

Addendum to recommendations and decisions for the proposed National Environmental Standards for Electricity Network Activities

Under section 44(2)(b) of the Resource Management Act 1991, the Minister Responsible for RMA Reform (the Minister) made further decisions on the proposed National Environmental Standards for Electricity Network Activities¹ (NES-ENA) following their original decisions outlined in the *National Environmental Standards for Electricity Transmission Activities and National Environmental Standards for Telecommunication Facilities: Report on Recommendations and Decisions*.²

Overview of the changes

The changes improve the workability of the recommendations, reflecting feedback from industry stakeholders.

The changes included:

- practicable noise controls in regulation 6 that recognise the nature of the noise effect and introduce a ‘best practicable option’ approach for non-compliances
- more flexibility for the dimensions of altered, relocated, or replaced distribution assets, including cabinets, poles and mid-span poles
- amendments to how noise from distribution cabinets is measured and increasing the maximum permitted height for new distribution cabinets
- removing a dispensation pathway to waive compliance for buildings and structures with safe distance requirements from electricity distribution assets.

¹ The proposal renames the National Environmental Standards for Electricity Transmission Activities. The proposed name is used in this addendum for clarity.

² Further decisions were also made on the proposed NES-TF and that these are covered in a separate addendum titled Addendum to recommendations and decisions for National Environmental Standards for Telecommunication Facilities.

Reading the addendum with the original report

The following table identifies the proposed provisions where the Minister’s decisions differ from those in the original report on recommendations and decisions. Changes are marked using **bold** for new text and ~~striketrough~~ for deleted text. Recommendations on all other proposed provisions remain unchanged and are set out in the original report. The proposal section of the table includes the proposed provisions published in [Package 1: Infrastructure and development – Discussion document | Ministry for the Environment](#). Reference to ‘change’ means a recommendation to amend the notified proposal. The final text of the instrument may vary from officials’ recommendations as a result of legal drafting conventions.

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-ENA

Clause	Proposed provisions	Previous decision	Amended recommendation	Reason for amended recommendation	Minister's decision
DECISION 48 Regulation 6 – Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits Regulation 8 – Permitted activities: adding overhead circuits	The proposed changes are to: - delete regulation 8 and amend the scope of regulation 6 so that the addition of overhead conductors and overhead circuits is regulated together in amended regulation 6. - Remove the condition in regulation 6(4) that there may be no more than two conductors (duplex configuration). - Include a new condition in regulation 6 that operational noise from transmission lines operating at or above 220 kV shall not exceed the following noise limits: 48 dB LAeq (15min) in residential zones; or 45 dB LAeq (15min) in all other zones.	Change 48. Amend the proposal so that the permitted noise limit for transmission lines operating at or above 220kV in residential areas is 40dB LAeq (15min).	Amend recommendation 48 as follows: 48. Delete the proposed part of the permitted rule - Include a new condition in regulation 6 that operational noise from transmission lines operating at or above 220 kV shall not exceed the following noise limits: 40 dB LAeq (15min) in residential zones; or 45 dB LAeq (15min) in all other zones. and replace it with : (1) Operational noise from: i. new conductors on existing transmission lines; or ii. changes to existing transmission lines involving increasing the voltage or current rating; operating at or above 220 kV, is a permitted activity subject to meeting the following conditions: a) modelled conductor noise levels at any assessment point should not exceed 45 dB LAeq (15min) in all zones (unless a greater level is provided in underlying zone rules). b) If the conductor is new, it must have: (i) a clean surface free from grease; and (ii) a matt surface finish; or (iii) trapezoidal shaped strands; or (iv) a strand geometry and surface treatment proven to mitigate tonal noise during operation. (2) Information confirming compliance with condition (1)(a) must be provided to the relevant territorial authority upon request. (3) If the modelled conductor noise exceeds the threshold in (1)(a) at any assessment point, the best practicable option to minimise noise is adopted.	Transpower raised significant concerns about the proposed noise limit and provided technical evidence. Conductor noise effects are limited because they are intermittent, mostly occur in wet weather, reduce as conductors age, and are more noticeable at night when people are usually indoors. Transpower advised a 40 dB LAeq (15min) limit is not achievable or practical to monitor. New conductors can produce intermittent noise of 43–52 dB, and wider use of specialist treated conductors would significantly increase costs. We therefore recommend a 45 dB LAeq (15min) threshold in all zones, unless the underlying zone allows more, with a best practicable option required if that threshold is exceeded. Officials consider this would improve workability, provide practical noise controls, and would not result in significant adverse effects. These two new definitions make the rule clearer. They explain what “modelled conductor noise levels” means and where noise must be measured for sensitive activities. This is standard practice for electricity transmission activities and helps councils check whether the permitted rule is being met. Although there is legal risk associated with adding new definitions that were not consulted	Agreed

