

Attachment 1.4

Proposed provisions – Amendments to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

National direction consultation – Package 1: Infrastructure and development

Instrument topic: Proposed amendments to the National Environmental Standards for Electricity Transmission Activities (to be renamed as the National Environmental Standards for Electricity Network Activities (NES-ENA))

- The proposed provisions are for consultation purposes and do not represent the proposed National Environmental Standard (NES) wording, which will be drafted after the consultation phase.
- The table below provides some illustrative wording to help you understand proposed definitions and the intent of the proposed amendments to the NES.
- Changes to the existing NESETA are referenced using the existing policy or other clause number. To help submitters, proposed new definitions and other clauses are referenced using the following abbreviations: D (definition), PA (permitted activity rule), PAS (permitted activity standard), RDA (restricted discretionary activity) and DA (discretionary activity).

Application	Proposed provisions	Reasons
Where will the NES-ENA apply?	The NESETA is proposed to be amended and to apply to both existing electricity transmission infrastructure and electricity distribution assets (new and existing) and include new regulations relating to electric vehicle (EV) charging infrastructure and be a new set of regulations called the NES-ENA.	<p>Meeting New Zealand's climate and electrification targets through the efficient transmission and distribution of electricity is a nationally significant issue.</p> <p>The approach for combining both existing electricity transmission infrastructure and electricity distribution assets into an amended NES, renamed as the NES-ENA, aligns with the proposed changes to the existing</p>

	<p>The NES-ENA is proposed to apply nationwide except for the National Grid Yard rules, which are not proposed to apply within the Auckland region.</p>	<p>National Policy Statement for Electricity Transmission to be a broader proposed National Policy Statement for Electricity Networks (NPS-EN) covering electricity transmission and distribution activities. Including EV charging infrastructure within the new NES-ENA aligns with the broader objectives of Electrify NZ to electrify the economy.</p> <p>The Auckland Unitary Plan contains a bespoke set of provisions for ‘compromised spans’ and ‘uncompromised spans’, which are intended to apply rather than the NES-ENA.</p>
<p>What electricity assets will be covered by the NES-ENA?</p>	<p>The application of the NES-ENA is proposed to be to activities relating to existing electricity transmission lines that were operational on 14 January 2010 (the same as the NESETA) and activities relating to specified electricity distribution assets (new and existing). It will also apply to certain types of EV charging infrastructure.</p> <p>The proposal is seeking feedback on whether the proposed NES-ENA should apply to either:</p> <ul style="list-style-type: none"> • electricity distribution network (EDN) lines over 110 kV voltage (existing and new). This would give a similar level of enablement and protection for all lines over 110 kV, regardless of ownership; or • a wider range of EDN activities covering both high and low voltage lines and existing and new assets, as detailed further in Part 3 of this proposal. 	<p>The NESETA currently applies to Transpower owned and operated assets that existed on the commencement date of the NESETA, 14 January 2010. The NES-ENA is proposed to continue to apply only to activities relating to electricity transmission lines that existed at this date, due to section 43D of the Resource Management Act 1991 (RMA), to ensure that transmission lines that are designated are not affected. This may involve retaining the same commencement date as the NESETA ‘commencement date’ (existing regulation 2) for the set of regulations applying to existing transmission lines.</p>

Interpretation (definitions)	Proposed provisions	Reasons
<p>D1 Ancillary electricity network activities (ancillary EN activities)</p>	<p>Introduce a new definition for ‘ancillary EN activities’ that:</p> <p><i>means all supporting and subsidiary activities needed to provide the operation, maintenance, and upgrading of the EN, including but not limited to vegetation clearance, tree trimming, earthworks, the construction, maintenance and upgrading of access tracks and accessways, power supply, and telecommunications.</i></p>	<p>The intent of this definition is to ensure that all relevant ancillary activities are captured as part of the overall EN activity. This definition is the same as in the NPS-EN.</p>
<p>D2 Cabinet</p>	<p>Introduce a new definition that means:</p> <p>a) <i>a structure that houses equipment affixed to the ground that is necessary to operate part of the electricity distribution network, including any casing; but</i></p> <p>b) <i>does not include electricity substation facilities or buildings.</i></p>	<p>The intent of this definition is to provide clarity over electricity distribution infrastructure.</p>

Interpretation (definitions)	Proposed provisions	Reasons
D3 Circuit	Retain and amend the definition that: <i>means conductors on a transmission line or distribution line that together form a single electrical connection between 2 or more system nodes.</i>	Retain the same definition as in the NESETA and expand to cover distribution.
D4 Compromised span	Introduce a new definition that: <i>means, for the purpose of these regulations, a span identified in the Auckland Unitary Plan as being compromised.</i>	The definition of compromised span is to recognise that the Auckland Unitary Plan includes different rules in relation to the electricity transmission network (ETN) for compromised and uncompromised spans in the Auckland region. The intent is that the proposed NES-ENA National Grid Subdivision Corridor and National Grid Yard rules will not override or replace those specified in the Auckland Unitary Plan, which will be clarified in the drafting of the regulations.
D5 Conductor	Amend the definition that means: a) <i>wire or cable used for carrying electric current along a transmission line or distribution line; and</i> b) <i>includes any hardware and insulation associated with the wire or cable.</i>	Retain the same definition as in the NESETA and expand to cover distribution.
D6 Customer driven project	Introduce a new definition for ‘customer driven projects’ that means: <i>ETN or EDN activities that a third party other than Transpower New Zealand Limited or an electricity distribution business has requested be carried out, such as new connections to electricity generation or demand, or relocation or undergrounding of assets in order to enable urban or infrastructure development, excluding new connections to electricity generation that are managed under the National Policy Statement for Renewable Electricity Generation.</i>	The intent is to exclude renewable electricity generation (REG) connections managed under the NPS-REG, which will require assessment of the effects of the full REG project up to the point of connection to the ETN or EDN. The exclusion of new REG connections clarifies the applicability of the NPS, rather than a decision-maker needing to apply both the NPS-REG and NPS-EN. This definition also forms part of the definition of ‘EN development activities’ and is the same as in the NPS-EN.
D7 Electricity network development activities (EN development activities)	Introduce a new definition that means: a) <i>the construction of new EN assets that is not carried out on or related to EN lines, or cables, or at substation sites, that exist at the time of construction; or</i> b) <i>customer driven projects.</i>	The intent of this definition is to help distinguish ‘routine activities’ and ‘non-routine activities’, and to clarify that ‘development activities’ relate to new lines or assets. This definition is the same as in the NPS-EN.
D8 Dry abrasive blasting	Introduce a definition that: <i>means abrasive blasting using materials to which no water has been added.</i>	This definition is from the National Planning Standards and replaces the existing NESETA definition.

Interpretation (definitions)	Proposed provisions	Reasons
D9 Earthworks	Introduce a new definition that: <i>means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, fillings or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i>	This definition is from the National Planning Standards and replaces the existing NESETA definition.
D10 Electricity distribution network (EDN)	Introduce a new definition that: <i>means any part of the electricity network that is controlled by a person or body who is both an electricity distributor and an electricity operator as those terms are defined in section 2 of the Electricity Act 1992; and does not include the electricity transmission network (as defined below).</i>	This definition proposes to introduce the EDN into the NES-ENA, recognising the importance of the EDN for electrification (eg, new lines supporting electrification of industry rather than fossil fuel use). This definition is the same as in the proposed NPS-EN.
D11 Electricity network (EN)	Introduce a definition that: <i>means the electricity transmission network and the electricity distribution network.</i>	The proposed definition is inclusive of both the ETN and EDN and is needed to interpret policy applying to both parts of the electricity network. This definition is the same as in the NPS-EN.
D12 Electricity network (EN activities)	Introduce a definition that: <i>means the construction, operation, maintenance, development, upgrade, replacement, decommissioning or removal of electricity network assets and all ancillary activities, unless otherwise specified.</i>	The proposed definition for electricity network activities will be more specific about the activities and infrastructure it includes than the definition in the current NPS-ET. The intent is to be more inclusive and recognise activities associated with the life cycle of the EN including access associated with routine maintenance activities. This definition is the same as in the NPS-EN.
D13 Electricity transmission network (ETN)	Introduce a definition that: <i>means all parts of the National Grid of electricity transmission that:</i> <i>a) comprises the network of transmission lines, and cables (aerial, underground, and submarine, including the high-voltage direct current link), stations, and substations, facilities and works, and all ancillary activities, and other works used to connect grid injection points and grid exit points to convey electricity in New Zealand;</i> <i>b) is owned or used by Transpower New Zealand Limited; and is commonly known as the National Grid.</i>	The proposed definition of 'National Grid' is more specific than the definition in the current NESETA about the assets and infrastructure it includes, and includes ancillary activities (see definition D1) essential to enabling necessary work on Transpower's assets. This definition is the same as in the NPS-EN.

Interpretation (definitions)	Proposed provisions	Reasons
D14 Electricity network activities (EN development activities)	<p>Introduce a definition that means:</p> <ul style="list-style-type: none"> <i>a) the construction of new EN assets that is not carried out on or related to EN lines, or cables, or at substation sites, that exist at the time of construction; or</i> <i>b) customer driven projects.</i> 	The intent of this definition is to help distinguish 'routine activities' and 'non-routine activities', and to clarify that 'development activities' relate to new lines or assets. This definition is the same as in the NPS-EN.
D15 Electric vehicle charging infrastructure (EVC infrastructure)	<p>Introduce a definition that:</p> <p><i>means the construction, maintenance, operation, upgrade, and replacement of electricity vehicle charging infrastructure:</i></p> <ul style="list-style-type: none"> <i>a) including all buildings and structures associated with the charging of electric vehicles, the sale of electricity for the purpose of charging vehicles, electric vehicle charging car parks and manoeuvring spaces, chargers, cabinetry, batteries, bollards, and wheelstops;</i> <i>b) it does not include the retail sales of any other goods or services.</i> 	The intent of this definition is to clarify which type of charging facilities the proposed NES-ENA will apply to.
D16 Existing transmission line	<p>Retain and amend a definition that means:</p> <ul style="list-style-type: none"> <i>a) a transmission line that was operational, or was able to be operated, at 14 January 2010 (being the commencement of the original regulations); and</i> <i>b) includes a transmission line described in paragraph (a) that is altered or relocated in accordance with these regulations; and</i> <i>c) includes a transmission line that, in accordance with these regulations, replaces a transmission line described in paragraph (a).</i> 	Minor amendment to insert the commencement date to clarify the lines that the proposed NES-ENA applies to.
D17 Existing distribution line	<p>Introduce definition that means:</p> <ul style="list-style-type: none"> <i>a) a distribution line that was operational, or was able to be operated, at the commencement of the regulations relating to distribution lines; and</i> <i>b) includes a distribution line described in paragraph (a) that is altered or relocated in accordance with these regulations; and</i> <i>c) includes a distribution line that, in accordance with these regulations, replaces a distribution line described in paragraph (a).</i> 	Definition aligned with corresponding definition for existing transmission lines but amendment to reflect the different commencement dates of the regulations.

