

Summary of Submissions on
the Draft Report of the
Reference Group on Electricity
Transmission

March 2006

1 Introduction

This report provides a summary of submissions received on the draft report entitled “*The Merits and Potential Scope of the Management of Electricity Transmission under the RMA*” (“the Draft Report”) produced by the Reference Group on Electricity Transmission (“the Reference Group”).

The Draft Report was made available for comment between 16 December 2005 and 28 February 2006.

Twenty-nine submissions were received on the Draft Report. These fall broadly into 4 categories:

- local authorities (and other public agencies) – 9 submissions
- industry – 8 submissions
- landowners and landowners representatives¹ - 7 submissions
- professional associations – 5 submissions

2 Structure of the report

This report is structured as follows:

- The following section discusses key themes by category of submitter.
- Table 1 sets a summary of the *general* points raised by submitters
- Table 2 sets out a summary of specific comments received on *Part 1* of the Draft Report.
- Table 3 sets out a summary of specific comments received on *Part 2* of the Draft Report
- Appendix 1 sets out a full list of submitters.

The first issue addressed in Table 1 relates to the broad question of whether the proposals for NPS/NESs are supported. The overview comment of each submitter is identified in respect of this overview issue even though there are many similarities between responses.

For all other issues, the unique points of submitters are listed adjacent to the submitter’s name. Multiple names in the same cell denote that multiple submitters made the same or similar point.

Comments are provided where applicable in relation to the summarised points included in Tables 1-3. These comments constitute *preliminary* advice to the Reference Group. They are not conclusions or decisions of the Reference Group. They are included for discussion purposes and will be reviewed by the Reference Group before the Draft Report is amended and finalised.

¹ This category includes 2 individuals who did not claim affiliation with any particular interest group.

3 Key themes by category of submitter

A number of key themes emerged from the summary and analysis. Some of these are common across all categories of submitter. Others are particular to, or more commonly expressed by, one category of submitter.

3.1 Local authorities (and other public agencies)

Most of the local authority/public agency submitters offer support in principle to national intervention on transmission. However, support is guarded and contingent on other matters. Common points made by this group include:

- Questioning whether the Draft Report provides sufficient justification. (Although it is not clear what form of justification would satisfy these parties)
- Concerns about the cost of an NPS on local authorities and whether there are alternative means (such as a change to Part 2 of the RMA, non statutory guidelines, revisiting the Electricity Commission's Grid Investment Test (GIT)) that might better achieve outcomes or achieve outcomes at lower cost.
- Questioning whether the prospect of compensation to affected landowners and/or communities should be revisited.
- A desire for greater emphasis to be placed on managing the effects of transmission on the environment and communities and a greater recognition of the responsibility Transpower has to internalise or minimise adverse effects notwithstanding that reverse sensitivity impacts should be recognised.

The Historic Places Trust wants broader recognition of historic heritage, recognition of some transmission assets as historic heritage worthy of protection and fuller regard to the Treaty of Waitangi

Many of these submitters request and expect close involvement in the drafting of the NPS and NESs noting their interest (and final support or opposition) will be dependent on the detail.

3.2 Landowners and landowner groups

There is little support for an NPS or NES from landowner submitters. What support there is (from, for example, Perry Group), is conditional on access to compensation (with various changes to the compensation regime suggested).

Federated Farmers, New Era Energy, M Patrick and WR Storey are opposed to an NPS. The reasons are varied but include concerns about smoothing the process for an activity that will be detrimental to the environment (in the case of New Era Energy) and lack of identified need or justification (with several raising concerns similar to those raised by some local government submitters). WR Storey suggests that it would be preferable to have an NPS on energy rather than dealing with transmission in isolation.

WR Storey, New Era Energy and MP Alexander all question the scope of NZECP 34 and by implication its suitability as a basis for an NES. New Era Energy promotes under grounding of lines (Manukau City also suggested that the Draft Report needed to address the under-grounding issue).

There is a little more support from landowners for other instruments. Both Mike Patrick and Federated Farmers support (i) a change to the Forms Fees and Procedures Regulations to identify Transpower as a party to be served notice of applications and; and (ii) the use of the Building Act to enforce NZECP 34.

Perry Group, on the other hand see the enforcement of the Building Act as unnecessary since they advocate that Transpower should be made to secure designations wide enough to allow internalisation of all effects (on all lines).

3.3 Professional bodies

The professional bodies are divided on their support for the NPS/NES proposals. There is strong support from the NZ Geothermal Society, the NZ Electricity Engineers Association (NZEEA) and the Institution of Professional Engineers (IPENZ). However, the NZ Law Society and the NZ Planning Institute (NZPI) question whether there is sufficient justification (notwithstanding that they support the use of NPSs/NESs in principle).

The Law Society questions why a change to Part 2 of the Act is not given more consideration.

IPENZ and NZEEA both question the scope of the NPS suggesting that an NPS should be kept at a high level and avoid technical issues. IPENZ suggests that the NPS should endorse energy efficiency and demand management.

The NZPI offers little specific comment but generally seeks more consideration and analysis.

3.4 Industry and industry bodies

Generators, Transpower and the two distribution company submitters all support (in broad terms) the proposals. There is no challenge to the justification for an NPS/NES from these submitters. On the contrary, submissions broadly restate and expand upon justification set out in the Draft Report, notably:

- (a) the local costs and national benefits associated with transmission; and
- (b) inconsistency between the standards and approach of local authorities over the course of a single project.

Several industry submitters suggest that benefits could be clarified and offer suggestions on the benefits that should be recognised. These include environmental benefits associated with supporting renewable generation which are not currently well recognised in the report.

There is some discussion about the *scope* of the NPS and in particular (a) whether it should focus on electricity more generally (i.e. be combined with generation); and (b) whether it should be limited to Transpower's network (to the exclusion of distribution lines and lines owned by generators).

The one exception to industry support for an NPS is the Major Electricity Users Group² (MEUG) which does not support an NPS but does support the three NESs.

² Note the MEUG membership includes companies that are significant land owners

Industry submissions generally provide more direct comment on the policy options included in the report than other submitters.

There is strong support for recognising positive effects and managing effects on the transmission network. However, both Meridian and MRP oppose NPS policies in relation to managing adverse effects of the transmission network (relating to route selection) noting that these effects are local and can be managed adequately at the local level. Most other industry submissions are silent on this point.

Both the NESs proposed are supported by all industry submitters although MRP considers that these should be combined into a single NES. There is also strong support for an NES on EMF and use of the Building Act to enforce NZECP 34.

4 Overall analysis

Of the 29 submission received:

- 10 are broadly supportive of the proposals for an NPS and NESs in the Draft Report;
- 11 are supportive of intervention in principle but that support is conditional either on further justification, specific changes or agreement to detailed wording;
- 5 are opposed to the proposals for an NPS (though only 3 are opposed to NESs); and
- 3 submissions do not express a view either way commenting only on matters of detail.

Those broadly supportive are mostly associated with electricity industry. Their support is based on an assertion of the importance of the transmission network and a belief that the characteristics of the network make it vulnerable to unsympathetic or unresponsive management under the RMA.

Those offering conditional support for the NPS/NES package include most local authority submitters and several of the professional bodies. The conditionality is most often based on a belief that an NPS has not been justified, or that the singling out of transmission for attention (as opposed to other infrastructure) has not been justified. Other conditions relate to the need to preserve environmental standards and to ensure the Transpower retains an obligation to avoid, remedy or mitigate environmental effects.

The three submissions opposed to the NPS are from landowners or their representative. Again opposition is based on lack of justification but there is also a more deep-seated concern that Transpower would be advantaged by an NPS at the expense of landowners. That concern is in turn based on a belief that either (a) Transpower does not have to manage all the effects of its activity (regarding emissions and visual impacts); and/or (b) Transpower already has a privileged position and the compensation regime does not link appropriately to the RMA regime.