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			Include a further part to Decision 48 that introduces two new definitions, to assist with interpreting and using the proposed operational noise provisions: 48A. Amend the proposal to include the following definitions related to the operational noise provisions: (1) Assessment point means, any point over the footprint of a sensitive land use occupied overnight, at a height of 4 metres above ground level for a single storey building and with an additional 3 metres of height for each additional storey for multiple storey buildings. (2) Modelled conductor noise levels means calculated noise levels based on the transmission line and conductor configuration, taking into account new wet conductor characteristics, ignoring the presence of any buildings, and without any adjustments for special audible characteristics (which has the same meaning as in NZS 6802:2008 Acoustics – Environmental noise (NZS 6802))	on, the benefits of providing this certainty outweigh the risk.	

Regulations for electricity distribution network activities (EDN)

NOTIFIED PROPOSAL

RECOMMENDATIONS FOR AMENDMENTS TO THE NES-ENA

Clause	Proposed provisions	Previous decision	Amended recommendation	Reason for amended recommendation	Minister's decision
DECISION 96 R8: Additions to existing Electricity Distribution Network assets	B: Introduce new regulations that would enable the installation of mid-span poles on existing EDN lines. The regulations would provide for these poles as a permitted activity subject to compliance with the following conditions: - the pole is not greater than 30 m in height above ground level - the pole is required to ensure compliance with NZECP 34:2001 - the pole not located within a natural area or a historic heritage place or area (except where the existing line is located in one of these areas). Mid-span poles on existing EDN lines that do not comply with the permitted activity standards would be a controlled activity. The proposed matters of control would be limited to visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, technical requirements and the functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.	Change 96. Amend the proposed permitted activity standards for the installation of mid-span poles on existing EDN lines to: - replace the height standard with a 25% height increase relative to the height of the adjacent support structures - remove the requirement to comply with NZECP 34:2001 - retain the requirement for the mid-span pole not to be located within a natural area or a historic heritage place or area (except where the existing line is located in one of these areas).	Amend recommendation 96 as follows: 96. Amend the proposed permitted activity standards for the installation of mid-span poles on existing EDN lines to: - replace the height standard with a 25% height increase relative to the height of the adjacent support structures, or the height standard provided for new support structures in decision 108 of R10, whichever is greater, - remove the requirement to comply with NZECP 34:2001, and - retain the requirement for the mid-span pole not to be located within a natural area or a historic heritage place or area (except where the existing line is located in one of these areas).	The NES-ETA proposal allows mid-span poles on existing lines, with height increases of up to 25%. Electricity Networks Aotearoa advised this would be unworkable, as some poles need to be higher to ensure safe clearance distances and network efficiency. We recommend a more balanced approach: allow height increases of 25%, or up to the height allowed for new lines in the relevant zone, whichever is greater. Officials consider these limits, together with consistency with other permitted height rules, provide adequate protection so adverse effects under this rule are not significant.	Agreed
DECISION 101 R9: Alteration relocation and replacement of existing EDN assets	A: Introduce a new regulation that would enable the alteration, relocation and replacement of existing ED lines, support structures and cabinets to be undertaken as a permitted activity subject to conditions on the size and location of those assets. The proposed	Change 101. Amend the proposal for a new regulation for a permitted activity for the alteration, relocation and replacement of existing ED lines, support structures and cabinets to:	Amend recommendation 101 as follows: 101. Amend the proposal for a new regulation for a permitted activity for the alteration, relocation and replacement of existing ED lines, support structures and cabinets to:	Electricity Networks Aotearoa advised night-time noise from EDN assets should be measured where the effect is experienced, such as at a building containing a sensitive land use rather than by a passer-by.	Agreed