Interpretation (definitions)	Proposed provisions	Reasons
D18 Guy wire	Introduce a definition that: <i>means a cable or wire designed to add stability to a structure, including any associated pole or anchor block.</i>	The intent of this definition is to provide clarity that guy wires are provided for in the rules. Guy wires are an existing component of a transmission line.
D19 Height	Amend the definition of height that: <i>means the vertical distance between a specified reference point and the highest part of any feature, structure, or building above that point.</i>	Applies the definition of height from the national planning standards. The definition would include conductors, but excludes telecommunication devices, earth peaks and lightning rods.
D20 Historic heritage item or setting	Amend the definition for historic heritage that: <i>means any historic heritage site, building or area protected by a rule in a plan because of its historic heritage value, including sites of significance to Māori.</i>	The amendments to the definition of historic heritage area are intended to make it clear it captures any historic heritage building, site or area protected by a plan rule, consistent with section 6(f) of the RMA. This approach is broadly consistent with the existing NESETA definition and the corresponding regulation in the National Environmental Standards for Telecommunication Facilities (NES-TF). An alternative option sought by industry is to limit the definition to historic heritage sites, buildings and areas identified in district plans to provide more certainty in its application.
D21 Land transport corridor	Introduce a definition of land transport corridor that: <i>means land transport corridor means land within the legal boundary of any road, motorway, or railway land.</i>	This the same definition as in the Land Transport Management Act 2003.
D22 LAeq(15min)	Introduce a definition that: <i>has the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound.</i>	The intent of this definition is to establish an operational noise standard. NZS 6801 is used to describe the average sound level over a 15-minute timeframe, accounting for variations in sound intensity.
D23 Mechanical preparation of surface	Introduce a definition that: <i>means removing impurities or corrosion of part of the surface using hand-held tools with an abrasive surface.</i>	The intent of this definition is to capture the full range of maintenance activities that are not captured by the defined abrasive blasting activities.
D24 Modelled conductor noise levels	Introduce a definition that: <i>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).</i>	The intent of this definition is to establish an operational noise standard.

Interpretation (definitions)	Proposed provisions	Reasons
D25 National Grid Subdivision Corridor	<p>Introduce a new definition that:</p> <p><i>means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in the darker green below):</i></p> <ul style="list-style-type: none"> • 14 metres for 66 kV and 110 kV transmission lines on single poles; • 16 metres for 66 kV and 110 kV transmission lines on pi poles; • 32 metres for 66 kV and 110 kV transmission lines on towers (including tubular steel monopoles towers where these replace steel lattice towers); • 37 metres for 220 kV transmission lines; • 39 metres for 350 kV transmission lines. <p><i>The National Grid Subdivision Corridor does not apply to designated assets.</i></p> <p><i>See attachment 1.4.1 for a diagram of the National Grid Subdivision Corridor.</i></p>	<p>The definition of National Grid Subdivision Corridor determines the application of the associated rules to protect the ETN from the adverse effects of third parties. This definition defines the distance from the centreline of transmission lines in which controls on subdivision apply and are based on the voltage of the lines and the type of support structure. These definitions have been developed to give effect to existing policy 10 and policy 11 of the NPS-ET, have been subject to extensive refinement with Transpower and other stakeholder, and are commonly included in district plans across New Zealand.</p>
D26 National Grid Yard	<p>Introduce a new definition that means:</p> <ul style="list-style-type: none"> • <i>the area located 10 metres either side of the centreline of an overhead 110 kV National Grid transmission line on single poles;</i> • <i>the area located 10 metres either side of the centreline of an overhead 66 kV National Grid transmission line on single poles, pi poles or towers;</i> • <i>the area located 12 metres either side of the centreline of any overhead 110 kV, 220 kV, or 350 kV National Grid transmission line on pi poles or towers (including tubular steel monopoles towers where these replace steel lattice towers);</i> • <i>the area located 12 metres in any direction from the outer visible edge of a National Grid support structure.</i> <p><i>The National Grid Yard does not apply to designated assets.</i></p> <p><i>See attachment 1.4.1 for a diagram of the National Grid Yard.</i></p>	<p>The definition of National Grid Yard determines the application of the associated rules to protect the ETN from the adverse effects of third parties. This definition relates to the area where controls apply to buildings and structures and earthworks. It is measured from the centreline of transmission lines and varies based on the voltage of the lines and the type of support structure. This definition was developed to give effect to existing policy 10 and policy 11 of the NPS-ET and was subject to extensive refinement with Transpower and other stakeholders and is commonly included in district plans across New Zealand.</p>
D27 Natural area	<p>Amend the existing definition of natural area that:</p> <p><i>means an area that is protected by a rule because it is an outstanding natural feature or landscape, an area of significant indigenous vegetation, or a significant habitat of indigenous fauna.</i></p>	<p>The minor amendment proposed is simply to clarify the areas covered by the definition.</p>

Interpretation (definitions)	Proposed provisions	Reasons
D28 Non-routine electricity network activity (non-routine EN activity)	Introduce a definition that: <i>means the upgrade, rebuilding or replacement of, or changes to, EN assets, or other EN activities, where the upgrade, rebuilding, replacement or change, or activity is not defined as a routine EN activity.</i>	This definition reflects the policy intent to distinguish between activities carried out regularly as part of the life cycle of the EN, which usually have less than minor effects, and activities that may result in more substantial effects and changes to the EN. This definition is the same as the NPS-EN. The intent is that: <ul style="list-style-type: none"> ‘non-routine’ EN activities cover larger upgrades with more than minor adverse effects, and policy 7 NPS-EN applies. ‘routine’ covers more minor and/or common upgrade activities, and these are subject to more enabling policy direction in policy 6 of the NPS-EN.
D29 NZECP 34:2001	Introduce a definition that: <i>means the New Zealand Electrical Code of Practice for Electrical Safe Distances (2001).</i>	This definition would introduce a hook for electrical safety standards. We are seeking feedback on whether the NES-ENA is the best means to enforce these provisions and the appropriateness of referring to compliance with all or some of this third party code in the NES-ENA.
D30 Operation	Amend the definition to: <i>means the use of a transmission line or distribution line to convey electricity.</i>	Retain the NESETA definition and expand it to cover distribution.
D31 Pole	Amend the definition that means: <ul style="list-style-type: none"> a) <i>a structure that supports conductors as part of a transmission line or distribution line and that—</i> <ul style="list-style-type: none"> i. <i>has no more than 3 vertical supports, not including a pole that forms part of a guy wire; and</i> ii. <i>is not a steel lattice structure; and</i> b) <i>includes the hardware associated with the structure (such as insulators, cross-arms, and guy wires) and the structure's foundations; and</i> c) <i>can be made of wood, reinforced concrete, steel, or other material.</i> 	This amendment to the definition of a pole clarifies that poles can be made from a variety of materials and that poles that form part of a guy wire are excluded from the definition.
D32 Routine electricity network activity (Routine EN activity)	Introduce a definition that: <i>means</i> <ul style="list-style-type: none"> a) <i>activities required for, or associated with, the operation or maintenance of existing EN assets; or</i> 	The policy intent is to enable routine ETN activities on existing assets to occur in a timely and efficient way without restriction, while still ensuring Transpower and electricity distribution businesses take appropriate steps to avoid or mitigate adverse environmental effects to the extent practicable. Transpower and electricity distribution businesses have well-

Interpretation (definitions)	Proposed provisions	Reasons
	<ul style="list-style-type: none"> <i>b) implements the modern equivalent, substitute, or replacement of the existing EN assets, which may not be 'like for like'; or</i> <i>c) maintenance and upgrades of existing EN assets necessary to continue to deliver the same or similar level of service or to improve resilience; or</i> <i>d) other upgrades of existing EN assets where the upgrade or other change will, once the activity is complete, have no more than minor adverse effects on the environment; or</i> <i>e) the removal, decommissioning, or dismantling of EN assets; and</i> <i>f) all relevant ancillary activities, such as vegetation clearance, tree trimming, and creating, maintaining, and improving access tracks and accessways to EN assets; and</i> <i>g) includes all activities regulated by the NES-ENA, including replacing structures, reconductoring, earthworks, altering or relocating of structures, undergrounding.</i> 	<p>established industry standards and operating procedures for routine operation, maintenance and upgrade activities developed with input from ecologists and other environmental experts.</p> <p>Provides a link to make it clear that the definition includes all activities regulated under the NES-ENA, the amended NESETA. This definition is the same as in the NPS-EN.</p>
D33 Sensitive activities	<p>Introduce a definition that:</p> <p><i>includes residential unit (including visitor accommodation and retirement accommodation), care facilities, childcare facilities, schools, hospitals, custodial or supervised accommodation where residents are detained on site, marae, or place of worship.</i></p>	<p>This definition replaces the existing NESETA definition 'sensitive land use' and assists with interpretation of policy 10 of the NPS-EN, seeking to manage the effects of third parties on the EN. The existing NPS-ET definition has been expanded to make it clear what the definition includes and align it with terms used in the National Planning Standards. This definition is the same as in the NPS-EN.</p>
D34 Telecommunication device	<p>Retain and amend a definition that:</p> <p><i>means telecommunication device—</i></p> <ul style="list-style-type: none"> <i>a) means a device (for example, an antenna) that—</i> <ul style="list-style-type: none"> <i>(i) facilitates the operation of a transmission line or distribution line; and</i> <i>(ii) receives or transmits telecommunication signals; and</i> <i>b) includes any hardware associated with the device; but</i> <i>c) does not include a telecommunication cable.</i> 	<p>Retain the same definition as in the NESETA and expand for distribution.</p>
D35 Temporary line deviation	<p>Introduce a definition that:</p> <p><i>means the construction and use of a temporary section of transmission line or distribution line.</i></p>	<p>This amends the existing definition to remove during maintenance and upgrade, simplifying the definition and enabling a temporary deviation under any circumstance as required and to capture distribution.</p>

