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For the Attention of the Hearings Panels for proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region

Transpower New Zealand Limited (“**Transpower**”) writes regarding Proposed Plan Change 1 to the Natural Resource Plan (“**NRP**”) for the Wellington Region relating to Hearing Stream 1 - Overarching Matters and Region-Wide Changes, commencing on 4 November 2024.

Given the confined nature of Transpower’s interest to the hearing topic, and the favourable nature of the officer recommendations, Transpower does not intend to appear before the panel and provide evidence at this hearing. Rather it respectfully requests that this letter be tabled for the Panel’s consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Transpower confirms it will prepare evidence and attend at the subsequent hearing tranches where its more substantive submission points will be considered.

The following provides an overview of the submission points of relevance to this hearing, and response to the S42A Report recommendations.

Submission points

Specific to this tranche of hearing topics, Transpower lodged eight original submission points. A summary of the points is set out below:

S177.001 and S177.002: Sought recognition in the NRP of the National Policy Statement on Electricity Transmission 2008.

S177.016, S177.028, and S177.054: Sought reference in the NRP to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 so as to highlight the NESETA to plan users and assist with plan interpretation.

S177.019 and S177.045: Supported the notes clarifying the continued application of the policies in Chapter 4 of the NRP to the proposed chapters.

S177.017: Sought reinstatement of ‘structure’ within Rule R128. As an alternative Transpower sought specific reference to the National Grid.

Response to S42A Report recommendations

Transpower has carefully reviewed the S42A Report recommendations and as outlined in the attached table, supports/accepts the S42 Report recommendations on all the Transpower submission points.

Hearing appearance

As noted above, given the confined nature of Transpower's interest in the hearing topic and the favourable nature of the officer recommendations, Transpower does not intend to appear before the panel and provide hearing evidence. Rather it respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

For clarity, Attachment A to this letter outlines the relief sought by Transpower, the S42A response, and Transpower's response to the recommendations.

Should the Panel see benefit in Transpower appearing before it in relation to this tabled statement, Transpower can readily make itself available.

Should the Panel require clarification on any matter, please contact Rebecca Eng at Transpower (09 590 7072), or on the following email: environment.policy@transpower.co.nz.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'REbecca Eng'.