Other specific issues raised include:

1. The report gives insufficient regard to:
 - a. the principles of the Treaty of Waitangi

- b. the historic heritage values of parts of the transmission network
 - c. the impacts of transmission development on historic heritage
 - d. health and safety risks associated with an increase in capacity of lines
 - e. the adequacy of NZECP 34 as a basis for future regulation given the limited scope of issues it addresses
 - f. the relationship between the RMA and the Public Works Act
 - g. the under-grounding of lines
 - h. energy efficiency and demand side management
 - i. distribution lines and lines owned by generators
2. Key differences of opinion about:
- a. Whether the NPS should address the effects of transmissions and in particular what it could or should say (if anything) about route selection.
 - b. Whether and how the Grid Investment Test (GIT) should be described in the Report and linked to the NPS.
 - c. Whether the ARPANSA standard on electro-magnetic fields will provide a good basis for a NES
3. Additional specific comments on proposals are detailed in Tables 2 and 3.

Most submitters welcome the opportunity for further involvement and recommend full public consultation.

5 Conclusion

Overall, there seems to be broad enough support from submissions received for the Reference Group to proceed to make the recommendations proposed in the Draft Report. However, in addition to a range of clarifying amendments, there are two parts of the Report that warrant further consideration as a result of submissions.

The first is section 5 of the Report which sets out the main justification. It is accepted that this section could be strengthened with better information on:

- a. Transpower's past experiences with resource consents and designations; and
- b. The level of consistency (and inconsistency) in district plan rules and other provisions that apply to transmission (and the level to which regional variation may be justified on environmental grounds).

However, no submitters provided a clear indication of precisely what information of argument would satisfy calls for greater justification. What may need to be made clearer is that the NPS/NES package is, to a large extent, about looking *forward* and responding to future (anticipated) issues rather than simply looking to rectify problems that have (or have not) occurred in the past. Given that Transpower has had a low level of new investment in the transmission network since the RMA came into existence, looking backwards is of limited value.

The second area for further Reference Group consideration relates to section 10 of the Report which deals with managing the adverse effects of the transmission network. The value that can be added on route selection in particular is challenged by some submitters while others see this as critical and seek further work and the development of detailed policies. This will be a difficult issue to reconcile and the Reference Group should seek further detailed advice on the future of this section.

The primary arguments against the main proposals of the Draft Report are based on concerns about compensation. However, these are outside the ability of an NPS to address and therefore outside the scope of the Reference Group process.

Nevertheless the Reference Group will need to consider whether its proposals may exacerbate concerns about compensation issues. Any such risk will need to be factored into the Reference Group's analysis.

Table 1 – Summary of comments on general issues

| Issue | Submitter | Summary of submission | Comment |
|--|---------------------------|--|---|
| <p>Level of support for intervention in RMA's management of transmission</p> | Manukau City | Supportive of a consistent resource management regulatory regime for transmission lines but has concerns about proposed approach. | |
| | Environment Southland | Support for improvement in processes and practices to prevent transmission being unduly restricted. Merit in NPS and NES but full support deferred until the detail available. | |
| | Otago Regional Council | Strategic leadership appropriate but should start with a strategic statement of energy and electricity in particular. | Outside the scope of the process. May be addressed by the National Energy Strategy. |
| | Environment Waikato | Agrees with reports finding that further work into a potential NPS is worth pursuing (subject to further information being provided to support the case. | |
| | Waipa District Council | Merit in development of more consistent national guidance on transmission through NPSs and NESs Supports NPS that reinforces a balanced approach acknowledging both strategic importance and local adverse effects. | |
| | Taranaki Regional Council | Support the preparation of a NPS and NESs for electricity transmission (conditional on provisions not derogating from the purpose and principles of the RMA). | |
| | LGNZ | Appropriate to use NPSs and NESs for matters of national significance. Some matters need to be further considered before NPS as proposed can | |

| Issue | Submitter | Summary of submission | Comment |
|-------|-----------------------|--|---------|
| | NZPI | <p>be confirmed as appropriate.</p> <p>Supports the use of national mechanisms such as NPSs and NESs where appropriate to provide national guidance and direction on matters of national importance.</p> | |
| | Historic Places Trust | Supports NPS/NES based on expectation that adequate provision will be provided for historic heritage. | |
| | Perry Group Ltd | Supportive of need to streamline regulatory processes (via an NPS and NESs) for infrastructural assets of national importance provided all parties harmed are fairly and fully compensated. | |
| | WR Storey | Does not support NPS on electricity transmission. Would make more sense to have an NPS on Energy (in which transmission is just one element). | |
| | Federated Farmers | Strongly opposed to an NPS on transmission. NPSs need to be shown to have applicability to all environments. This is not the case for transmission. | |
| | NZ Law Society | Support in principle greater central Government guidance to decision-makers through NPSs and NESs. | |
| | NZ Geothermal Society | Concerned at transmission constraints. Supports efforts to assist the on-going development or maintenance of the national transmission network with framework of RMA. | |

| Issue | Submitter | Summary of submission | Comment |
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| | NZ Electricity Engineers Association (NZEAA) | Supports transmission as a matter of national importance. Security of electricity supply imperative. Transmission fundamental to that goal. | |
| | Institution of Professional Engineers (IPENZ) | Agree transmission is of national importance and NPS would be beneficial. Support NESs | |
| | New Era Energy | Strongly oppose NPS or NES aimed at smoothing the processes to be followed for transmission. Implementation will come at the expense of the environment. | |
| | Powerco | Supports any tool that facilitates grid enhancement. Can see benefit in an NPS and/or NES. | |
| | Transpower | Supports the Draft Report's findings that there will be benefits from an NPS and NESs | |
| | Major Electricity Users Group (MEUG) | Does not support NPS as it believes that Transpower must use existing commercial and legal procedures to obtain easements and access for lines. Supports the three proposed NESs. | The NPS will not affect the existing legal requirement for Transpower to obtain easements for both upgrades and new lines. |
| | Westpower | Generally supportive of approach (but given linkage between national and local transmission networks it is important that processes are not arbitrarily fragmented). | |
| | Meridian Energy | Supports that formulation of a well conceived national guidance (NPS and NESs) on the | |

| Issue | Submitter | Summary of submission | Comment |
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| | Contact Energy | management of transmission. Support removal of all unnecessary constraints in developing transmission projects and endorses the NPS and NES recommendations of the Reference Group. | |
| | Genesis Energy | Supports development of NPSs for nationally significant activities. Supports development of NPS for transmission. Generally supports wording of objectives and policies proposed in Draft Report. | |
| | Mighty River Power (MRP) | Supports the use of NPS/NESs as mechanisms for facilitating investment in electricity transmission. | |
| Justification for an NPS | Environment Waikato NZ Law Society | It is unclear whether there is a real problem which justifies national intervention. The report is light on examples and data on problems that have occurred as a result on the RMA. More thorough investigation of actual problems facing transmission is required. Concerned the report may create perception that councils are at fault for not protecting transmission lines when that was not the case. | The question of whether there is sufficient justification is always going to be debatable. It is valid to say that the report provides little quantitative information about, for example: <ul style="list-style-type: none"> ▪ The number of consents and NORs approved (or declined) in relation to the transmission network under the RMA, the length of time these took to gain, the number that have been appealed, the outcome of any appeals and the restrictiveness of conditions imposed ▪ The number of plans that do and do not have provisions that Transpower sought through the submission process and the extent of variability in plans. The report does include some information on the number of breaches of NZECP 34. |

| Issue | Submitter | Summary of submission | Comment |
|-------|---------------------------|---|---|
| | | <p>The length and multi-jurisdictional (cross boundary) nature of transmission lines is not a justification for national intervention. Local authorities can develop common integrated consenting processes (witness the Waikato project)</p> | <p>Gathering further information on consents and NORs is unlikely to provide much assistance as we know that there has been very little "new build" under the RMA.</p> <p>Better information on the state of plans (and on Transpower's previous efforts to get provisions into plans) could be useful. Transpower has collected some information on the provisions of plans for its own purposes. To the extent relevant, this should be referenced in the report.</p> <p>Some case studies of upgrade projects could, if available, also be useful to confirm difficulties and unjustified variability. Transpower is preparing such material and this could be reviewed before the report is finalised.</p> <p>Consenting issues are just one aspect of the difficulties created by a system that spans multiple jurisdictions. The other is the multiple plans and potential for variation in regulation that that creates. Although the Waikato councils are participating in a joint process for the Whakamaru to Otahuhu project local authorities have not entered aligned plan provisions despite efforts by Transpower seeking that they do so.</p> |
| | Taranaki Regional Council | <p>Issues associated with transmission are unique and require special recognition. However lack of investment in transmission has little to do with the RMA.</p> | <p>Accepted that the lack of recent investment in transmission is not related to the RMA. However, there are inherent issues with the RMA that are likely to cause difficulties (particularly as major new investment is proposed). These include the local costs/national benefits issue and the need for cross district consistency discussed in the Draft Report.</p> |