Interpretation (definitions)	Proposed provisions	Reasons
D36 Termination structure	Retain and amend the definition that: <i>means a tower, or pole, and/or gantry used for the transition between an overhead and an underground transmission line or distribution line.</i>	Amendment to existing definition to include 'gantry' in the definition, reflecting existing operating practice where connections between an overhead line and underground cable requires the use of a gantry, and expand for distribution.
D37 Tower	Introduce a definition that means: <ul style="list-style-type: none"> a) <i>a steel lattice structure that supports conductors as part of a transmission line or distribution line; and</i> b) <i>includes the hardware associated with the structure (such as insulators, cross-arms, and guy wires) and the structure's foundations.</i> 	Retain the same definition as in the NESETA and expand for distribution.
D38 Transmission line or distribution line	Amend the definition of transmission line as follows: <ul style="list-style-type: none"> a) <i>means the facilities and structures used for, or associated with, the overhead and/or underground transmission or distribution of electricity within the ETN or EDN, including the transition from overhead to underground; and</i> b) <i>includes conductors, transmission line and distribution line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; and</i> c) <i>for the avoidance of doubt includes cables located over land, within waterbodies (including the coastal marine area), on the bed of lakes and rivers, on the bed and foreshore of the coastal marine area and on bridges and other waterway crossings; but</i> d) <i>does not include an electricity substation.</i> 	The proposal will amend the definition of 'transmission line' to give greater specificity to the types of infrastructure included, including cables located on land, the beds of lakes and rivers, and the coastal marine area (ie, submarine cables). It also expands the definition to include distribution lines.
D39 Transmission line or distribution line support structure	Retain and amend a definition that: <i>means a tower or pole.</i>	Retain the same definition as in the NESETA and expand to cover the EDN.
D40 Undergrounding	Retain and amend a definition that: <ul style="list-style-type: none"> a) <i>means replacing overhead transmission lines or distribution lines with underground transmission lines or distribution lines; and</i> 	Retain the same definition as in the NESETA and expand to cover the EDN.

Interpretation (definitions)	Proposed provisions	Reasons
	<i>b) includes altering, relocating, or replacing a tower or pole at 1 or both ends of the underground transmission lines or distribution lines so that the tower or pole becomes a termination structure.</i>	
D41 Wet abrasive blasting	Introduce a definition that: <i>means abrasive blasting using material to which water has been added, and includes air assisted wet abrasive blasting.</i>	This definition is based on the National Planning Standards definition and is expanded to clarify that air assisted blasting is included.
Delete definitions	Delete the following existing definitions in the NESETA: <ul style="list-style-type: none"> • base height • base position • base footprint • base width • envelope for controlled activities • envelope for permitted activities • National Grid • overland flow path • upgrading. 	<p>The definitions proposed to be deleted are terms no longer used in the regulations and/or are inappropriate due to inconsistency with the NPS-EN. Specifically:</p> <ul style="list-style-type: none"> • structure details (base footprint, base width, base height, base position) are terms proposed to no longer be used in the NES-EN as part of the proposal to simplify the regulations relating to replacing and relocating support structures (existing regulations 14 to 16) • envelope for permitted activities and envelope for controlled activities are terms proposed to no longer be used in the NES-EN as part of the proposal to simplify the regulations relating to replacing and relocating support structures (existing regulations 14 to 16) • the definition of National Grid is proposed to be deleted because this is being replaced by a more specific definition of the ETN, which is set out in the NPS-EN • overland flow path is no longer proposed to be used in existing regulation 33 because it is proposed that this is replaced with a condition more focused on not increasing risk in identified hazard areas • upgrading because the definition is no longer necessary.

PART 2: PROPOSED REGULATIONS FOR EXISTING TRANSMISSION LINES		
Clause	Proposed provisions	Reasons
Regulation 4 – Regulations apply only to certain activities in	Replace this regulation with a new regulation that clarifies:	Consequential amendments to clarify the scope of the regulations in terms of the activities, ETN and EDN assets and activities the regulations apply to, activities not regulated, and responsibilities for implementing certain

PART 2: PROPOSED REGULATIONS FOR EXISTING TRANSMISSION LINES

Clause	Proposed provisions	Reasons
relation to existing transmission lines	<ul style="list-style-type: none"> the range of ETN and EDN activities regulated under the NES-ENA, including routine activities, non-routine activities, work on existing new lines, activities on land and within the coastal marine area the roles and responsibilities of regional councils and territorial authorities for implementing certain regulations (similar to the approach taken in the National Environmental Standards for Commercial Forestry 2017) certain ETN and EDN activities the regulations do not apply to (eg, substations, refuelling, storage of hazardous substances). 	regulations between regional councils and territorial authorities. This is intended to provide clarity and assist with effective and consistent interpretation and implementation of the proposed NES-ENA.

Operation of transmission lines or use of access track

Clause	Proposed provisions	Reasons
Regulation 5 – Operation of transmission line or use of access track	<p>Amend regulation 5 of the NESETA to add a new clause 3 as follows:</p> <p>3) <i>The occupation of land for an existing transmission line is a permitted activity.</i></p>	This amendment would clarify that the occupation of land for an existing transmission line is also a permitted activity with no conditions. Under the status quo, there is a degree of uncertainty that occupation of land for existing transmission lines is a permitted activity. This is because the NESETA applies to a range of activities associated with existing transmission lines (including works on existing assets, access tracks and vegetation trimming and activities and so on) but is silent on the occupation of land by existing transmission lines. ¹ While the RMA does not expressly restrict the occupation of land (unlike the coastal marine area), this proposal would make it clear “for the avoidance of doubt” that occupation of land by existing transmission lines (ie, lines that were operational on 14 January 2010) is a permitted activity.

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

Clause	Proposed provisions	Reasons
Regulation 6 – Overhead conductors, earth-wires,	The proposed changes are to:	This proposal aligns with the intended policy direction in the proposed NPS-EN to better enable routine activities in all environments. The

¹ Regulation 4 refers to the use of land and occupation of the coastal marine area associated with existing transmission lines.

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits		
Clause	Proposed provisions	Reasons
<p>overhead telecommunication cables, and adding overhead circuits</p> <p>Regulation 8 – Permitted activities: adding overhead circuits</p>	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 48 dB LAeq (15min) in residential zones; or 45 dB LAeq (15min) in all other zones. 	<p>proposed changes will remove the limitation on the number and configuration of the conductors, enabling Transpower to undertake routine activities more efficiently without unnecessary restriction. The proposed changes will also combine the regulations and conditions relating to overhead conductors and overhead circuits in one regulation.</p> <p><u>Operational noise standards</u></p> <p>The proposal also includes new operational noise standards for overhead conductors and circuits. This ensures that the operational noise from conductors on existing transmission lines are regulated through the proposed NES-ENA rather than district plan noise standards. The proposed noise standards in amended regulation 6 have also been informed by industry feedback, including recommendations for their noise experts.</p> <p>An alternative, more flexible and enabling option sought by Transpower is to require the best practicable option to be adopted to minimise noise where this will exceed the proposed noise standards (ie, 48 dB LAeq (15min) in residential zones, 45 dB LAeq (15min) in all other zones).</p>
<p>Regulation 7 – Permitted activities: earth-wires and overhead telecommunication cables</p> <p>Regulation 9 – Restricted discretionary activities</p>	<p>The proposed changes are to:</p> <ul style="list-style-type: none"> remove the conditions limiting the number of wires and cables on existing transmission lines in regulation 7(4) increase the permitted diameter limit on new wires or cables from 25 mm to 28 mm in regulation 7(5) change the activity status in regulation 9 when conditions are not complied with from a restricted discretionary to a controlled activity change matters of discretion to matters of control and expand matters of control in regulation 9 to include the following considerations: <ul style="list-style-type: none"> frequency, intensity, duration and offensiveness of noise generated (to capture the new operational noise standards) the operational and functional need of ETN activities and technical requirements of ETN activities benefits to and of the ETN. 	<p>The proposed amendments will help remove the potential for unnecessary consent requirements for low risk, routine ETN activities. More specifically, earth-wires and telecommunications cables are an essential part of operating the network safely and they are currently located in a range of environments. There are no clear effects-based reasons for limiting the number of earth-wires and telecommunication cables on transmission lines.</p> <p>The proposal also recognises that 28 mm wires are used by Transpower in some circumstances for technical reasons and an increase from 25 mm to 28 mm will have negligible visual effects.</p> <p><u>Activity status and matters of control and discretion</u></p> <p>The reasons for the general changes proposed in activity status to be more permissive, and the general changes in the matters of control and discretion, have been outlined above. In addition, the matters of control</p>

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits		
Clause	Proposed provisions	Reasons
		have been expanded to include consideration of noise effects as a result of the new operational noise standards outlined above.

Increasing voltage or current rating, underground conductors, and undergrounding transmission lines		
Clause	Proposed provisions	Reasons
Regulation 10 – Permitted activities: increasing voltage or current rating	<p>The proposed changes are to:</p> <ul style="list-style-type: none"> increase the magnetic flux density reference threshold from 100 microteslas to 200 microteslas in regulation 10(2), to be consistent with the proposed NPS-EN alter the modelling methodology of electric field strength in regulation 10(6) to be based on <i>conservative</i> climatic conditions, rather than using specified conditions include new operational noise conditions in regulation 10 for transmission lines operating at or above 200 kV to not exceed the following noise limits: <ul style="list-style-type: none"> 48 dB LAeq (15min) in residential zones 45 dB LAeq (15min) in all other zones. 	<p>The existing magnetic flux density threshold is inconsistent between the NPS-ET and NESETA. The proposed change aligns the threshold between the NPS-EN and NESETA for consistency and to reduce potential for uncertainty. This amendment recognises the need for consistency in regulations that aim to protect human health.</p> <p><u>Operational noise conditions</u></p> <p>The reasons for the new operational noise standards are outlined above, in relation to existing regulation 6 and regulation 8 in the NESETA.</p>
Regulation 11 – Permitted activities: underground conductors	No changes are proposed.	N/A – no changes are proposed.
Regulation 12 – Controlled activities: undergrounding transmission lines	<p>The only proposed changes relate to the matters of control including:</p> <ul style="list-style-type: none"> adding additional matters of control relating to (i) the operational need and functional need of ETN activities, (ii) technical requirements of ETN activities, and (iii) benefits to and of the ETN updating the reference to historic heritage area to refer to historic heritage item or setting. <p>We are also seeking feedback on options to better enable the undergrounding of existing transmission lines by:</p>	<p>The proposed NPS-EN definition of routine EN activities includes undergrounding and the intent is that this is generally enabled in all locations and environments. Undergrounding a transmission line may be appropriate in certain circumstances, particularly urban environments and in road corridors where overhead lines constrain development and can have more adverse visual effects on surrounding properties. However, there can also be technical and financial reasons, which mean that undergrounding is not practicable.</p> <p>Amendments to the matters of control in existing regulation 12 are proposed to align with the general changes outlined above.</p>

Increasing voltage or current rating, underground conductors, and undergrounding transmission lines		
Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> allowing for this to occur as a permitted activity, which is a common approach for the undergrounding of distribution lines in district plans and is proposed below for EDN in Part 3 narrowing the matters of control to remove general references to visual and landscape effects (given that undergrounding of lines does not typically result in any adverse visual or landscape effects). 	
Regulation 13 – Non-complying activities	No changes are proposed.	N/A – no changes are proposed.

