
Biodiversity Rules - Vegetation clearance associated with the Waitaki Power Scheme – Permitted Activities				
Environmental Defence Society Inc. (EDS)	Seeks: <ul style="list-style-type: none"> the insertion of controls on the extent of permitted clearance, such as no permitted clearance in SONS and parameters around permitted clearance elsewhere; the insertion of new matters of discretion to allow a consideration of, and requirement for, avoidance of effects; the inclusion of methods to protect section 6(b) and (c) of the RMA areas; monitoring and reporting. 	Support in part	Subject to specific amendments to the PC18 text being provided, Transpower supports the submission to the extent that it seeks the inclusion of new matters of discretion, methods and monitoring. However, Transpower does not support a rule for no permitted clearance in a SONS and considers that such a provision, insofar as it relates to the National Grid, fails to: <ul style="list-style-type: none"> fully implement proposed Policy 7; give effect to the NPSET; give effect to Policy 16.3.4 of the CRPS; and provide for trimming or removal of vegetation in the vicinity of National Grid and other transmission lines, which is a mandatory requirement under the Electricity (Hazards from Trees) Regulations 2003. 	Disallow the submission to the extent that it promotes a new rule preventing the clearance of indigenous vegetation, for the operation, maintenance and upgrading of the National Grid as a permitted activity in SONS.
Genesis Energy Limited Meridian Energy Limited	Seeks the retention of Rule 2.1.1.	Support in part	Transpower supports the retention of Rule 2.1.1. but considers that the Rule fails to fully implement proposed Policy 7 because the Rule does not explicitly permit the clearance of indigenous vegetation as a consequence of an emergency occurring on the National Grid. In order to achieve this, and give effect to the NPSET, further amendment to Rule 2.1.1 is necessary.	Allow the submission to the extent that Rule 2.1.1 is retained, subject to the following amendments: “2.1.1 The clearance is a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme <u>or National Grid</u> ; ...”
Genesis Energy Limited	Seeks the following amendments to Rule 2.1.2: “Clearance is required for the operation, and maintenance <u>and upgrading</u> of the Waitaki Power Scheme <u>Activities</u> , with the <u>Waitaki Power Scheme Management Area following areas</u> ; <ul style="list-style-type: none"> The existing footprint of the Waitaki Power Scheme; On core sites associated with the Waitaki Power Scheme. 	Support in part	Transpower supports the submission to the extent that it appropriately provides for indigenous vegetation clearance associated with the operation, maintenance and upgrade of the Waitaki Power Scheme. However, Transpower considers that the amended Rule fails to: <ul style="list-style-type: none"> fully implement proposed Policy 7; give effect to the NPSET; give effect to Policy 16.3.4 of the CRPS; 	Allow the submission, subject to the following amendments to Rule 2.1.2: “Clearance is required for the operation, and maintenance <u>and upgrading</u> of: <ul style="list-style-type: none"> <u>the Waitaki Power Scheme Activities</u>, within the <u>Waitaki Power Scheme Management Area</u>; <u>the National Grid, including where required by the Electricity (Hazards from Trees) Regulations 2003, following areas</u>;

	<ul style="list-style-type: none"> On areas covered by an operating easement associated with the Waitaki Power Scheme.” 		<ul style="list-style-type: none"> provide a rule pathway alongside Regulation 30 of the NESETA; and provide for trimming or removal of vegetation in the vicinity of National Grid and other transmission lines, which is a mandatory requirement under the Electricity (Hazards from Trees) Regulations 2003. 	<ul style="list-style-type: none"> The existing footprint of the Waitaki Power Scheme; On core sites associated with the Waitaki Power Scheme; On areas covered by an operating easement associated with the Waitaki Power Scheme.”
Meridian Energy Limited	<p>Seeks the following amendments to Rule 2.1.2: “Clearance is required for the operation and maintenance of the Waitaki Power Scheme Activities, with the <u>Waitaki Power Scheme Management Area</u> following areas;</p> <ul style="list-style-type: none"> The existing footprint of the Waitaki Power Scheme; On core sites associated with the Waitaki Power Scheme. <p>On areas covered by an operating easement associated with the Waitaki Power Scheme.”</p>	Support in part	<p>Transpower considers that it is necessary to further amend the Rule to address these matters.</p>	<p>Allow the submission, subject to the following amendments to Rule 2.1.2: “Clearance is required for:</p> <ul style="list-style-type: none"> the operation and maintenance of the Waitaki Power Scheme Activities, within the <u>Waitaki Power Scheme Management Area</u>; the operation, maintenance or upgrading of the National Grid, including where required by the <u>Electricity (Hazards from Trees) Regulations 2003</u>, following areas; <ul style="list-style-type: none"> The existing footprint of the Waitaki Power Scheme; On core sites associated with the Waitaki Power Scheme. <p>On areas covered by an operating easement associated with the Waitaki Power Scheme.”</p>
Genesis Energy Limited	<p>Seeks the inclusion of a new permitted activity rule as follows:</p>	Support	<p>Transpower supports the submission because the proposed new rule provides greater consistency and clarity by confirming that the permitted vegetation clearance for other activities, such as existing tracks, will also apply to vegetation clearance associated with the Waitaki Power Scheme and the National Grid (subject to the relief sought by this further submission).</p>	<p>Allow the submission.</p>
Meridian Energy Limited	<p>“2.1.3 For any activity, clearance that is a <u>permitted activity under Rule 1.1.</u>”</p>			
Biodiversity Rules - Vegetation clearance associated with the Waitaki Power Scheme – Discretionary Activities				
Genesis Energy Limited	<p>Seeks the following amendments to Rule 2.3.1: “2.3.1 Any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme or <u>Waitaki Power Scheme Activities that is not permitted under rule 2.1 or Rule 2.1.3.</u>”</p>	Support in part	<p>Transpower supports the relief sought in the submission to the extent that it provides an explicit ‘default’ provision for all activities not provided for in the rules in 2.1. As a consequence of amendments sought by Transpower elsewhere, to give effect to the NPSET and implement Policy 7, Transpower</p>	<p>Allow the submission, subject to the following further amendment:</p> <p>“2.3.1 Any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme, <u>the National Grid, or Waitaki Power Scheme Activities that is</u></p>