Rebecca Eng
Technical Lead – Environmental Policy
Transpower New Zealand Limited

Attachment A – Summary of Submission Points

Specific plan provision as notified	Sub Point	Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
General Points				
General comments - overall	S177.001	<p>Not stated</p> <p>Relief sought: Ensure the objective of the NPSET is given effect to through provisions of PC1 while also giving effect to the NPS-FM.</p> <p>Reasoning: Notes PC1 should give effect to the NPS-FM whilst also giving effect to all other national policy statements including the NPSET and NESETA but the s32 report does not reference the NPSET and NESETA and appears that they have not been considered in the PC1 preparation. Seeks to ensure the objective of the NPSET is given effect to through provisions of PC1 while also giving effect to the NPS-FM.</p>	<p>No recommendation</p> <p>155. Similarly, Transpower's 62 concerns regarding ensuring the objective of the NPS-ET is given effect through PC1, alongside the NPS-FM, is noted. This submission point is in fact a summary statement supporting their more detailed submission points which will be addressed in later hearing streams. On this basis I make no recommendation.</p>	<p>Support the recommendation noting the matters will be addressed at subsequent hearings.</p>
General comments - overall	S177.002	<p>Not stated</p> <p>Relief sought: Ensure that higher-order direction on regionally significant infrastructure continues to be provided for through PC1 while also giving effect to the NPS-FM.</p> <p>Reasoning: The submitter recognises the objectives and policies of the RRPS and NRP for regionally significant infrastructure will continue to apply under PC1. Considers it is not evident from the provisions of PC1, or s32 Report, that consideration has been given to providing for the RPS and NRP objectives and policies related to regionally significant infrastructure when developing provisions for the whitua</p>	<p>No recommendation</p> <p>165. I note the request by Transpower 67, in relation to providing for higher order direction on regionally significant infrastructure (RSI) from the RPS in PC1. Again, this submission point is a summary statement in support of Transpower's more detailed and specific submission points and on this basis, I make no recommendation.</p>	<p>Support the recommendation noting the matters will be addressed at subsequent hearings.</p>
Chapter 5.4 Rules: Wetlands and beds of lakes and rivers				
Rules - Interpretation section	S177.016	<p>Amend</p> <p>Relief sought: Insert the following to the Interpretation section of the chapter:</p> <p><i>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</i></p> <p>Reasoning: Transpower seeks reference in the NRP to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA") so as to highlight the NESETA to plan users and assist with plan interpretation.</p> <p>While Transpower accepts a statement is not absolutely required, it would be helpful to highlight to plan users the relationship that exists between the NESETA and plan rules. This is particularly relevant given the potential difference in the standards and activity status. By way of example a similar type of statement is provided in the Infrastructure chapter of the Auckland Unitary Plan (operative in part). In contrast, the general statement in Section 1.5.1 of the NRP does not specifically comment on the relationship between the NESETA and the plan rules.</p>	<p>Accept</p> <p>96. Transpower New Zealand Limited [S177.016] seek reference to the National Environment Standards for Electricity Transmission Activities Regulations 2009 in a note in the interpretations section to highlight to plan users that these regulations apply for particular activities. I agree with Transpower that the interpretation section of the Beds of Lakes and Rivers chapter would benefit from having reference to NESETA to assist plan users in understanding the interaction between the plan and NESETA. I recommend it is included as a clause 16 amendment given that these regulations already apply to the Beds of Lakes and Rivers chapter and the statement serves as an information note.</p> <p>5.4 Wetlands and beds of lakes and rivers Interpretation</p> <p>....</p> <p><i>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</i></p> <p><i>The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.</i></p>	<p>Support the recommendation on the basis it reflects the relief sought in the Transpower submission.</p>
Rule R128: New structures – permitted activity	S177.017	<p>Amend</p> <p>Relief sought: Reinstating the words "structure, including" to the chapeau of the rule.</p> <p>Alternatively, amend the rule as follows:</p> <p>Rule R128: New structures – permitted activity</p>	<p>Reject</p> <p>68. Transpower New Zealand Ltd [S177.017] considers that reference to 'cable' in Rule R128 is not sufficient to provide for national grid transmission lines as a permitted activity. I consider that the structures necessary for the operation of the National Grid within the Beds of Lakes and Rivers are provided for by the inclusion of "cable". National grid transmission lines that are not located within</p>	<p>Accept the recommendation on the basis council considers 'cables' would apply to National Grid lines.</p>

Specific plan provision as notified	Sub Point	Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
		<p>The placement of a new structure, including sediment retention weirs, pipelines (such as a natural gas pipeline), ducts, cables, National Grid transmission line, hydrological and water quality monitoring equipment, fences, erosion protection structures, debris arrestor structures or a and structures associated with vegetative bank edge protection except a structure permitted by Rules R125, R126 and R127 and passive flap gates, that is fixed in, on, under, or over the bed of any river or lake, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.4.4(n), including any associated:</p> <p>(a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water, and (e) temporary damming of water,</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except when general condition 5.4.4(n) applies,</p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(a) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and (b) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipelines, or cables, <u>or National Grid transmission lines</u> to an existing structure or providing for fish refuge, and (c) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and (d) the structure does not occupy a bed area any greater than 10m², except for where the structure is associated with vegetative bank edge protection, or a pipeline, duct, fence, or cable, <u>or National Grid transmission line</u> which is located over or under the bed where no bed occupancy limits apply, and (e) the catchment upstream of any sediment retention weir is not greater than 200ha, and (f) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and (g) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following: (i) the fall height of the weir must be no more than 0.5m, and (ii) the slope of the weir must be no steeper than 1:30, and (iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and (h) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, 64, 65, and 68 as relevant for the structure, of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulations.</p> <p>Note</p> <p>The placement of a passive flap gate in, on, over or under the bed of any river or connected area is a non-complying activity regulated by the Resource Management (National Environment Standards for Freshwater) Regulations 2020.</p> <p>Reasoning:</p> <p>Removal of the reference to “structure” from the chapeau of the rule significantly reduces the range of structures that are permitted under the rule.</p> <p>National Grid transmission lines regularly traverse rivers throughout the region and doing so is unavoidable. As a result of the removal of the reference to “structure”, the rule relies on specific types of structure to be specified in order to be permitted. Consequently, it is unclear whether National Grid transmission lines that traverse rivers or lakes will be permitted under the rule. Transpower notes that the reference to “cable” in the rule is not sufficient to provide for the National Grid, as National Grid cables are generally transmission lines that are located below ground (not those lines above ground).</p> <p>To address this, Transpower seeks that either the reference to “new structure” in the chapeau is retained, or that specific reference to National Grid transmission lines is provided for in the rule, wherever the term “cable” is mentioned.</p>	<p>the Beds of Lakes and Rivers would not require a consent under Rule R128.</p>	