Transmission line support structures: Alteration relocation and replacement		
Clause	Proposed provisions	Reasons
Regulation 14 – Permitted activities Regulation 15 – Controlled activities Regulation 16 – Restricted discretionary activities	<p>The main changes proposed to these regulations are as follows.</p> <ul style="list-style-type: none"> Height – increasing the permitted threshold for increasing the height of existing structures in regulation 14(3)(a) from 15% to 25%. Public view shafts – removing the requirement in regulation 14(3)(b) for additional height of existing structures to comply with any plan rules relating to public view shafts (the requirement to comply with height restrictions near airports would be retained for safety reasons). Occupied buildings – retaining the requirement in regulation 14(4) for support structures to be set back from occupied buildings while clarifying that the setback distance is to be measured at the closest point (not horizontally). Tower footprint – amending regulation 14(5) to enable an increase in tower footprint to be up to 25% greater in length than the existing length of each side. 	<p>The amendments proposed to existing regulations 14 to 16 are intended to better align with the NPS-EN policy direction to enable routine activities in all locations, to align with the revised definitions above, and make the regulations more enabling and workable by removing problematic tests relating to base height and footprint. Overall, this will enable Transpower to undertake routine work on existing transmission line support structures more effectively and efficiently and will help avoid unnecessary consent requirements for routine EN activities.</p> <p>More specifically, the rationale for the proposed changes is as follows.</p> <ul style="list-style-type: none"> Height – an increase in the height limit from 15% to 25% of the existing height is considered reasonable to provide greater flexibility for new technology and, in some circumstances, can reduce visual effects (eg, removing cross-arms from view). Feedback from Transpower is that 15% is too restrictive when undertaking routine activities such as thermal up-ratings and correcting mid-span clearances.²

² As detailed in Transpower’s submission on the 2023 NPS-ET and NESETA consultation, thermal up-ratings are changes made at substations that allow more electricity to flow through the line, causing the conductors to heat up and sag lower to the ground. Under-clearance (of the minimum ground to conductor distance) can be addressed by either raising the structure, and therefore conductor, or potentially carrying out mid-span earthworks. If the site is in an area with archaeological risk, it may be preferable to raise the structure.

Transmission line support structures: Alteration relocation and replacement

Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> • Tower's envelope for permitted and controlled activities – removing the condition in regulation 14(6) relating to the 'envelope for permitted activity' and 'envelope for controlled activities' for the tower base width. • Replacing pole with tower – removing the condition in regulation 14(7) that a pole cannot be replaced with a tower. • Relocating or replacing poles – amending the condition in regulation 14(8) so that a pole must not be replaced or removed more than 10 m (rather than 5 m) from the existing pole. <p>It is proposed that the activity status for non-compliance with the permitted activity conditions be a controlled activity, rather than a cascade of controlled and restricted discretionary activity (ie, regulation 16 is to be deleted).</p> <p>Amendments to the matters of control in regulation 15(4) are also proposed to:</p> <ul style="list-style-type: none"> • add additional matters of control relating to the technical requirements of ETN activities, operational need and functional need of ETN activities, and benefits to and of the ETN • update the reference to historic heritage area to refer to a historic heritage area or place • add an additional matter relating to effects on any sensitive activities. 	<ul style="list-style-type: none"> • Public view shafts – where existing transmission lines are located within view shafts, it is often not possible to comply with the height restrictions in the plan when altering, relocating or replacing transmission line support structures. Transpower has provided evidence to demonstrate its existing assets within Auckland's viewshafts and therefore why it is not practicable to avoid public viewshafts.³ Removing this condition will better recognise the existing nature of these assets and help avoid unnecessary consent requirements for routine activities. The alternative to upgrading existing transmission lines in viewshafts would be to completely relocate the line with much greater adverse effects and at a greater economic cost. • Occupied buildings – minor amendments to improve clarity and assist in interpretation of the regulations. • Tower footprint – amendments simplify the condition while still controlling increases in the width of towers. This will make the condition easier to interpret and comply with. Transpower would prefer that the permitted increase in tower width be increased to 40%. • Tower's envelope for permitted and controlled activities – removing this condition will remove problematic tests and allow Transpower to better respond to technical and operational requirements. Controls on tower width are still retained in the condition above (ie, up to 25% increase). • Replacing pole with tower – removing this condition will allow Transpower to choose the more appropriate technical solution, which may in some situations involve replacing a pole with a tower (controls on the increase in height and width of the support structure). • Relocating or replacing poles – amendments will provide greater flexibility in the location of relocated or replaced poles while still ensuring these are in reasonably close proximity to the existing pole.

³ As detailed in figure 3 of Transpower's submission on the 2023 NPS-ET and NESETA consultation.

Temporary structures and temporary line deviation		
Clause	Proposed provisions	Reasons
<p>Regulation 17 – Permitted activities</p> <p>Regulation 18 – Controlled activities</p>	<p>Amend the regulations to be more concise and enabling by:</p> <ul style="list-style-type: none"> including all temporary structures (including as part of a temporary deviation) within one permitted activity regulation (regulation 17) revising the existing conditions in regulation 17(3) and 17(4) to enable temporary structures to be in place for 12 months rather than setting specific timeframes for the erection and removal of these structures (20 days to 60 days). 	<p>The proposed changes are intended to better enable temporary structures and temporary line deviations. The duration of temporary structures and temporary line deviations are determined by the operational needs of the transmission line, and requiring a consent for these activities because they are not erected or removed within set timeframes (20 days to 60 days) would result in unnecessary consent cost and delay necessary work. Accordingly, the proposal is intended to be more enabling and flexible by enabling any temporary structure (including temporary line deviations) associated with the maintenance or upgrading of an existing transmission line to be undertaken as a permitted activity, provided it is place for no longer than 12 months. This 12-month timeframe is consistent with existing plan provisions for temporary infrastructure (eg, Auckland Unitary Plan) and provides flexibility for operational requirements while ensuring the structure is temporary.</p> <p>Alternatively, industry has requested that there be no timeframe requirements or controlled activity rule (regulation 18) for temporary structures, because there is no purpose in requiring consent for these activities (ie, consent conditions cannot shorten the actual timeframe for construction), and due to concerns that this existing regulation can result in consent conditions that are impracticable and disproportionate.</p>
Transmission lines: Removal		
Clause	Proposed provisions	Reasons
<p>Regulation 19 – Permitted activities</p> <p>Regulation 20 – Controlled activities</p>	<p>Retain the permitted activity conditions but amend the matters of control in regulation 20(2) to:</p> <ul style="list-style-type: none"> delete matters of control relating to earthworks and vegetation clearance include reference to removal works include new matters relating to the operational and functional needs of ETN activities, and benefits to and of the ETN. 	<p>The intent is to continue to enable the removal of an existing transmission line as a routine activity in all locations and environments, subject to standard conditions relating to removal of materials and ground restoration.</p> <p>The matters of control relating to earthworks and vegetation clearance are also proposed to be removed because these activities are regulated separately.</p>

Telecommunication devices		
Clause	Proposed provisions	Reasons
Regulation 21 – Permitted activities Regulation 22 – Restricted discretionary activities	<p>Amend regulation 21(1) to permit installing or modifying a telecommunications device on an existing transmission line support structure and remove the conditions in regulation 21(3) and 21(4) relating to the width and height of the device.</p> <p>Delete regulation 22 because a restricted discretionary rule is not needed if there are no permitted activity conditions to comply with for telecommunication devices.</p>	<p>The intent of the proposal is to better enable telecommunication devices on support structures for existing transmission lines to recognise the technical need for these devices and that any adverse visual effects from these devices are generally minor compared with the existing support structure.</p> <p>This will be achieved by removing the conditions controlling the width and height of telecommunication devices. These devices are a necessary part of ETN activities, and the size is determined by operational requirements. Therefore, there is no purpose in requiring a consent for these activities because any consent conditions would not be able to change the size or location of the telecommunication device.</p>

Signs		
Clause	Proposed provisions	Reasons
Regulation 23 – Permitted activities Regulation 24 – Signs	<p>The proposed changes are to:</p> <ul style="list-style-type: none"> simplify regulation 23 and regulation 24 by combining them and providing for signs on or next to a transmission line support structure as a permitted activity and removing the controls on size of the sign in regulation 23(2) and 23(3) expand regulation 23 to permit signage within the bed of a lake, river, stream or coastal marine area and associated occupation without any conditions delete the restricted discretionary activity rule for signage where the permitted activity standards are not complied with (regulation 25) because there would be no permitted activity conditions. 	<p>This proposal is intended to provide more flexibility for signage on, and next to, existing transmission lines to be undertaken as a permitted activity in all environments without unnecessary restrictions. This will reduce unnecessary consenting barriers and enable Transpower to use appropriate signage as required for operational, safety and compliance reasons. This recognises that Transpower (and distributors) uses signs to prevent harm to employees, public and property, correctly identify assets and hazards, ensure no adverse effects on the power system, and to comply with the relevant legislation, industry rules, codes of practice and Transpower Service Specifications.</p> <p>Removing conditions on the size of signs on, and next to, existing transmission lines is considered appropriate because:</p> <ul style="list-style-type: none"> these will generally have minor visual effects compared with the existing transmission support structure they are located on, or next to