			considers further amendment is necessary to Rule 2.3.1.	<u>not permitted under rule 2.1 or Rule 2.1.3.</u>
Meridian Energy Limited	Seeks the following amendments to Rule 2.3.1: “2.3.1 Any <u>Indigenous vegetation clearance for Waitaki Power Scheme Activities not permitted under Rules 2.1.1, 2.1.2 or Rule 2.1.3.</u> indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme.”	Support in part		Allow the submission, subject to the following further amendment: “2.3.1 Any <u>Indigenous vegetation clearance for Waitaki Power Scheme Activities, or the National Grid,</u> not permitted under Rules 2.1.1, 2.1.2 or Rule 2.1.3. indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme.”
Rural Rules				
Mt Gerald Station Limited The Wolds Station Limited	Seeks the following amendment to the exemption in Rule 12.1.1.a as follows: “This standard shall not apply to any removal or declared weed pests or vegetation clearance for the purpose of track maintenance or habitat enhancement <u>or for the maintenance, repair, replacement or minor upgrade of existing fence lines, tracks, roads, stock crossings, fire breaks, drains, ponds, dams, stockyards, farm buildings, airstrips water troughs, waterlines, waterway crossings or any other utility.</u> ”	Support	Transpower supports the submission to the extent that the submission appropriately seeks an exemption for utilities. It is considered that such an exemption gives effect to the NPSET insofar as it relates to the National Grid.	Allow the submission.
Opuha Water Limited	Seeks the following exemption in Rule 12.1.1.a: “ <u>This standard shall not apply to vegetation clearance that is:</u> <ul style="list-style-type: none"> <u>a consequence of an emergency occurring on, or failure of the Opuha Scheme.</u> <u>required for the operation and maintenance of the Opuha Scheme within areas oared by an operating easement associated with the Scheme. ...</u>” 	Support in part	Transpower supports the submission to the extent that it appropriately provides for vegetation clearance associated with the operation and maintenance of the Waitaki Power Scheme. However, Transpower considers that the further amendments to the Rule are necessary to similarly provide for the National Grid and to therefore: <ul style="list-style-type: none"> • give effect to the NPSET; • give effect to Policy 16.3.4 of the CRPS; • provide a rule pathway alongside Regulation 30 of the NESETA (by inserting a rule rather than an exemption); and • provide for trimming or removal of vegetation in the vicinity of National Grid and other 	Allow the submission, subject to the following further amendment: “12.1.1.a Riparian Areas Clearance of vegetation shall not exceed 100m ² per hectare in any continuous period of 5 years, <u>except where required for the operation, maintenance or upgrading of the National Grid, including when required under the Electricity (Hazard from Trees) Regulations 2003,</u> - within 20m of the bank of the main stem ... Exemptions: ... <u>This standard shall not apply to vegetation clearance that is:</u>

			transmission lines, which is a mandatory requirement under the Electricity (Hazards from Trees) Regulations 2003.	<ul style="list-style-type: none"> • <u>a consequence of an emergency occurring on, or failure of the Opuha Scheme.</u> • <u>required for the operation and maintenance of the Opuha Scheme within areas oared by an operating easement associated with the Scheme. ...”</u>
Definitions				
Environmental Defence Society Inc. (EDS)	Seeks the inclusion of the following new definition of ‘Site of Natural Significance (or SONS)’: “SONS means significant sites of indigenous vegetation and fauna habitat identified in the District Plan maps. Not all sites qualifying as significant under s6(c) RMA and Policy 9.3.1 RPS in the District have been mapped. Other sites will be identified on a case-by-case basis.”	Support in part	Transpower supports this submission to the extent that it seeks to clearly define and distinguish areas of significant indigenous vegetation and significant habitats of indigenous fauna in a manner that is consistent with the definition of ‘natural area’ in the NESETA. In order for Regulation 30 of the NESETA to be implemented correctly it is essential that areas that are ‘natural areas’ can be easily identified in district plans. This is achieved by separately defining section 6(c) of the RMA areas.	Allow the submission to the extent that clear definition and distinction of areas where section 6(c) of the RMA values are protected is achieved.