| Issue | Submitter | Summary of submission | Comment |
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| | | | <p>It is also important to recall that the proposed NPS is not just about new investment but also addresses the protection of existing investment.</p> |
| | <p>LGNZ Dr Mike Patrick NZPI NZ Law Society</p> | <p>Singling out transmission is a piecemeal approach that lacks justification (other infrastructure can also be considered to be of national significance)</p> <p>Not clear why existing legislative provisions are not adequate. Further analysis of affect of recent amendments required.</p> <p>Different treatment for transmission not justified. Transpower could have used designation provisions like other utilities.</p> | <p>If the government decides that an NPS on transmission is warranted it does not mean that an NPS on other infrastructure might not also be warranted. The fact that other activities might face similar issues under the RMA to those faced by other transmission, is not a reason not to prepare an NPS on transmission.</p> <p>Reliance on existing provisions (and untested new provisions) is high risk. By providing for NPSs the RMA acknowledges that Part 2 (and other provisions) may provide insufficient policy guidance.</p> <p>Transpower is using the designations process for all new lines. It has not used designations for existing lines for reasons explained in the draft report.</p> |
| | <p>Dr Mike Patrick</p> | <p>No case made for NPS or NES rather every reason to remove consideration of transmission projects from local government and have them considered at central government.</p> | <p>Call-in is the only means this could be achieved. The limitation of call in is that it does not change the decision-making framework.</p> <p>Having an NPS/NES does not mean that future transmission projects will not be called in.</p> <p>Furthermore, the NPS/NES are about more than just the large transmission projects that could justify call in. They are about a clearer regulatory framework for transmission projects -</p> |

| Issue | Submitter | Summary of submission | Comment |
|-------|-------------------|--|--|
| | Federated Farmers | <p>Little evidence that local authorities have failed to acknowledge benefits of transmission.</p> <p>Transpower should participate in the plan-making process like anyone else. If the costs of that are too high then the process should be adjusted to meet the needs of all participants</p> | <p>large and small, and about the many activities that might affect the grid (which again would not warrant call-in in their own right).</p> <p>This would be a very difficult matter to gather evidence on. Some work was undertaken at the outset of the process that reviewed plans to see the extent to which benefits were acknowledged. It found little evidence of explicit recognition of benefits on the face of plans. It is true that decision-makers can take into account benefits irrespective of what a plan says and they may well do so. However the key point is that the system currently offers no <i>guarantee</i> that these matters will be relevant considerations.</p> <p>The NPS proposals aim to assist in the management of transmission so that there is a clear and consistent decision-making framework across the country. It is very difficult, if not impossible, to achieve that without national intervention. (Transpower has attempted to do so through participation in plan making processes but has had limited success).</p> |
| | IPENZ | Reference group has recognised urgent need for clarification of decision-making environment. | |
| | Transpower | <i>[No comment on strength of justification in report but reiterates point that policies and plans under the RMA currently deliver neither consistency for an asset of national importance, nor an enabling framework recognising national benefits.]</i> | |
| | Contact Energy | <i>[No comment on strength of justification in report</i> | |

| Issue | Submitter | Summary of submission | Comment |
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| | | <p><i>but reiterates many of the points raised in report (including inconsistency in approaches across districts)].</i></p> <p>The section 32 report should be made available when the NPS is notified. A section 32 report should also be made available when an NES is made available for public comment (not just when the regulation is made as is required by the Act. Furthermore a change to the Act is suggested to make sure the section 32 reports on NESs are available before NESs are made.</p> | |
| | Genesis Energy | <p><i>[No comment on strength of justification in report but implies justification based on value of central government leadership; guidance of weighing of national benefit vs local effects; and need for consistency in both plans and in application of principles established by case law].</i></p> | |
| | MRP | <p><i>[No comment on strength of justification in report but agrees that there is regulatory failure because (a) costs are localised but the benefits may be national; and (b) investment involves multiple districts and is subject to inconsistency in processes and decision-making. Transpower's claims of \$3.4 billion required grid investment is also noted].</i></p> | |
| Scope of Reference Group Brief | Meridian Energy | <p>Consideration of transmission separately from generation is artificial and unhelpful. Consideration should be given to bringing the</p> | |

| Issue | Submitter | Summary of submission | Comment |
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| Affect of NPS | Taranaki Regional Council | <p>transmission and generation processes together.</p> <p>NPS:</p> <ul style="list-style-type: none"> ▪ must not lower environmental bottomlines ▪ needs to give meaningful guidance on the trade-offs between local effects and national interests ▪ cannot require the consents be granted <i>carte blanche</i> there will be some issues that the national interest cannot over-ride | <p>Agreed. The proposals attempt to acknowledge these points but it is very difficult to give meaningful guidance on trade-offs as suggested.</p> |
| Legislative framework within which Transpower operates | Manukau City Council Environment Waikato | <p>Legislative framework is too narrow (requiring consideration only of operational and cost matters). Grid upgrade proposals will not address “whole of community” issues. The NPS has the potential to further reduce the limited obligations for Transpower to consider alternative solutions. New legislation to require consideration of wider matters (similar to Land Transport Act) is sought.</p> <p>Wider community concerns are not dealt with through the RMA designation process because alternatives cannot be considered</p> | <p>Principal issue relates to the Grid Investment Test (GIT) applied by the Electricity Commission. While the point made may be valid, relief sought is outside the terms of reference of the NPS process.</p> <p>Unclear how NPS could exacerbate problem as suggested. Requirement in Act for decision-maker to consider <i>whether adequate consideration</i> has been given to alternative routes and methods remains unaffected by the NPS suggested in the report.</p> <p>It is true that the RMA does not require consideration of alternatives by the decision-maker (except in the limited way discussed above) but that is not something that can be changed via an NPS.</p> |
| Strategic integration of infrastructure and | Environment Southland | Support for national guidance on regional council's “strategic integration of infrastructure and land use” function under section 30 as | As noted in the new, this is a relatively new provision in the RMA. There has not been sufficient time for it to bed down – and there is |

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| | | should be met by central government. | <p>costs, in broad terms, on local authorities. It could do little more without massive additional work. To some extent, consideration of more detailed costs relies on each council assessing the effects themselves and bringing this to the attention of policy-makers through the submission process.</p> <p>There are several ways the costs on local authorities can be minimised (including requiring certain provisions to be included in plans without formality). These will need to be considered at the next stage.</p> |
| Change Part 2 | LGNZ Wellington City | Change Part 2 of the RMA so the positive effects are taken into account for all nationally important activities | This has previously been considered and rejected by Cabinet in favour of NPSs. LGNZ opposed changes to Part 2 during the recent RMA review process. |
| | Law Society | Change part 2 (possibly by introducing an “economic benefit” test) in preference to an NPS. Draft report provides no real discussion on whether changes to Part 2 are preferable. | See above comment |
| Status of NESs | Manukau City Council | Its is not clear whether NESs would be mandatory and take precedence over any more restrictive provisions in district plans | Under s 43B of the Act, a rule in a plan that is more restrictive than an NES prevails over an NES - provided the NES states that a rule may be more restrictive. Whether the NES proposed in the draft report would allow for plans rules to be more restrictive is a matter of detail yet to be determined. |
| Guidance | LGNZ | Non statutory guidance needs to be more carefully considered. Use of guidance can improve consistency without the compliance costs. | An argument can always be made for non statutory guidance over a formal NPS. However guidance is generally only preferable when there is a genuine willingness by decision-makers to |