Signs		
Clause	Proposed provisions	Reasons
		<ul style="list-style-type: none"> signs are only used when needed for operational, safety and compliance reasons and the size of the sign will generally be no larger than it needs to be for economic and practical reasons. <p>However, signs in waterways and in the coastal marine area have a greater potential for adverse effects and there are generally existing regional plan rules to manage the effects of signs in these more sensitive environments. As such, we are seeking feedback on whether additional controls on signs may be needed in these environments or whether existing standards and Transpower's procedures in these environments are sufficient.⁴</p>

Transmission line support structures: Discharges from blasting and applying protective coatings		
Clause	Proposed provisions	Reasons
Regulation 25 – Permitted activities Permitted 26 – Controlled activities Permitted 27 – Restricted discretionary activities	<p>Amend the regulations as follows.</p> <p>Regulation 25 (permitted activities)</p> <ul style="list-style-type: none"> Broadening of the regulation to: <ul style="list-style-type: none"> cover the mechanical preparation of support structure surfaces the discharge to air from the use of diesel-fired compressors associated with the blasting of a transmission line (however, only if the regional rules further down the document are not incorporated). Amendments to the wet abrasive blasting conditions in regulation 25(3) and regulation 25(4): <ul style="list-style-type: none"> clarification that these regulations will only apply to wet abrasive blasting changes to the permitted activity conditions so wet abrasive blasting must not be within 20 m of a water body, the coastal marine area (CMA), a public road, or an occupied building unless in accordance with submitted management plans (see new condition below). 	<p>Blasting of existing line support structures is a critical routine activity that Transpower needs to undertake to manage corrosion. This ensures the safe operation of existing assets, while also extending their operational life. Amendments to regulations 25 to 27 are proposed to reduce the consenting burden for these essential routine activities, while ensuring the environmental effects are appropriately managed.</p> <p>Transpower already provides blasting management plans to regional councils as part of global resource consents, which have been deemed acceptable to manage the associated environmental effects of blasting activities. The proposal adopts this approach in regulation 25, through requirements for overarching EMPs for a wider range of permitted blasting activities, and site-specific management plan (SSMP) to ensure appropriate management of permitted activities based on site-specific considerations.</p> <p>It is noted that other national direction instruments utilise management plans to ensure the effects of routine activities are appropriately managed. For example, the National Environmental Standards for</p>

⁴ For example, Transpower has advised that it complies with the following standards and procedures for signs in waterways: AS/NZS 2416.1:2010 Water safety signs and beach safety flags – Specifications for water safety signs used in workplaces and public areas.

Transmission line support structures: Discharges from blasting and applying protective coatings

Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> • Amendment to the dry abrasive blasting conditions in regulation 25(7). • Increase in permitted height above ground level where dry abrasive blasting can be undertaken (up to 2 m, from 1 m previously permitted). • New conditions that dry abrasive blasting must not be undertaken within 10 m of a water body, the CMA, and a public road, and 20 m of an occupied building, unless in accordance with submitted management plans (see new condition below). • A new condition requiring an 'overarching environmental management plan (EMP)', as well as a 'site-specific management plan (SSMP)' when works are undertaken as a permitted activity within the above setbacks from water bodies, wetlands, the CMA, public roads and occupied buildings. The overarching EMP could be applied nationally and submitted to each regional council. The overarching EMP and SSMP must be provided to the regional council at least 10 days before work is due to commence. <p>The proposal is that the overarching EMP must include:</p> <ol style="list-style-type: none"> a) activities covered by the EMP b) effects to be managed associated with these activities c) specific controls to ensure compliance with the permitted activity standards d) mitigation measures and when to deploy these e) procedures covering incident management, complaints, spill management and management of compressors f) notification protocols (eg, to roading authorities, land owners and the public) g) opportunities for technologies that will allow for continuous environmental improvement h) review of the EMP and a process for providing to and updating regional councils i) blasting information sheets and any other relevant information. <p>The proposal is that the SSMP must include:</p> <ol style="list-style-type: none"> a) the tower name and location (including address and coordinates) 	<p>Telecommunications Facilities (regulation 53) and National Environmental Standards for Commercial Forestry (regulation 27, Schedule 4) both include earthwork management plans that specify notifications requirements to local authorities and land owners as well as the details these plans must contain.</p> <p>Resource consent (controlled activity) will be required where management plans have not been provided under regulation 25(4) and 25(7). New matters of control under regulation 26 are proposed to ensure effects on natural areas, historic heritage, public roads, as well as the benefits, operational needs and functional needs of the National Grid, can also be appropriately managed by local authorities (in addition to the existing matters of control). The term 'ecologically sensitive receiving environment' is replaced with '<i>natural areas</i>', which captures all RMA section 6(c) matters (<i>areas of significant indigenous vegetation and significant habitats of indigenous fauna</i>).</p>

Transmission line support structures: Discharges from blasting and applying protective coatings

Clause	Proposed provisions	Reasons
	<p>b) identification of the proximity of the tower to water bodies (including natural inland wetlands), CMA (can note any significance and special features of the water bodies), public roads and occupied buildings – show on map</p> <p>c) identification if the structure has previously been painted with lead, and, if so, details on the method and mitigation</p> <p>d) proposed methodology (eg, mechanical preparation, wet blasting, dry blasting)</p> <p>e) timing and duration of work</p> <p>f) mitigation measures proposed from mitigation toolbox (including reasons for not deploying mitigation if it is not practicable to do so), and include covering of the ground, houses, stormwater catchpits and so on</p> <p>g) proposed monitoring, for example, wind speed and placement of whiteboard markers for drift towards water bodies</p> <p>h) how waste (including solvent rags) and debris will be managed and disposed of</p> <p>i) notification, for example, could be notifying road authority and households within a certain radius of the structure</p> <p>j) location of plant and machinery, containment area of paints and spill kits available</p> <p>k) complaints management and recording procedure</p> <p>l) roles and responsibilities and quality assurance for environmental controls.</p> <p>Regulation 26 (controlled activities)</p> <ul style="list-style-type: none"> • Deletion of regulation 26(1)(a), expanding the controlled activity status to apply to blasting carried out on structures located within water bodies and the CMA (when a management plan has not been provided under regulation 25). • Amending regulation 26(b) so that this regulation applies only when a permitted activity setback in regulations 25(4) and 25(7) cannot be complied with and a management plan has not been prepared and submitted to the regional council. 	

Transmission line support structures: Discharges from blasting and applying protective coatings		
Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> Amendments to the matters of control in regulation 26(3), including: <ul style="list-style-type: none"> replacing 'ecological sensitive receiving environments' with 'natural areas' and 'historic heritage place or area' new matters of control, including effects on the use of public roads, the functional and operational need of ET activities, and benefits of the ETN. <p>Regulation 27 (restricted discretionary activities)</p> <p>The proposal is to delete regulation 27 so that blasting activities are either managed through permitted activity conditions or a controlled activity consent process when these conditions are not complied with (regulation 25 and regulation 26).</p>	

Discharges to water		
Clause	Proposed provisions	Reasons
<p>Regulation 28 – Permitted activities</p> <p>Regulation 29 – Controlled activities</p>	<p>The proposal is a minor amendment to regulation 28 and regulation 29 so that they also regulate the discharge of contaminants onto land where this may enter water. The proposal would also amend the matters of control in regulation 29(2) to refer to the functional and operational need of ETN activities, the technical requirements of ETN activities, and the benefits of the ETN.</p>	<p>The proposal is a minor amendment to capture discharges to water 'or discharges onto land where they may enter water'. This would make the regulation more complete and capture discharges restricted under section 15(1)(b) of the RMA but not currently regulated under the NESETA. The additions to the matters of control are intended to align with policy direction in the NPS-EN to ensure the more enabling policy direction can be considered when appropriate.</p>

Trimming, felling, and removing trees and vegetation		
Clause	Proposed provisions	Reasons
<p>Regulations 30 – Permitted activities</p> <p>Regulation 31 – Controlled activities</p>	<p>The proposal is to replace regulations 30 to 32 with a new approach that only controls vegetation clearance and tree trimming when this affects the following:</p> <ul style="list-style-type: none"> natural areas (which include areas of significant indigenous vegetation and significant habitats of indigenous fauna) notable trees identified in district plans with a plan rule that restricts their trimming, felling, or clearance and removal. 	<p>The proposal is intended to align with and implement the policy direction in the NPS-EN to enable routine ET activities in all environments, because vegetation clearance is a routine ancillary activity that Transpower regularly undertakes as part of its day-to-day operations. The proposed amendments are intended to be more enabling of vegetation clearance and tree trimming associated with existing transmission lines, while</p>

Trimming, felling, and removing trees and vegetation

Clause	Proposed provisions	Reasons
Restricted 32 – Restricted discretionary activities	<p>For these higher value and sensitive vegetation and areas, vegetation clearance or tree trimming would only be permitted when it is required for specific operational or safety reasons as follows:</p> <ul style="list-style-type: none"> • to comply with the Electricity (Hazards from Trees) Regulations 2003; or • to provide for the operation, maintenance or repair of existing access tracks; or • to prevent damage, or the threat of damage, to the ETN and: <ul style="list-style-type: none"> – it is carried out by an ecologist, arborist or other suitably qualified professional; and – written notice is provided to the relevant local authority 5 working days before the clearance or trimming occurs, or as soon as practicable where it relates to imminent safety concerns. This written notice must include a description of the vegetation and tree affected, the measures that will be taken to mitigate adverse effects and limit clearance and trimming to what is necessary to address the threat of damage, and the timing and duration of the works. <p>Outside natural areas and notable trees, vegetation clearance would be permitted with no conditions (eg, trimming and clearing grass, pest weeds, exotic vegetation).</p> <p>Remove the existing conditions in regulation 30(3) and 30(4) that require that vegetation clearance:</p> <ul style="list-style-type: none"> • is not undertaken on land controlled by a regional rule for the purposes of soil conservation or avoiding or mitigating natural hazards • is not undertaken on land administered by the Department of Conservation. <p>However, it is proposed that the conditions in regulation 30(3) and 30(4) are retained.</p> <p>As with other NESETA regulations, it is proposed that the activity status for non-compliance with the permitted activity standards is a controlled activity, rather than a restricted discretionary activity. It is also proposed that the matters of control in regulation 31(2) are amended to:</p>	<p>ensuring that clearance and trimming of higher value and sensitive vegetation is limited to when this is necessary for safety and operational reasons. The main difference in this approach is that it provides a permitted activity pathway for vegetation clearance in all environments, whereas the existing NESETA requires a controlled or restricted discretionary consent where vegetation clearance relates to a natural area.</p> <p>The proposal will enable Transpower to more efficiently undertake routine clearance and trimming of vegetation around existing transmission lines that can create significant operational and safety risks. Those risks include loss of electricity supply, damage to assets and fire risks. Feedback from Transpower also indicates it is incurring significant and unreasonable consent costs to undertake routine vegetation clearance (eg, \$6,000 to \$19,000 in consent costs) with limited benefits.</p> <p>An important part of the proposal is written notice to the local authority of the proposed clearance or trimming and how that work will be undertaken to avoid or mitigate adverse effects and limit clearance to what is necessary to address the threat of damage. This ensures that there are appropriate steps in place to manage adverse effects and enables a local authority to undertake targeted compliance monitoring while helping to avoiding unnecessary consent requirements and associated costs.</p> <p>Feedback is sought on the appropriateness of this proposed approach and whether additional requirements may be needed to ensure section 43A(3) of the RMA is complied with to ensure the NES-ENA does not permit an activity with significant adverse effects. Options for additional controls include:</p> <ul style="list-style-type: none"> • retaining all of the existing permitted activity conditions in regulation 30(3) to 30(6) of the NES--ETA • limiting the amount of clearance that can be undertaken as a permitted activity (area thresholds, limiting clearance to within 2m of an existing access track etc.) • requiring the preparation and submitting of a management plan to the relevant local authority (as described)