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	permitted activity standards are as follows. - the EDN asset must be located: – within a land transport corridor; or – outside a natural area or historic heritage place or area (ie, except where the existing ED line is located within one of these areas). - the altered, relocated or replaced EDN assets must not increase the height or width of the existing EDN asset by more than 25% - the replaced or relocated EDN asset must be within 10 m of the existing location - poles must not be replaced with towers - restoration and stabilisation of land must be undertaken when existing EDN assets are relocated - Cabinets must comply with the corresponding permitted noise standards in regulation 24 of the NES-TF if located within road reserve, and otherwise with the noise standards of the underlying zone.	- clarify that the place of noise measurement for cabinets outside of a road reserve is the same as for Regulations 24 and 25 of NES-TF - clarify that the exceptions to permitted activity conditions relate only to the permitted standard to replace or relocate a support structure or cabinet within 10 m of its existing position.	- clarify that the place of noise measurement for cabinets outside of a road reserve is 1m from a building containing a sensitive land use - clarify that the exceptions to permitted activity conditions relate only to the permitted standard to replace or relocate a support structure or cabinet within 10 m of its existing position make the following clarifications on the dimensions of assets: Height of the altered, relocated or replaced asset (applies to both cabinets and poles): must not increase by more than 25% or what is permitted in R10 (whichever is greater); and Width of altered, relocated or replaced cabinet only: must not increase by more than 25% or what is permitted in R10 (whichever is greater); Altered, relocated or replaced poles: must not have a diameter or width that is more than the existing pole's diameter or width at its largest point plus 50 percent, and in the case of double poles 100 percent.	Officials consider this reasonable and recommend measuring noise 1 m from a sensitive activity building. This is appropriate for a permitted activity and would avoid significant adverse effects. Electricity Networks Aotearoa also advised the 25% limit on asset height and width is not workable and could cause unnecessary delays and costs. Examples from common pole replacements show larger changes are often needed for safety, loading, undergrounding, and current technology. We therefore recommend more flexibility for the height of altered, relocated, or replaced cabinets and poles, and for the width of cabinets and poles, while keeping a zone-based approach to height. This would improve workability, better reflect the differences between cabinets and poles, align with other regulations, and would not result in significant adverse effects.	

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DECISION 113 R10: Construction of new EDN assets (cabinets)	B: Introduce a new regulation to enable new cabinets associated with the EDN to be installed and operated as a permitted activity provided that: - the cabinet is located within a land transport corridor; and – the cabinet(s) are no larger than 1.8 m tall and 6 m² in area – the cabinets comply with the noise limits in regulation 24 of the NES-TF (noise limits for cabinets in road reserve); or - the cabinet complies with rules for buildings and structures within the underlying zone - the cabinets are not located within a natural area or a historic heritage place or area. Cabinets that do not comply with the permitted activity standards would require a resource consent for a restricted discretionary activity. The matters of discretion would be limited to visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.	Recommendation 113: 113. Amend the proposal to introduce a new regulation for a permitted activity for the 'operation and maintenance' of new cabinets.	Amend recommendation 113 as follows: 113. Amend the proposal to: (a) introduce a new regulation for a permitted activity for the 'operation and maintenance' of new cabinets (b) permit cabinets in the land transport corridor up to 2.5 metres high in all zones (c) require cabinets to comply with district plan rules for buildings and structures (excluding height) within the underlying zone, except for front yard setbacks (d) clarify that noise measurements are to be taken 1m from a building containing a sensitive land use.	You decided to regulate cabinet height and noise in the same way as telecommunication cabinets under the NES-TF. Electricity Networks Aotearoa advised cabinets cannot meet a 40 dB LAeq (5min) nighttime noise limit, should be measured 1 m from a building containing a sensitive land use, should not be subject to front yard setbacks, and need a 2.5 m height limit to accommodate network equipment. Officials recommend keeping the 40 dB nighttime noise limit, measuring noise 1 m from a building containing a sensitive land use building, exempting cabinets from district plan front yard setbacks, and increasing the maximum permitted height to 2.5 m. A 2.5 m limit in all zones could affect streetscapes and residential amenity, and it was not consulted on. However, other district plan standards still apply, and prefabricated cabinet design means the maximum height will only occasionally be reached. On that basis, officials consider the amended rule would not result in significant adverse environmental effects.	Agreed

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DECISION 127 R15: Construction of buildings or structures near overhead EDN lines (Discretionary)	Introduce a new rule to manage buildings and structures within 30 m of EDN lines to ensure these comply with NZECP 34:2001. The rule would provide for the construction of a new building or structure, or alterations or extensions to an existing building or structure within 30 m of the centre line of an overhead EDN line as a permitted activity, provided the construction or alteration complies with the safe distance requirements for poles and towers in NZECP 34:2001.	Recommendation 127: 127. Amend the proposal to: a. introduce a new rule for a permitted activity for the construction of a new building or structure or alterations or extensions to an existing building or structure near an overhead EDN line subject to compliance with safe distance requirements for poles and towers in NZECP 34:2001; b. specify that the relevant electricity distribution provider is the authority who may waive themselves as an affected party by providing special dispensation in the form of a written notice tendered to the contravening party, which allows for non-compliance with NZECP 34:2001; c. require a resource consent as a discretionary activity for the construction of a new building or structure or alterations or extensions to an existing building or structure near an overhead EDN line that do not meet safe distance requirements for poles and towers in NZECP 34:2001.	Amend recommendation 127 to remove recommendation 127(b).	The amendment removes the potential for inconsistencies with NZECP 34:2001.	Agreed