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| | | Even if NPS developed guidance needs to accompany it. | promote the same outcome as the guideline proponent but a lack of understanding as to how this might be best achieved. An NPS will be preferable when there is a clear need to align objectives and promote, and if necessary enforce, common effort on a nationally significant issue. Electricity transmission would seem to fall into the latter category. |
| Under-grounding of lines | Manukau City Council | Report should discuss when under-grounding is appropriate | For the reasons advanced elsewhere in the submission (namely the need to consider land uses and local conditions) national level policy guidance on under-grounding could only be at a high level. While high level guidance would be possible it is doubtful whether this would increase certainty. |
| Use of term "natural character" | Owen McShane | The Draft Report makes several references to the impact of transmission lines on "natural character". The Act uses this term only in respect of the coast whereas the Draft report applies it generically. | Strictly speaking the RMA does only use the term "natural character" in relation to the coast. However that does not mean to say that the term can't be used more widely. That said, the term "amenity values" may be more appropriate and is, in any case, broadly defined and arguably encompasses the concept of natural character. |
| Heritage value of transmission | Historic Places Trust | Draft Report should give greater recognition to electricity transmission heritage and the need to identify, recognise and protect significant electricity transmission heritage. | The Draft Report currently does not recognise this issue. However, historic heritage receives recognition and protection under Part 2 of the Act. This means that the issue needs to be considered by plans and in very resource consent/designation regardless of any NPS. The implications (including costs) of giving transmission heritage greater prominence |

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| | | | <p>through an NPS have not been assessed but there is obvious potential for such a move to inhibit the upgrading or decommissioning of lines.</p> <p>Although some assets may be regarded as historic heritage not all historic heritage will be of equal value to the community and not all will be worthy of recognition by way of an NPS</p> |
| National costs of transmission | Environment Waikato | Little recognition of potential national costs in foregoing the opportunities of distributed generation. | The Report does not provide any such discussion. However it was assumed that the relative costs and benefits of transmission versus other options will vary depending on the circumstances and is a matter best left to the Electricity Commission's GIT process. There is no mandate for the Reference Group to consider whether transmission should be preferred ahead of distributed generation or visa versa. |
| | New Era Energy | The national interest must be balanced by a requirement to consider national costs (such as economically preventing construction of generation close to load, or reducing the need for energy conservation). | Agreed but that is a test that ought to be (and is) applied by the EC. What the NPS would say is that once the EC has decided that a transmission project is the best option then that option becomes a matter of national importance. |
| Compensation [see also detailed remarks in relation to section 9] | Taranaki regional Council | <p>There is a case for addressing compensation for existing lines (as well as new lines).</p> <p>There is a case for community compensation for on-going effects (in terms of social and visual amenity). This is particularly so when you consider that transmission does not have to pay development contributions as other activities must do</p> <p>Consideration should be given to establishing a</p> | <p>This raises issues outside the brief of the Reference Group process. Compensation is available for new lines (including upgrades that have an injurious effect). The issue of wider compensation has previously been considered by Parliament.</p> <p>Community scale compensation (in lieu of development contributions) would require a change in the law.</p> |

| Issue | Submitter | Summary of submission | Comment |
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| | | code for land access and compensation as the petroleum industry has done. This might include rentals for on-going effects. | |
| | Perry Group Ltd WR Storey | Draft Report places insufficient weight to the relationship between RMA and Public Works Act. RMA and property rights issues are inextricably linked. Landowners lose rights when NOR is lodged (i.e. even before a designation is made). If any adverse effect (on a landowner) cannot be avoided the landowner should be entitled to compensation. Report should recommend that compensation be paid to landowners for loss of property rights as a result of proposal contained in report. | While it is true that landowners lose some rights when an NOR is lodged that situation is not unique to transmission. Responding to this submission would require significant revision of the designation provisions of the RMA and as such is outside the brief of the Reference group process. |
| | WR Storey | Compensation should be payable to landowners for participating in transmission planning process Easements (and compensation) should be available for all parts of grid (not just post 1988 lines) Compensation should be payable as an on-going rental (as in UK) | These are issues with the Electricity Act not the RMA and an NPS cannot therefore assist. |
| | MEUG | Any costs which relate to historical easement/access issues must be a cost to the shareholders of Transpower and not the current users. | This is not a matter that ought to be addressed in the Reference Group's Report since it deals with matters not directly related to the RMA. |
| Treaty of Waitangi | Historic Places Trust | Draft Report should give greater recognition to the principles of the Treaty of Waitangi. In particular report should examine principles of partnership, self-management, equality, and reasonable cooperation and their application to | No discussion is provided of how these principles ought to be applied. Difficult to see application except in (a) involving Maori in the development of the NPS; and (b) ensuring the relationship of Maori with ancestral lands, sites, |

| Issue | Submitter | Summary of submission | Comment |
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| | | transmission issues. | <p>waahi tapu etc is not compromised by the NPS. An extensive list of iwi/hapu was provided by TPK at the outset of this process and these contacts have been kept informed and were invited to comment on the draft report. Several of the policies suggested in the draft report acknowledge and seek to protect Maori interests that might be affected by transmission lines.</p> |
| Process from here | LGNZ | Process from here should involve comprehensive involvement of LGNZ and the local government sector | |
| | NZPI | The full consultation process should be used if Cabinet decides to proceed | |
| | NZ Law Society | Further public consultation on whether the Government should proceed is urged | |
| | NZEEA IPENZ | Welcome opportunity to be involved in development and peer review of technical engineering standards for electricity | |
| | Powerco | MED should consider steps to accelerate process of developing NPS | |
| | Transpower | It is essential that a decision be made quickly to proceed with the NPS and NESs and that they be developed expeditiously. Clarification of process and timeframes is sought. Transpower requests that it be closely involved given the importance of the detail and the need for specific industry knowledge. | |
| | Westpower | Given its assets (which include some transmission assets as defined in the draft | Westpower does own lines that fit the definition of "transmission" as set out in the Draft Report. |

| Issue | Submitter | Summary of submission | Comment |
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| | | Report) Westpower is a clear example of the potential overlap of “transmission lines” and local distribution and it expects to be closely involved with any further development of the proposals. | Its lines are leased to Transpower. This is the only known anomaly. |
| | Meridian Energy | This is the first opportunity Meridian has had to input. It is hoped the Meridian will have an opportunity to discuss comments on the Draft Report with the reference Group and/or its advisor officials. | |
| | Contact Energy | Appointments to any board of inquiry for an NPS or drafting group for an NES should be on the basis of competence both in electricity transmission and RMA processes. NPS and NESs development for transmission should be priority issues for government action. | |
| | Genesis Energy | A full consultative process is essential. | |

Table 2 – Summary of comments on Part 1 – Issues and Options

| Issue | Submitter | Summary of submission | Comment |
|--|------------------------|---|---|
| 2 - Background | Environment Waikato | Inference that RMA responsible for lack of investment in transmission is unsupported by facts. | The report merely records the PWC stocktake findings where the RMA was identified as an issue for <i>future</i> investment. Minor modification to text recommended. |
| 4.2 – Description of impacts of transmission lines | Environment Waikato | The focus is on rural issues. Should look separately at rural and urban issues | No comment is provided on what the “urban” issues are that might be different from those listed. Not clear what is missing. Most issues listed are common to both rural and urban contexts. |
| | Historic Places Trust | Recognise full range of historic heritage effects by (a) replacing reference to “ <i>disturbance of archaeological sites and sites of cultural significance</i> ” with “ <i>disturbance of historic heritage including damage to archaeological sites, historic places and areas, and sites of significance to Maori, including their surroundings</i> ”. Acknowledge (i) effects on transmission items of heritage value such as damage to historic substations or pylons caused by upgrade works (ii) disturbance to archaeological or historic sites (iii) effects on heritage vales (including visual impacts on the setting and surroundings of any historic heritage site or area; (iv) effects on cultural heritage values, including effects on any site or areas of significance to Maori. | Acknowledging these issues will require the report to offer suggestions as to how these should be addressed (or justify why they should not be addressed). Although the HPT does not request specific policies in the NPS, it clearly does request that the NPS address these wider heritage issues. The risk of this has been discussed in the “general” section of the summary. |
| | MP Alexander | Thermal upgrades will increase tension on lines and potential for cascading of lines to occur with | It is unclear whether these are issues that can or ought to be addressed through the RMA. Further |