Trimming, felling, and removing trees and vegetation		
Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> • add additional matters of control relating to the operational need and functional need of ETN activities, technical requirements of ETN activities, and benefits to and of the ETN • add the additional matter of control relating to effects on any natural area or notable tree. <p>Alternative option – management plan requirements</p> <p>Feedback is also being sought on whether management plan requirements can be implemented through the NES-ENA more broadly, including for vegetation clearance. This could involve a permitted activity condition that requires a management plan to be prepared and provided to the local authority when vegetation clearance relates to a natural area or notable tree. The requirements in the management plan could include:</p> <ul style="list-style-type: none"> • a requirement for it to be prepared by an ecologist, arborist or other suitably qualified expert • a description of the ecological or other values (notable trees) present and potential risks to those values from the proposed clearance or trimming • mitigation measures that must be implemented to avoid or mitigate adverse effects on identified ecological or other values (notable trees) • protocols to manage adverse effects on any indigenous fauna present in the areas that clearance will occur • a description of timing and duration of works • any proposed measures to replant, manage debris or reinstate the area following completion of the clearance. 	<ul style="list-style-type: none"> • establishing protocols for managing adverse effects on any identified ecological values, habitat, fauna (bird nesting, bats, lizards and so on) • establishing additional controls for notable trees.

Earthworks		
Clause	Proposed provisions	Reasons
Regulation 33 – Permitted activities	Amend the regulations for earthworks to be a permitted activity in regulation 33 (except for contaminated land) by:	The proposal is intended to align with and implement the policy direction in the NPS-EN to enable routine ETN activities in all environments, because earthworks are a routine ancillary activity that Transpower regularly undertakes as part of its day-to-day operations. The proposal is therefore to make the existing earthworks regulations more enabling and workable
Regulation 34 – Controlled activities	<ul style="list-style-type: none"> • replacing the area thresholds for earthworks undertaken within a natural area in regulation 33(2) with a requirement for earthworks to not be located 	

Earthworks		
Clause	Proposed provisions	Reasons
Regulation 35 – Restricted discretionary activities: historic heritage areas	<p>within a natural area or historic heritage area or place otherwise a controlled activity consent would be required</p> <ul style="list-style-type: none"> amending existing regulation 33(3) to require sediment control measures to be implemented when the earthworks are located within 50 m of water bodies and the coastal marine area replacing the requirement in regulation 33(5)(c) for earthworks to not create or contribute to drainage problems or flooding of overland flow paths with a requirement to not increase flood risk in identified flood hazard areas. <p>Where any of the permitted activity conditions are not complied with, a controlled activity resource consent would be required that is consistent with existing regulation 34 but a change for regulation 35 that relates to historic heritage areas. Amendments to the matters of control in regulation 34(2) are proposed to:</p> <ul style="list-style-type: none"> add matters of control relating to the timing and duration of earthworks and any effects on water quality or the coastal marine area amend the existing matter of control in regulation 34(2)(e) to refer to effects on any historic heritage place or area add a matter of control relating to effects on instability, erosion and flood risk to replace the existing matter of control in regulation 34(2)(f) relating to drainage, flooding and overland flow paths add matters of control relating to the operational need and functional need of ETN activities, technical requirements of ETN activities, and benefits to and of the ETN add a matter of control relating to effects on any natural area. <p>Alternative option – management plan requirements</p> <p>Feedback is also being sought on whether management plan requirements can be implemented through the NES-ENA more broadly, including for earthworks. This could involve a permitted activity condition that requires a management plan to be prepared and provided to the local authority when earthworks will</p>	<p>for Transpower while also ensuring that the adverse effects of earthworks in natural areas and historic heritage places and areas can be appropriately managed through a controlled activity resource consent process.</p> <p>For example, Transpower has provided feedback that area thresholds for earthworks within natural areas in regulation 33(2) that are calculated per transmission line support structure or access track are difficult to apply in practice. The proposal is to remove this existing condition and simply require a controlled activity resource consent when earthworks are proposed in any natural area.</p> <p>The reasons for the change in activity status and general changes to the matters of control are outlined above.</p> <p>Alternative option – management plan requirements</p> <p>Feedback is also being sought on whether management plan requirements should be implemented through the NES-ENA for earthworks. This is an approach that is adopted for earthworks in the NES-TF and National Environmental Standards for Commercial Forestry (NES-CF) and could provide a permitted activity pathway for earthworks generally or within a natural area or historic heritage place and area. The management plan requirements could include standard requirements to manage the adverse effects of earthworks (sediment control, reinstating the site and so on) and would help avoid the need for resource consent for routine earthworks associated with existing transmission lines while ensuring there are processes in place to manage potential adverse effects.</p>

Earthworks		
Clause	Proposed provisions	Reasons
	<p>occur in a natural area or a historic heritage place or area, or a notable tree. The requirements in the management plan could include:</p> <ul style="list-style-type: none"> • a description of the ecological or historic heritage values present and potential risks to those values from the proposed earthworks • mitigation measures that must be implemented throughout the duration of the earthworks to avoid or mitigate adverse effects on identified ecological or other values (notable trees) • measures that will be undertaken to manage sediment runoff, to avoid debris entering water bodies and the coastal marine area, to avoid land instability, erosion or increase in flood risk and so on • a description of the timing and duration of earthworks • measures to reinstate and stabilise the site following the completion of the earthworks • a requirement for the level of detail in the management plan to correspond to the scale and significance of the potential adverse effects of the earthworks. 	
Regulation 36 – Earthworks on potentially comminated land	No changes proposed.	N/A – no changes are proposed.
Regulation 37 – Permitted activities Regulation 38 – Controlled activities	<p>Amend regulation 37(2) conditions for permitted activities to require that:</p> <ol style="list-style-type: none"> 1) the noise from the construction activity must be in accordance with (instead of comply with) New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise 2) the vibrations from the construction activity must be in accordance with (instead of comply with) the peak particle velocity limits in table 1 of German Standard DIN 4150–3:1999 Structural Vibration—Effects of Vibration on Structures. <p>Amendments are also proposed to the matters of control in regulation 38(2) to:</p> <ul style="list-style-type: none"> • replace ‘sensitive land uses’ with ‘sensitive activities’ 	The amendments to regulation 37 and regulation 38 better reflect the intent of the standards and how these standards are applied in practice.

Earthworks		
Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> add additional matters of control relating to the functional and operational need of ETN activities, technical requirements of ETN activities, and the benefits of the ETN. 	
Other transmission activities		
Clause	Proposed provisions	Reasons
Regulation 39 – Other transmission activities	No changes proposed.	N/A – no changes are proposed.
POTENTIAL NEW REGIONAL REGULATIONS		
Clause	Proposed provisions	Reasons
Regional rules	<p>We are <u>seeking feedback</u> on a range of new regional regulations that would better enable transmission activities and make the NES-ENA function as more of a one-stop-shop (ie, these are not proposals at this stage). The additional regional regulations we are seeking feedback on for potential inclusion in the NES-ENA are as follows.</p> <ul style="list-style-type: none"> R1: River crossings – a new permitted activity rule for the construction, use, maintenance, upgrade and removal of river crossings for an existing transmission line subject to conditions relating to flows, discharges, cleaning and fuelling, use of machinery, fish passage, and erosion. A controlled activity consent would be required when the permitted activity conditions are not met. R2: Groundwater take and use, dewatering – a new permitted activity rule to take and use water for the purposes of dewatering when undertaking routine ETN activities. This would include permitted activity conditions relating to duration, location, ground subsidence, flooding, discharges, discharge of TSS near sensitive receiving environments, compliance with the Australian and New Zealand Environment and Conservation Council guidelines (ANZECC guidelines), and drinking water source protection areas. 	<p>Many unavoidable activities, required to facilitate the ongoing operation and efficiency of National Grid infrastructure, trigger regional rules and are not within the current scope of the NESETA. Incorporating these routine activities would ensure a nationally consistent approach, better enable transmission activities and make the NESETA a more complete set of regulations for Transpower. However, there is also a need to carefully consider the relationship with other NES (in particular the National Environmental Standards for Freshwater) and existing regional rules, particularly when these are more stringent to protect significant ecological, freshwater and coastal values.</p> <p>Transpower has identified five different regional activities that it regularly undertakes to facilitate the ongoing operation and maintenance of the National Grid. Each regulation includes targeted permitted activity conditions to ensure relevant adverse effects are appropriately managed, and many of these are drawn from existing plan rules and consent conditions. When the permitted activity conditions are not complied with, the matters of control or discretion have been designed to ensure all relevant effects can be managed.</p>