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		<p>Alternatively, Transpower considers that this matter would be addressed by reinstating the words “structure, including” to the chapeau of the rule.</p> <p>In addition to this, there is a minor error in the chapeau, where “structure associated with vegetative bank edge protection” should be amended to refer to structure in the singular (rather than plural).</p>		
Chapter 8: Whaitua Te Whanganui-a-Tara Section 8.2: Policies and Chapter 9: Te Awarua-o-Porirua Whaitua Section 9.2: Policies				
<p>In addition to the policies in this Chapter, the policies in Chapter 4 of the Plan also apply in Whaitua Te Whanganui-a-Tara,</p>	<p>S177.019 and S177.045</p>	<p>Support</p> <p>Relief sought: Retain as notified.</p> <p>Reasoning: Transpower supports this note (which appears under the heading to section 8.2), as it provides for a range of existing operative policies to continue to apply within the whaitua (including those policies that recognise the beneficial use and development of regionally significant infrastructure and the National Grid).</p>	<p>Accept</p> <p>200.I note the submissions from Ara Poutama and Transpower in support of the ‘notes’ under 8.2 Policies and 9.2 Policies, which clarify that the policies in Chapter 4 also apply in TWT and TAoP. I recommend accepting these submissions.</p>	<p>Support the recommendation on the basis it reflects the relief sought in the Transpower submission.</p>
Chapter 8: Whaitua Te Whanganui-a-Tara Section 8.3: Rules and Chapter 9: Te Awarua-o-Porirua Whaitua Section 9.3: Rules				
<p>Rules - Interpretation section</p>	<p>S177.028 and S177.054</p>	<p>Amend</p> <p>Relief sought: Insert the following to the Interpretation section of the chapter:</p> <p><i><u>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</u></i></p> <p>Reasoning: Transpower seeks reference in the NRP to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) so as to highlight the NESETA to plan users and assist with plan interpretation.</p> <p>While Transpower accepts a statement is not absolutely required, it would be helpful to highlight to plan users the relationship that exists between the NESETA and plan rules. This is particularly relevant given the potential difference in the standards and activity status. By way of example a similar type of statement is provided in the Infrastructure chapter of the Auckland Unitary Plan (operative in part). In contrast, the general statement in Section 1.5.1 of the NPR does not specifically comment on the relationship between the NESETA and the plan rules.</p>	<p>Accept</p> <p>201. Regarding Transpower’s request to include a note in sections 8.3 and 9.3 of the NRP in relation to the NESETA overriding some of the rules in these chapters as they relate to transmission activities. I consider this would align with other similar notes in the NRP in the introductory chapters of the plan (Chapter 1, Introduction) and (Chapter 2, Interpretation) and a specific NESETA advice note at the beginning of the coastal rules. Other NESs that are relevant to specific activities are also referenced throughout rules in the NRP. On the basis of this established approach, I recommend accepting the submission points from Transpower on this matter. Recommended wording is provided below:</p> <p><i>Rules 8.23 Rules</i></p> <p><i>If a single activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities that trigger separate specific rules. In that case, all rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in Chapter 5.</i></p> <p><i>In addition to the rules in this Chapter, the rules in Chapter 5 of the Plan also apply in Whaitua Te Whanganui-a-Tara, unless the rule in Chapter 5 is specifically identified as not applying to Whaitua Te Whanganui-a-Tara.</i></p> <p><i>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</i></p>	<p>Support the recommendation on the basis it reflects the relief sought in the Transpower submission.</p>