| Issue | Submitter | Summary of submission | Comment |
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| Section 4.3.2 – Transpower’s approach to new build projects | New Era Energy | <p>component failure. Also, an increase in capacity of lines will give rise to health and safety issues (through step and touch potentials) that are not raised in the Draft Report.</p> <p>Transpower’s proposed designations are not wide enough and therefore compensation is not broad enough to reflect effects/constraints on land owners. Designations should be expanded beyond just preventing non compatible activities and instead reflect the full range of effects of the lines (and not be limited to the narrow easement required by Transpower).</p> | <p>advice may be required.</p> |
| | | | <p>Under section 177 (2) a local authority can recommend that a requiring authority <i>modify</i> a requirement. Therefore a local authority could, already, recommend that a requirement be approved subject to it being widened.</p> <p>While theoretically it may be possible to <i>require</i> (via an NPS) local authorities to only recommend requirements (designations) that are wide enough to internalise all effects, it would seem impractical for local authorities adopt (and for requiring authorities to comply with) such an approach .</p> <p>Internalising <i>all</i> effects within the designated area would in many cases be unfeasible. For example, the designation required to internalise the visual effects of a transmission line would be enormous. The policy suggested by the submitter would have practical and cost implications well beyond transmission.</p> <p>This is clearly a grey area of law and practice. Currently, practice seems to be that major effects are internalised within the boundaries of a designation but some effects are experienced outside of a designation. The land use effects that go beyond the boundary cannot be controlled by rules in plans other than through rules that address reverse sensitivity (require, for example, noise attenuation measures on new houses built in close proximity to the</p> |

| Issue | Submitter | Summary of submission | Comment |
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| | | | <p>designation). Non land use effects (e.g. discharges) may be managed by rules in regional plans.</p> <p>Agreeing with the point made by the submitter would set a major precedent.</p> |
| Section 4.3.3 – Transpower’s approach to maintenance and upgrade projects | New Era Energy | When maintenance becomes an upgrade should not be limited to when there is a visible change in appearance. Other issues such as EMF levels, noise and coronal ion discharge ought to be considered. This is an issue that will likely soon be tested in the Environment Court (early 2006). | Report currently does not discuss this point. As the submitter notes this will soon be considered by the Environment Court. A note to that effect could be added to the paper for completeness. |
| Section 4.3.5 – Transpower as a requiring authority | New Era Energy | Transpower should designate all existing lines allowing access to compensation and other benefits. | This would require (a) re-examination of the issues addressed by the Electricity Act; and (b) legislation to force Transpower to seek designations. The reasons why the pre-1988 line issue ought not to be reopened are already discussed in the Draft Report. |
| Section 4.4 – Property Rights | New Era Energy | Property rights/compensation issues are cloudy. New legislation is required for acquisition and compensation specifically targeted at transmission lines. | See above. |
| Section 4.4.2 – property rights associated with pre-1988 network | MEUG | Report does not address whether some minor changes to Electricity Act (sections 22 and 23) would clarify position Further work on relationship between electricity Act and RMA re existing lines is warranted (including reviewing decisions of Courts) | This is addressed by Appendix 2 of the Draft Report. Paper could report on one or two environment Court cases that address this issue (including Counties Power A088). However a review of cases (including the Counties Power case) |

| Issue | Submitter | Summary of submission | Comment |
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| Section 4.5.2 – NZECP 34 | MP Alexander | This code of practice is outdated given new scientific information on health and safety issues. Code not adhered to by Transpower | suggests that there is little value to be added. |
| | WR Storey New Era Energy | NZECP 34 only deals with electric shock. The effects of emissions (EMFs, coronal ions) are much more dangerous. Safety issues of concern include stray voltage, line droop and pylon climber protection. Transpower's complaint system is slow and cumbersome. | Need to check with relevant authority but NZECP34 was re-issued in 2001. Concerns could be referred to the Energy Safety branch of MED which would be in a better position to comment on the extent to which there are safety issues not addressed by NZECP 34 or other means. Transpower's complaint systems is not a matter that the Reference Group can comment on. |
| | MEUG | Unsatisfactory aspects of NZECP 34 and Trees Regulations are identified but the opportunity to identify satisfactory solutions has not been taken | The Draft report does (in subsequent sections) propose various options for resolving issues identified. The NES proposed is one such option. No specific issues with the Trees Regulations were identified. While it is understood that some landowners (particularly forestry owners) have concerns, these are outside the core issues to be addressed by this process. |
| Section 5.1.4 – Transmitting energy requires pylons, conductors and cables | New Era Energy | Strongly disagree that transmitting energy requires pylons, conductors and cables. Underground transmission using HVDC is becoming well established elsewhere. | Reference to "cables" in the Draft Report covers the point made. |
| Section 5.2 – Issues associated with RMA | Environment Waikato | Transpower is in no different a position than any one else when it comes to consultation | Disagree. Transpower's position is different because (a) of the number of affected parties associated with linear projects; and (b) the complications caused by the need to secure |

| Issue | Submitter | Summary of submission | Comment |
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| <p>management</p> <p>Section 5.2.3 – management of visual affects</p> | <p>New Era Energy</p> | <p>Object to statement that little can be done to avoid amenity and landscape impacts at the individual property level. Under-grounding would be welcomed.</p> <p>We need to ask what premium (if there is a premium) we need to pay to manage these visual effects.</p> | <p>easements.</p> <p>The footnote (45) to the statement in Draft Report notes under-grounding as an option but also notes that for technical and financial reasons under-grounding is possible only in specific locations and in limited circumstances.</p> |
| <p>Section 5.2.3 – management of EMFs</p> | <p>New Era Energy</p> | <p>ICNIRP is outdated. The 100 microtesla standard is 250 times higher than the 0.4 microtesla level that is shown to significantly increase the risk of certain health problems.</p> | <p>Although it does not comment specifically on this issue, the Draft Report notes that there are issues with ICNIRP and for that reason recommends a new NES. The detail of the appropriate standard can be debated in the process of preparing that NES.</p> |
| <p>Table 1 – Generic evaluation of option</p> | <p>Environment Waikato</p> | <p>Advantages listed seem to come from the perspective of Transpower</p> | <p>Disagree. Advantages such as “no new costs on local authorities” or “low cost for government” or “allows communities and stakeholder groups to debate issues and seek solutions that suit local circumstances” are not necessarily advantages from Transpower’s perspective. Could be formatted so that each stakeholder group’s perspective is set out but seems unnecessary.</p> |
| <p>Table 2 – Evaluation of options against issues</p> | <p>Historic Places Trust</p> | <p>Amend to ensure full range of historic heritage values is considered and the archaeological authority process under the Historic Places Act 1993 is recognised by accidental discovery procedures (ADP).</p> | <p>The suggestion is that the NPS include guidance on processes to be followed in case of archaeological site discovery that complies with the Historic Places Act 1993.</p> <p>Not clear that NPS could do this since it is related to obligations under the HPA not the RMA.</p> |

| Issue | Submitter | Summary of submission | Comment |
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| <p>Section 6.2 – Affected party status (also executive summary and conclusion)</p> | Wellington City Council | <p>Potential for undue restriction and uncertainty. Should be tied to a specific performance condition (e.g. where activity is within 30 metres of the centreline of a transmission line)</p> | <p>This is a matter of detail to be considered in the drafting process.</p> |
| | Taranaki Regional Council | <p>Support guidance on when Transpower should be an affected party</p> | |
| | Dr Mike Patrick Federated Farmers | <p>Support change to Forms, Fees and Procedures regulations to identify Transpower as an affected party.</p> | |
| | Westpower | <p>It is not clear if this would relate to all networks (i.e. including local lines). If it did not it would cause fragmentation in approach.</p> | <p>Report should be amended to clarify that the proposal only relates to “transmission” as defined.</p> |
| | Contact Energy | <p>Obligation in Regulations already exists. May be the local authorities need reminding of their obligations in this regard.</p> | <p>There is an existing general obligation to “serve notice” on those “<i>who in the opinion of the consent authority may be adversely affected by the granting of the application</i>”. However the proposal is to make the obligation to serve notice on Transpower more explicit - as it is for certain other parties (such as iwi authorities, or the Historic Places Trust).</p> |