POTENTIAL NEW REGIONAL REGULATIONS

Clause	Proposed provisions	Reasons
	<p>A controlled activity consent would be required when the permitted activity conditions are not met.</p> <ul style="list-style-type: none"> • R3: Stormwater discharges – a new permitted activity rule for discharges of stormwater subject to conditions relating to natural inland wetlands, Hazardous Activities and Industries List (HAIL) sites, erosion, flooding, discharge of TSS near sensitive receiving environments, compliance with ANZECC guidelines, and drinking water source protection areas. A controlled activity consent would be required when the permitted activity conditions are not met. • R4: Structures in the coastal marine area (CMA) – a new permitted activity rule for structures in the CMA subject to conditions relating to increasing the size of the structure, not being located in port, navigation or protected areas, discharges, cleaning and refuelling, and use of machinery. A controlled activity consent would be required when the permitted activity conditions are not met. • R5: Works within the bed of a lake or river – a new permitted activity rule enabling works to be undertaken within the beds of lakes and rivers subject to conditions relating to access to lawfully established structures, fish passage, not be located in natural areas or historic heritage areas, and the works being undertaken in accordance with a plan submitted to the relevant regional council hydrologic engineer. A restricted discretionary activity consent is proposed when the permitted activity conditions are not met. 	<p>It is recognised that further work on these regional rules is required, therefore, this consultation is seeking feedback on the general intent of these provisions. Expanding the NES-ENA to cover these additional regional rules would be subject to further consultation and potentially incorporated into wider work on an integrated package of infrastructure standards.</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
Application	<p>The regulations apply to 'high voltage' and 'low voltage' EDN activities.</p>	<p>This is to recognise the national significance of the entire EDN network and to help achieve the NPS-EN objective to increase the capacity and resilience of the entire electricity network (transmission and distribution). Further, there are practical difficulties and issues in distinguishing between high voltage and low voltage EDN activities for the purpose of these regulations, given the voltage of the infrastructure does not directly</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
		correspond to the scale and significance of the environmental effect of that infrastructure.
Ancillary EDN activities	<p>The following regulations proposed in Part 2 for ‘ancillary activities’ are proposed to apply to EDN activities:</p> <ul style="list-style-type: none"> • regulation 23 and regulation 24: Signs • regulation 25 and regulation 26: Blasting and applying protective coatings • regulation 28: Discharges to water • regulation 30: Trimming, felling, and removing trees and vegetation • regulations 33, 34 and 35: Earthworks (outside potentially contaminated land) • regulation 36: Earthworks on contaminated land • regulation 37 and regulation 38: Noise and vibration from construction activities. 	Provides clarification on which regulations described in Part 2 are proposed to be applied to EDN ‘ancillary activities’.
R6: Operation of existing EDN assets – permitted activities	<p>Introduce new permitted activity rules for the following:</p> <ul style="list-style-type: none"> • the operation of an existing EDN line or cabinet • the use of an access track to an existing EDN line or cabinet • occupation of land for existing EDN lines and cabinets. 	The proposal would clarify that the operation of EDN lines and cabinets and use of access tracks are permitted under the NES-ENA consistent with the ETN (eg, which may be through an expanded regulation 5). The reference to ‘ <i>existing</i> ’ would be tied to the EDN lines and cabinets that were operational at the commencement of the EDN regulations and could also potentially include EDN assets that are subsequently legally established and operational.
R7: Temporary structures and line deviations associated with existing EDN assets	<p>Introduce new permitted activity rules for the maintenance or upgrade of an existing EDN line or cabinet subject to a permitted activity condition that the structures are installed and removed within one calendar year (12 months).</p> <p>A controlled activity is proposed for temporary structures and deviations that cannot comply with the permitted activity condition (ie, where the structure is in place for more than 12 months), with the matters of control limited to the duration of any works and the effects and timing of construction works.</p>	<p>The proposal recognises the need to enable temporary structures and temporary line deviations to provide for timely upgrades and construction activities on the EDN, including for emergency works and to improve resilience of the EDN. This proposal is consistent with that proposed for ETN (refer regulation 17 and regulation 18 above).</p> <p>The EDN industry has consistently raised the need for a more enabling and consistent pathway for temporary activities associated with maintenance, repair and upgrades, particularly given experience with the recent rebuild in the aftermath of Cyclone Gabrielle. It is also recognised that the</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
		<p>emergency works provisions in section 330 of the RMA have limitations and are insufficient because they do not apply to all temporary activities.</p> <p>A 12-month timeframe for temporary structures is consistent with the proposal for the ETN under regulation 17 and regulation 18 as outlined.</p> <p>A 12-month timeframe for temporary structures associated with network utilities has also been adopted in a number of district plans, including the Auckland Unitary Plan.</p>
R8: Additions to existing EDN assets	<p>A: Introduce new regulations that would enable the following additions to existing EDN lines and support structures to be undertaken as permitted activities subject to the following conditions:</p> <ul style="list-style-type: none"> conductors with a diameter no greater than existing conductor or 50 mm earth-wires and telecommunication cables with a diameter no greater than existing or 28 mm telecommunication devices on EDN support structure with a width of no greater than 1.8 m and height no greater than 2.5 m above the height of the EDN support structure (ie, pole or tower). <p>Where the permitted activity standards are not complied with, the activity would be a controlled activity with the matters of control limited to the visual and landscape effects associated with the additional infrastructure, and the technical requirements, operational need and functional need of EDN activities, and the benefits of the EDN.</p>	<p>This proposal would support upgrades and additions to existing EDN lines. Maximising the use of existing infrastructure through upgrades and modernisation is an important component of electrification of the economy and required to meet increased demand. It would provide an equivalent set of regulations and performance standards for the operation of the EDN as that proposed for the ETN (see regulations 6, 7, 9 and 21 above in Part 2 of this document). Applying equivalent standards will manage the potential visual effects associated with upgrade additions to existing EDN lines while also removing the potential for unnecessary consent requirements for low risk, routine EDN activities.</p> <p>We are seeking feedback on whether the controls on the height and width of telecommunication devices should be different for EDN assets compared with ETN, given that EDN assets are often located in urban environments where this infrastructure is more visible. We are also seeking feedback on whether the NES-ENA regulations for telecommunication devices should be better aligned with the NES-TF regulations controlling antenna height and width.</p>
	<p>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:</p> <ul style="list-style-type: none"> 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). 	<p>It is important that the electrical safe distances in NZECP 34:2001 are complied with to provide for the safe operation of the EDN and to protect public health and safety. Part 4 of this document includes proposed regulations to control buildings and structures near EDN lines to ensure compliance with the relevant parts of NZECP 34:2001. However, there are also situations where EDN operators need to undertake works to comply with the code due to changing conditions. This includes raising lines to</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
	<p>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.</p>	<p>address sag of the lines over time or responding to new third party development near to existing lines.</p> <p>The proposal is intended to reduce the consenting burden associated with undertaking work on existing EDN lines to comply with NZECP 34:2001 in such circumstances.</p> <p>While this could involve a developer funding upgrades to the EDN to accommodate a new development, it does not anticipate that mid-span poles must be agreed to or funded by EDN operators if new developments have not been designed in compliance with NZECP 34:2001.</p>
	<p>C: Introduce new regulations to enable the maintenance of underground conductors, replacement of underground conductors, and additional underground conductors on existing EDN lines as a permitted activity without conditions (except the radio frequency fields and electric and magnetic fields standards outlined below). This is consistent with the regulations in the NES-ETA (regulation 11), which are proposed to be retained in the NES-ENA.</p>	<p>This proposal would support upgrades to the existing EN. The proposal would provide equivalent permitted activity status for underground conductors as the ETN in regulation 11. This enabling pathway for additional underground conductors recognises that these have less potential adverse effects than overhead conductors so should generally be enabled.</p> <p>It is noted that EDN operators would need to reach agreement with land transport corridor land owners prior to installation of any EDN underground infrastructure, which would ensure unimpeded provision of other infrastructure within these corridors.</p>
R9: Alteration, relocation and replacement of existing EDN assets	<p>A: Introduce a new regulation that would enable the alternation, 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.</p> <p>The proposed permitted activity standards are as follows.</p> <ul style="list-style-type: none"> • The EDN asset must be located: <ul style="list-style-type: none"> – 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%. 	<p>The proposal would enable the routine alteration, replacement and relocation of EDN lines, support structures, and cabinets, supporting the maintenance, upgrade and efficient use of the existing EDN. Industry has indicated that significant upgrades are required to the EDN to meet increased demand and achieve the aims of Electrify NZ.</p> <p>This proposal responds to industry feedback and is aligned with the corresponding regulations for alternating, replacing and relocating ETN support structures above (regulations 14, 15 and 16 above), as well as being aligned with regulations within the NES-TF (cabinet noise in road reserve) and the proposed NES-ENA rules.</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
	<ul style="list-style-type: none"> • 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. <p>Proposed exceptions to these permitted activity conditions being complied with are for specific operational and safety reasons including:</p> <ul style="list-style-type: none"> • where relocation is required at the instruction of the relevant road controlling authority and/or for the purposes of road safety • where the relocation is required to accommodate a third party activity on the adjacent site and the structure remains adjacent to the original site frontage. <p>Where the permitted activity standards are not complied with, a resource consent would be required for a controlled activity. The proposed matters of control would be 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 of EDN activities, functional and operational need of EDN activities, and benefits to and of the EDN.</p>	
	<p>B: Introduce a new regulation to enable the undergrounding of existing ETN lines and replacement of existing underground lines as a permitted activity where these are located:</p> <ul style="list-style-type: none"> • within a land transport corridor • within all other zones provided that any relocated ED line or cabinet is not located within any <u>new</u> natural area or historic heritage place or area (ie, this would not apply where the existing ED line is located within one of these areas) • where these conditions are not complied with, a resource consent would be required for a controlled activity. The matters of control would be aligned 	<p>The intent is that this would provide an enabling pathway for undergrounding existing EDN lines and replacing existing underground EDN lines. This proposal also recognises that the undergrounding of EDN lines generally has much less visual amenity, character and landscape effects than overhead EDN lines. As such, it is appropriate that these routine EDN activities are enabled without unnecessary restriction.</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
	<p>with the corresponding regulation for undergrounding ETN lines (regulation 12) being the location of termination structures and the route of underground cables in relation to effects on any natural area, historic heritage place or area, visual effects, extent of earthworks, effects and timing of construction, technical requirements, functional and operational need of the EDN and benefits to and of the EDN.</p>	
<p>R10: The construction of new EDN assets</p>	<p>A: Introduce a new regulation to enable the development of new EDN lines as a permitted activity subject to conditions controlling the height and location of the lines.</p> <p>The proposed permitted activities are that:</p> <ul style="list-style-type: none"> new lines are located: <ul style="list-style-type: none"> within a land transport corridor; or within a rural or industrial zone (based on the categories of zones in the National Planning Standards 2019); or within one of the following special purpose zones: airport, correction, hospital, Māori purpose, port, stadiums, or tertiary education (based on the categories of zones in the National Planning Standards 2019); the new lines are not located within a natural area or a historic heritage place or area (except where located within a land transport corridor); new poles do not exceed 30 m in height above ground level; new towers do not exceed 15 m in height above ground level. <p>Where new lines do not comply with these conditions, resource consent would be required for a restricted discretionary activity. The matters of discretion would be consistent with other regulations outlined above, being 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, functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.</p>	<p>This regulation would support the expansion and upgrade of the EDN by enabling new lines to be developed as a permitted activity subject to compliance with permitted activity conditions. Industry has indicated that significant expansion and upgrade of the EDN is required to meet increased demand and achieve the aims of Electrify NZ.</p> <p>This proposed regulation will help achieve the NPS-EN objective. Where resource consent is required due to non-compliance with the permitted activity conditions, the NPS-EN policy direction relating to managing the effects of EN activities within urban and rural areas would apply. Together, these are expected to enable the development of EDN lines both as a permitted activity and through a restricted discretionary consent process where there is a need for more oversight to manage potential adverse environment effects.</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
	<p>B: Introduce a new regulation to enable new cabinets associated with the EDN to be installed and operated as a permitted activity provided that:</p> <ul style="list-style-type: none"> the cabinet is located within a land transport corridor; and <ul style="list-style-type: none"> 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; and the cabinets are not located within a natural area or a historic heritage place or area. <p>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.</p>	<p>This regulation would support the expansion and upgrade of the EDN by enabling new cabinets to be established as a permitted activity subject to compliance with permitted activity conditions.</p> <p>Industry requested more permissive thresholds for cabinets and above ground assets of 5 m high and 10 m² in the land transport corridor, or otherwise compliance with the height and bulk provisions of the zone. This is very large for a permitted activity and much more enabling than the corresponding regulations for the NES-TF. As such, we are seeking feedback on appropriate height and area thresholds for EDN cabinets both within and outside the land transport corridor.</p>
<p>R11: Managing radio frequency and electric and magnetic fields from EDN infrastructure</p>	<p>Introduce a new regulation for all relevant EDN assets outlined above to comply with national and international accepted standards for radio frequency fields and electric and magnetic fields, to ensure there are no adverse effects on public health. This would be achieved through an additional permitted activity condition for relevant EDN activities that require that:</p> <ul style="list-style-type: none"> any EDN asset generating radio frequency fields, including telecommunications infrastructure (owned and operated by the EDN and required for the operation of the EDN), must comply with NZS 2772.1:1999 Radiofrequency fields—Maximum exposure levels—3 kHz to 300 GHz any EDN infrastructure generating electric and magnetic field emissions must comply with the International Commission on Non-ionizing Radiation Protection ‘Guidelines for limiting exposure to time varying electric and magnetic fields (1 Hz to 100 kHz)’ (<i>Health Physics</i>, 99(6): 818–836; 2010) and recommendations from the World Health Organization monograph <i>Environmental Health Criteria</i> (No 238, June 2007). 	<p>Proposed permitted activity conditions are important for ensuring that there are no adverse health effects resulting from radio frequency fields and electric and magnetic fields generated by EDN activities. The standards are consistent with the NES-TF in relation to the management of radio frequency fields (regulation 55) and are aligned with the NPS-EN in terms of electric and magnetic fields. These standards are also commonly applied in district plans across New Zealand and are accepted as standard practice to manage potential adverse effects on public health. A non-complying status when these standards are not complied with sends a clear signal that the activity is inappropriate and should generally be avoided.</p>