Table 3 - NPS and NES Evaluation

| Issue | Submitter | Summary of submission | Comment |
|---|----------------|--|--|
| Section 7 – Possible Scope of an NPS and NES on Transmission | | | |
| General | NZEEA IPENZ | Proposed NPS goes beyond a statement of objectives and policies and begins to address technical requirements that should be addressed in an NESs. NESs should cover, EMF, visual impacts, noise and public safety. | The proposed NESs do cover all these matters except visual amenity. It is unclear how an NES might address visual amenity. |
| | IPENZ | The NPS should endorse energy efficiency and demand side management in order to reduce demand and the subsequent need for, or timing of, investment in transmission. | Energy efficiency and demand side management cannot be controlled via the RMA. These tools are outside the scope of the RMA it is not clear that an NPS could endorse them. |
| Distribution lines | Powerco | May be merits in extending NPS to distribution lines but agrees transmission require higher priority. | |
| | Westpower | Concerned that local lines companies might be caught by same constraints (and consent requirements) as transmission but would not have access to the “nationally important” status. Similarly, concerned that requirement to manage adverse effects on lines will be applied only to transmission lines. These effects ought to be considered for local networks as well. Again local networks will have no ability to argue “national benefit” when requesting provisions in plans to protect assets. | The risk pointed out by Westpower is acknowledged but it is considered to be small. It relies on local authorities being “tougher” on distribution lines than they currently are simply because they have not been identified as being nationally important. This doesn’t seem likely. |
| | MRP | NPS should be written such that it covers all transmission assets, regardless of whether or not they are owned by Transpower. Generators presently own and operate transmission circuits in New Zealand that exist to connect generation | The Reference Group did consider this point at some length before agreeing to the definition set out in the Draft Report. The definition used is consistent with that used in the Electricity Governance Rules. |

| Issue | Submitter | Summary of submission | Comment |
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| | | stations to the nearest Transpower owned transmission grid injection point. These generator-owned transmission assets should be afforded the same protection as Transpower assets. | |
| Section 8 - The positive effects of electricity transmission | | | |
| General | NZPI | There is scope within the Act to consider benefits so national intervention on this matter may not be necessary, However for the purpose of guiding and clarifying, an NPS could assist on this matter. | |
| | Meridian Energy | Enabling and supporting renewable energy is a positive effect that has not been recognised. | Agreed. Report could be amended in this regard. (See also comments made in relation to section 8.5). |
| | Contact Energy | There are a number of reasons why positive effects might not currently be taken fully into account. These include (a) section 30(1) limits regional functions to achieving integrated management of resources of the <u>region</u> ; (b) district council functions are similarly constrained to integrated management within their <u>district</u> ; (c) from a local perspective, projects may seem to impose local environmental costs for little or no apparent local benefit. | The Draft report already notes the last of the points made. Points (a) and (b) were previously discussed by the Reference Group (and were identified in early working papers). However it is unlike these provisions constrain local authorities in practice. The Act is clear that, although a local authority may only exercise its functions within "its region", in exercising those function it may taken into account effects outside the region or district. While there may have been debate about this point from time to time it is not considered a major issue. |
| | Genesis Energy | The Environment Court has decided that <i>"electricity is a vital resource for New Zealand. There can be no sustainable management of natural and physical resources without energy of which electricity is a major component"</i> . [Genesis v | Would be useful to refer to Genesis v Franklin DC ("the Awhitu case") in the report. |

| Issue | Submitter | Summary of submission | Comment |
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| 8.1 – Objective: positive effects | Meridian Energy | <p>Franklin DC(2005 NZRMA 541). Therefore transmission is in the national interest and objectives and policies that recognise this are supported.</p> <p>Strongly supports intent. Preference for new wording for objective: <i>To ensure that in exercising functions under the RMA appropriate regard is to had to the national benefits of transmission</i></p> <p>A second preference is expressed for option (c) although the deletion of the second part of the proposed objective is suggested.</p> | <p>It is true that the functions are not limited to considering specific project proposals. However the RMA requires NPSs to be applied in both plan making and consenting processes. The introductory words are probably not critical and it may only be possible to say <i>“Appropriate regard shall be had to the national benefits of transmission”</i>.</p> |
| 8.3 – According nationally significant status | Genesis Energy | <p>Supports option (a) as good starting point.</p> <p>Policy may set a precedent with other works/activities also qualifying.</p> <p>According national significant status to Transpower may enable it to undertake works that are beneficial rather than necessary without the same scrutiny as other activities.</p> | <p>Possibly but this is for other processes to determine.</p> <p>Two factors should guard against this possibility in most situations. The first is the GIT process. The second is the requirement in the Act for designations to be “reasonably necessary”. While the point may be made in reference to existing (pre 1988) lines, there is no suggestion that significant activities on those lines would be permitted. What is permitted and what is subject to consent will (if the proposal goes forward) be determined by an NES.</p> |
| | Meridian Energy | <p>Support for either option (a) or (b). Policy could be made more certain by replacing “should recognise” with “shall recognise and provide for”.</p> | <p>Matter of detail to be discussed and agreed in the drafting process.</p> |
| | Genesis Energy | <p>Option (b) is a good starting point</p> | |

| Issue | Submitter | Summary of submission | Comment |
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| <p>Section 8.4.1 - Environmental costs of policies on positive effects (also executive summary)</p> | MRP | Policy supported | |
| | <p>Environment Waikato</p> <p>Manukau CC</p> | <p>While it might be true that soundly based projects will proceed anyway, one cannot assume that all transmission projects will be “soundly based”. NPS must allow projects that are not soundly based to be amended or declined.</p> <p>Statement that EC process will result in projects of low environment cost proceeding ahead of projects with a higher environmental cost is incorrect.</p> | <p>Reference to “soundly based” was included on understanding EC process would ensure this. As other submitters have pointed out this may be debatable.</p> <p>NPS does need to acknowledge that it is not designed to promote any transmission project and that projects need to be designed conscious of RMA requirements.</p> <p>Agreed. The EC’s GIT test will only ensure costs of compliance with RMA are taken into account. Text should be modified.</p> |
| <p>Section 8.5 - Policy: specification of positive effects</p> | Meridian Energy | Policy supported. Not accepted that it could result in trading away of environment. The definition of the environment is broad and many factors are relevant. | |
| | Environment Waikato | Transpower can, and does already, submit evidence on the extent to which benefits will accrue. | Undoubtedly true. But policy will provide a framework within which effects are considered. Will also provide a legitimacy and relevance that may not always be apparent to local decision-makers. |
| | Genesis Energy | Suggested policy is a good starting point (although the list of positive effects could be improved). | |
| | MRP | Policy supported but policy should provide clarity about what the positive effects are. The positive benefits include: | The currently wording emphasises security of supply matters and to a certain extent environmental benefits. The framework |

| Issue | Submitter | Summary of submission | Comment |
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| | | <ul style="list-style-type: none"> ▪ Security of supply ▪ Competition benefits ▪ Environmental benefits (facilitating efficient operation of generation plant, and development of renewable generation) <p>Should make specific reference to GIT and EC's consideration of national benefits.</p> | <p>suggested by MRP does seem useful and could form the basis of a revised policy without significantly changing the intent.</p> |
| Footnote 58 – environmental benefits of transmission | Environment Waikato | Transmission can enable electricity from low impact sources to be used before electricity from high impact source but it can also do the reverse. Point not well founded. | True. Key driver is cost of electricity. However point being made is that if there is “low impact” electricity not being used because of transmission constraints, the potential of that electricity to be used should be a valid benefit to consider when determining a transmission project that would allow that electricity to be used. Some rewording required. |
| Section 9 – Managing adverse effects on the transmission network | | | |
| General | NZPI | Caution against any highly specific NPS or NES. | Reason for this is not clear in submission. Appears linked to questioning of need (given existing requirements for consents) and the existence of NZECP 34. However the report does provide some evidence that NZECP 34 is frequently breached. |
| | Manukau City Council | Council is concerned at potential for adjoining landowners’ rights to be further curtailed without redress. Seeks consideration of compensation for landowners. | The objective/policies focus on achieving clarity and consistency in the way plan managed the transmission system to protect safety and integrity of the system. Whether compensation was payable (or rather what restrictiveness of provisions permissible) would be governed by section 85 of the RMA |

| Issue | Submitter | Summary of submission | Comment |
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| | | <p>Also seeks that NPS/NES should <i>not</i> apply in respect of new lines which ought to be the subject of designations.</p> | <p>which sets out tests for whether a plan provision is reasonable.</p> <p>It is arguable that Transpower should have to seek designations of sufficient width to protect interests. This is a debate the Reference Group has had on several occasions. The draft report reflects that majority view on that point.</p> |
| | <p>Environment Southland Manukau City LGNZ</p> | <p>While local authorities may not have adequately managed impacts on lines in the past (and this ought to be addressed) there is nonetheless a need for Transpower to have some responsibility. While accepting reverse sensitivity, the Environment Court has confirmed that the existing operator must take all reasonable steps to internalise or minimise adverse effects.</p> | <p>Agreed. The onus of care is not only on parties that might affect the transmission network. Transpower ought to have responsibilities including through the designation process to ensure it does not unnecessarily create potential for reverse sensitivity.</p> <p>Rewording required to clarify that Transpower also has responsibilities.</p> |
| | <p>Contact Energy</p> | <p>Support focus on managing effects on the network.</p> | |
| | <p>Genesis Energy</p> | <p>Supports these objectives and policies. Approach to "reverse sensitivity" is supported by case law. [Independent News v Manukau City Council]</p> | |
| <p>Section 9.1 – Objective: Incompatible activities</p> | <p>Meridian Energy</p> | <p>Intent of objective supported. Wording could be modified to include consideration of safety.</p> | |
| | <p>Genesis Energy</p> | <p>Supported as good starting point.</p> | |
| <p>Section 9.3 – Policy: Activities under and around lines</p> | <p>Manukau City Council</p> | <p>Section raises reverse sensitivity and compensation issues (as above). Establishment of "buffer zones" should be done through a transparent process of consultation which gives affected owners the right of legal</p> | <p>If any one of policies (a) – (c) advanced by an NPS, district plans would have to be changed through a transparent process (i.e. the First Schedule process).</p> |

| Issue | Submitter | Summary of submission | Comment |
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| Section 9.3.5 – A NES based on NZECP34 | Environment Waikato | <p>redress.</p> <p>It is not clear how the retrospective nature of controls on activities affecting the network will be addressed.</p> | <p>This is not explicitly addressed in the Draft Report. The various options identified (a)-(f) could have different implications and these should be pointed out.</p> <p>In general existing use rights should apply. If the NES option is progressed, existing activities that would be in breach of the standard would have existing use rights meaning they could continue (provided the conditions set out in section 10 applied).</p> |
| | Meridian Energy | <p>Supports a combination of option (e) [the NES] and option (a) with option (a) modified to include the words “ⁱⁱⁱ” and shall discourage such activities.”</p> <p>Option (d) is not supported because it would not cover all activities and would add regulatory costs for Transpower.</p> | <p>This suggestion has merit. Especially as option (d) cannot take affect as intended.</p> |
| | Genesis Energy | <p>Support policies (a) and (b) as good starting point.</p> | |
| | MRP | <p>Support the NES but should be combined with NES permitting low impact activities.</p> | |
| | Perry Group Ltd | <p>Proposal for NES based on NZECP 34 should be countervailed by appropriate amendments to the PWA & Electricity Act 1992 requiring Transpower to fairly and fully compensate landowners for any injurious affection arising from the introduction of any NES for electricity transmission.</p> | <p>This argument would have greater weight if the NES was proposed to go materially beyond NZECP 34 (or if NZECP 34 did not already exist). However, NZECP34 is existing regulation, compliance is mandatory and compensation is not currently payable. To recommend paying compensation for the NES proposed would be to extend the compensation</p> |

| Issue | Submitter | Summary of submission | Comment |
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| Section 9.7- Depicting transmission lines on planning maps | Manukau City Council | Not currently shown on planning maps because they were deemed to be permitted under previous legislation. An alternative would be to record lines on property information files (so that they appear on individual PIMs and LIMs). | regime which would be outside the Reference Group's brief. Reason why the alternative is suggested is not clear. Recording lines on property files would not appear to have the same benefits as showing lines on district plans because information is only available when requested. |
| | Environment Waikato Taranaki Regional Council | Supported and already a policy in the Waikato RPS. | |
| | NZ Law Society | If Transpower has consistently sought designations for its work, this would not have happened. | There are genuine reasons why Transpower has not sought designations for existing lines. These are already set out in full in the Draft Report (see Appendix 3 in particular). |
| | Meridian Energy | Policy supported. This is common sense and involves very little cost for genuine benefit. Option (a) is preferred. Could be given effect to in the next plan review to minimise costs. | |
| | Genesis Energy | Support policy option (b). | |
| | Section 10 – Managing adverse effects of the transmission network | | |
| General | Otago Regional Council | Constraining the impact of electricity to defined corridors is an appropriate method of managing adverse effects. | The Draft Report does not advocate for this. It would seem to unduly restrictive of Transpower's options and cut across the need to look at alternative routes which is currently anticipated by the RMA Act. |

| Issue | Submitter | Summary of submission | Comment |
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| | NZ Law Society | Because transmission works have significant adverse effects, there should be a greater obligation on Transpower to consider these effects at the investigation/consultation stage. | This is related to the question of whether the GIT ought to more fully consider environmental and social costs. As such it is outside the scope of an NPS. |
| | Meridian Energy | Enabling low impact activities should be a separate section of the report being "Efficient use and development of the existing network". | This is an arguable point. Because the section is about deciding which transmission activities require consent and which don't, it is about managing the effects of transmission and is therefore appropriately located. |
| | Contact Energy | Effects are relatively uniform and an NPS and NES is supported. | |
| Section 10.1 – Objective: Use and development of existing lines | Meridian Energy | Intent supported. Words "while protecting the environment from significant adverse effects" are unnecessary. | This raises a bigger point about whether objectives and policies generally need to include reference to managing adverse environmental effects – an obligation that is imposed by the RMA and is unavoidable regardless of what any NPS might say. |
| | Genesis Energy | Supports objective as good starting point | |
| Section 10.3 - NES permitting low impact activities | NZPI | Clarifying the extent of maintenance and minor works permitted within the scope of existing use rights would be beneficial. | NPS can't define what existing use rights are. That is why the Draft Report proposes an NES to set out permitted activities – an option that would have similar affect. |
| | Manukau City Council | An NES specifying permitted activities would improve consistency but actual and potential effects depend on adjoining land use. | Point made is valid but much depends on NES design. For example it would be possible for standard to vary depending on adjacent land use or for local authorities to impose more restrictive standards in certain circumstances. |
| | Waipa District | Not supported. Issues can be addressed through | The issues can be addressed through the district plan but there is little indication that they |

| Issue | Submitter | Summary of submission | Comment |
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| | Council | the district plan review process. | will be (at least in the absence of clear policy direction) |
| | Federated Farmers | <p>Not supported. Not a one size fits all issue. Undermines fundamental basis of RMA – devolved decision-making. Should seek to limit effect of activities to property boundaries.</p> <p>Proposal would allow upgrade activities to be classified as maintenance and this will be used to in the Electricity Act process to argue that there can be no injurious affect.</p> | <p>RMA does provide for NESs so it clearly assumes that absolute devolved decision-making won't always be sensible. Agree that effects should be contained to the boundary but there is an question of <i>scale</i> and <i>severity</i> to be considered. Any activities permitted by an NES would need to be low impact.</p> <p>Care will need to be taken in preparing the NES that unintended effects are not created for the land access regime.</p> |
| | Meridian Energy | Supported. A combination of option (a) and option(c) is likely to be most effective. | It would be unnecessary to have both a policy in an NPS [option (a)] and an NES [option (c)] |
| | Genesis Energy | Supports approach of making minor activities permitted. Prefers option (a). | |
| | MRP | Support the NES but should be combined with NES based on NZECP 34. | |
| Section 10.5 – Objective: Managing visual effects and land disturbance | Waipa District Council | Proposed objective too narrow as it only refers to route selection. Objective should expanded to include reference to “route design” and “component design”. | <p>It is assumed that “route design” refers to pylon placement and “component design” refers to the style and height of towers. These are matters that can influence overall visual effect (and acceptability). It would be possible to include reference to these matters in the NPS. While it is unlikely that any specific design guidance in relation to these matters could be offered at the national level, reference to these matters in the NPS could usefully support local authorities’ interest in these matters.</p> <p>There is an issue about whether such matters</p> |

| Issue | Submitter | Summary of submission | Comment |
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| | | | <p>are best referred to in the objective or (as seems more appropriate) in the policies. However, this is a matter of detail that should be revisited in the drafting process.</p> |
| | LGNZ | <p>Options to manage visual effects need further consideration. This is a key issue but the option included is identified as having low benefit.</p> | <p>See above.</p> |
| | Meridian | <p>General intent and specific wording are <i>opposed</i>. There is no evidence to suggest the local decision-makers have insufficient regard to these matters. These effects will differ from place to place. It is transmission that is of national significance not the effects of transmission. It is not always possible to minimise these effects. The policy might undermine and constrain the overall judgement that must be made.</p> | <p>The key test here is whether an NPS can add value by specifying those matters/values/areas that should be protected from the visual (and related) effects of transmission. Clearly some submitters believe that effort should be put in to ensuring that an NPS can add value. The Draft Report is currently cautious on this point suggesting that non statutory guidance be prepared if development an NPS policy proves unviable. It does seem important to the acceptability of an NPS that it deal with key community concerns with transmission. A policy that only deals with the positive dimensions of transmission while ignoring the need to manage the negative dimensions may struggle to win widespread support. In any event, poor or inconsistent management of adverse effects will also be an issue for Transpower and for the efficient consideration of notices of requirement and resource consent applications.</p> |
| | MRP | <p><i>Opposed</i>. It is inappropriate to include within an NPS a policy that sets out what local authorities</p> | <p>See above.</p> |

| Issue | Submitter | Summary of submission | Comment |
|---|------------------------|---|--|
| Section 10.7 – Policy: Route selection | Meridian Energy | <p>are required to do in accordance with the RMA. Local authorities generally manage these effects/activities well. The effects are localised and local authorities can deal with them.</p> <p>Intent and specific wording <i>opposed</i>.</p> | |
| | Manukau City Council | <p>Policy cannot <i>ensure</i> that Transpower avoids inappropriate routes as suggested (in executive summary).</p> <p>Policy needs to be evaluated with much wider consideration than just “efficiency”.</p> <p>Specification of areas to be avoided cannot be the subject of national standards as each must be assessed in the context of land use activities and amenity.</p> | <p>Policy can ensure Transpower is aware of the areas where it is likely transmission will be regarded as having a significant effect. Minor redrafting warranted.</p> <p>“Efficiency” is used in sense of benefits outweighing costs. Reword to make clear.</p> <p>Some high level guidance may nonetheless be feasible especially if in the form of non statutory guidance rather than a formal NPS.</p> |
| | Waipa District Council | <p>Policy supported. Policy needs to specifically identify nationally important values.</p> | <p>See earlier comments.</p> |
| Section 10.9 – Objective: managing noise from substations | LGNZ NZPI | <p>Report should discuss non-RMA options for controlling route selection process. More robust analysis required.</p> | <p>It is not clear what non-RMA options are being referred to. However, as noted in response to other submissions, it is agreed that the Report should more fully discuss the Grid Investment Test and its relationship to the RMA.</p> |
| Section 10.11 – | Meridian Energy | <p>Supports general intent and wording of policy.</p> | |
| Section 10.11 – | LGNZ | <p>Report does not provide robust analysis or detail</p> | <p>The Draft Report does set out the benefits and</p> |

| Issue | Submitter | Summary of submission | Comment |
|---|---|---|--|
| Policy: Use of Noise Contours | | about noise effects or benefits or costs of noise contours. | costs of noise contours in some detail. It is unclear what further is being suggested. |
| | Meridian Energy | Supports general intent of the policy. This approach has worked well in context of airport noise. Proposed policy should be clarified to make clear that it only applies to new substations and new activities so as to avoid an unfair outcome and existing operations be they substations or adjoining owner. | |
| Section 10.13 - Managing electric and magnetic fields | Manukau City Council Waipa District Council Federated Farmers IPENZ | Support NES for electric and magnetic fields. | |
| | Environment Waikato Taranaki Regional Council | Supports view that no further work be undertaken until the ARPANSA standard is completed. | |
| | LGNZ NZPI | It would be inappropriate for any NPS/NES to proceed without addressing EMF. | |
| | WR Storey | ARPANSA publications display a degree of bias and may not suit the NZ situation. | |
| | New Era Energy | Strongly opposed to NES on EMF based on the ARPANSA standard. | |

| Issue | Submitter | Summary of submission | Comment |
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| | Westpower | Concerned that this NES would not apply to local lines. The question would then be what standard should apply (and if local lines are not nationally significant other the standard be more stringent). | |
| | Meridian Energy | Supports approach outlined. | |
| | MRP | Supports an NES on EMF based on the ARPANSA standard. | |
| Appendix 2 Use of the Building Act to enforce NZECP 34 | Manukau City Council | Consideration should also be given to amending the Building Code which is currently under review. | No investigation of this option has been carried out. The Draft Report's recommendation on the Building Act is peripheral to the main focus on NPS and NES. Rather than examining this option in detail, it might be preferable simply to include reference to the building code review in the recommendation. |
| | Dr Mike Patrick Federated Farmers MRP | Support use of Building Act to enforce NZECP 34. | |
| | Perry Group Ltd | Proposal unnecessary for transmission built after 1988 because Transpower should have secured property rights necessary to safely maintain and operate the transmission network. | While this is true in part, in reality Transpower may not know when activities are being proposed in breach of easement agreement and the link to the Building Act would provide a safeguard against Transpower having to take action after the event. |
| | Westpower | It is not clear if this would relate to all networks (i.e. including local lines). If it did not it would cause fragmentation in approach. | The Draft Report is only intended to address transmission lines as defined. However the point made is valid. It does not seem to make sense to enforce NZECP 34 via the Building Act in respect of transmission lines but not in |

| Issue | Submitter | Summary of submission | Comment |
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| | | | <p>respect of other lines. Report should be amended to note that it would seem to make sense to use the Building Act for enforcement of relevant parts of NZECP 34 in respect of all lines.</p> |

Appendix 1 – List of Submitters

Local Authorities (and other public bodies)

Environment Southland
Environment Waikato
Local Government NZ
Historic Places Trust
Manukau City Council
Wellington City Council
Otago Regional Council
Taranaki Regional Council
Waipa District Council

Industry and industry groups

Contact Energy
Genesis Energy
Meridian Energy
Major Electricity Users Group (MEUG)
Mighty River Power
Powerco
Transpower
Westpower

Landowners, landowner representatives and others

Federated Farmers
MP Alexander
Michael Patrick
New Era Energy
Perry Group Limited
Owen McShane/Centre for Resource Management
Hon Rob Storey

Professional Bodies

IPENZ
NZ Electricity Engineers Association
NZ Geothermal Association
NZ Law Society
NZ Planning Institute