PART 3: REGULATIONS FOR ELECTRICITY DISTRIBUTION NETWORK ACTIVITIES

Clause	Proposed provisions	Reasons
	Where any of the standards are not complied with, a resource consent would be required for a non-complying activity.	

PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR

	Proposed provisions	Reasons
R12: National Grid Yard – Buildings and structures	<p>Introduce a new regulation to provide for certain buildings and structures within the National Grid Yard as permitted activities where these are a size, nature and scale that do not present a risk to the National Grid and these comply with permitted activity conditions (including NZECP 34:2001). The new regulation would also make specific activities non-complying activities within the National Grid Yard where these present a risk to the National Grid and should generally be avoided.</p> <p>The following activities are proposed to be permitted activities within the National Grid Yard:</p> <ul style="list-style-type: none"> • alterations and additions to an existing building or structure for a sensitive activity that does not involve an increase in the building height or footprint • accessory buildings for sensitive activities located more than 12 m from a National Grid support structure, and that are no more than 2.5 m in height and no more than 10 m² in area • network utilities, as defined in section 166 of the RMA, and electricity generation that connects to the National Grid • fences located at least 5 m from a National Grid pole support structure and at least 6 m from a National Grid tower • ancillary stockyards and platforms, including those associated with milking sheds (relates to rural activities) located more than 12 m from a National Grid support structure • uninhabited farm and horticultural buildings and structures located more than 12 m from a National Grid support structure and alterations to these buildings and structures 	<p>The National Grid Yard rules have been developed over a number of years by Transpower, in collaboration with stakeholders such as Federated Farmers of New Zealand and Horticulture New Zealand, and these are now generally accepted as standard and best practice in district plans. The National Grid Yard rules have been developed to give effect to policy 10 and policy 11 of the existing NPS-ET. Transpower has worked in a piecemeal fashion to include standardised and consistent buffer rules along the National Grid across all 70-plus local authorities through district plan reviews. While many territorial authorities have included National Grid Yard rules in their district plans, there are around 24 territorial authorities that have yet to do so. Including the National Grid Yard rules in NES-ENA would therefore:</p> <ul style="list-style-type: none"> • ensure a nationally consistent approach to protect the National Grid from the adverse effects of third parties based on an approach that has been extensively tested throughout New Zealand • reduce the need for individual plans to implement National Grid Yard rules • help implement the policy direction in the NPS-EN in an efficient and consistent way. <p>This approach ensures that low-risk, common activities (eg, uninhabited farm buildings) can be located within the National Grid Yard. It also provides clear direction that new activities that are sensitive to transmission lines and the electrical risks associated with its operations and occupation) should generally be avoided within the National Grid Yard.</p> <p>See attachment 1.4.1 for a diagram of the National Grid Yard.</p>

PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR

Proposed provisions	Reasons
<ul style="list-style-type: none"> artificial crop protection structures or crop support structures not exceeding 2.5 m in height and located at least 8 m from a National Grid transmission line pole that: <ul style="list-style-type: none"> are removable or temporary to allow a clear working space of 12 m from the pole for maintenance; and allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or meet the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). <p>The above activities must also comply with the following permitted activity standards:</p> <ul style="list-style-type: none"> all buildings and structures must comply with the safe distance standards in NZECP 34:2001 all buildings and structures must not permanently physically impede vehicle access to a National Grid support structure. <p>The proposed rule would also make the following activities non-complying activities within the <i>National Grid Yard</i>:</p> <ul style="list-style-type: none"> establishing sensitive activities in an existing building or a new building alterations and additions to an existing building or structure for a sensitive activity that involves an increase in the building height or footprint wintering barns commercial greenhouses immoveable protective canopies produce packing facilities milking sheds buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties (except that this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities) 	

PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR

	Proposed provisions	Reasons
	<ul style="list-style-type: none"> any building or structure permitted under this rule that does not meet the permitted activity standards. 	
R12: National Grid Yard – Earthworks, land disturbance and vertical holes	<p>Introduce a new rule that would control earthworks, land disturbance and vertical holes within the National Grid Yard. This would enable earthworks, land disturbance and vertical holes to be undertaken as a permitted activity subject to the following conditions:</p> <ol style="list-style-type: none"> are no deeper than 300 mm within 6 m of the outer visible edge of a foundation of a National Grid transmission line tower or pole; and are no deeper than 3 m between 6 m and 12 m of the outer visible edge of a foundation of a National Grid transmission line tower or pole; or are no deeper than 300 mm depth within 2.2 m of the outer visible edge of a National Grid pole; and are no deeper than 750 mm depth between 2.2 m and 5 m of the outer visible edge of a National Grid pole support structure; except that vertical holes not exceeding 500 mm in diameter beyond 1.5 m from the outer visible edge of the pole support structure or stay wire are exempt; and do not compromise the stability of a National Grid transmission line tower or pole; and do not result in a reduction in the ground to conductor clearance distances as required in table 4 of NZECP 34:2001; and do not permanently physically impede access to a National Grid support structure. <p>The following activities are proposed to be exempt from clauses 1 to 4 above:</p> <ol style="list-style-type: none"> earthworks and land disturbance undertaken for the repair or resealing of a road, footpath, driveway or farm track; and earthworks, land disturbance and vertical holes that are subject to a dispensation from Transpower under NZECP 34:2001. 	<p>As with the National Grid Yard rules for buildings and structures, outlined above, this rule has been developed over a number of years by Transpower engaging with councils and stakeholders to give effect to policy 10 and policy 11 in the existing NPS-ET. It recognises that earthworks and land disturbance can compromise the operation and safety of the National Grid. More specifically, earthworks have the potential to undermine transmission line structures, generate dust, and reduce the clearances between the ground and conductors. Earthworks also have the potential to restrict Transpower's ability to access the line and locate the heavy machinery required to maintain support structures around the lines, and may lead to potential tower failure and constraints on the operation of the line.</p> <p>The reference to earthworks and land disturbance aligns with the definitions in the National Planning Standards 2019. It also recognises that land disturbance as temporary works can adversely affect the National Grid.</p> <p>The proposed non-complying status for earthworks, land disturbance and vertical holes that do not meet the permitted activity conditions sends a strong signal that these should generally be avoided in the National Grid Yard. However, there is the option of applying for a dispensation from Transpower under NZECP 34:2001 to avoid the need to obtain a non-complying activity resource consent for the works.</p>

PART 4: RULES FOR THE NATIONAL GRID YARD AND CORRIDOR

	Proposed provisions	Reasons
	Earthworks, land disturbance and vertical holes that do not meet the permitted activity conditions above are proposed to be a non-complying activity.	
R13: National Grid Subdivision Corridor	<p>Introduce a new rule for subdivision within the National Grid Subdivision Corridor as a restricted discretionary activity if two conditions can be met, otherwise it would be a non-complying activity. The two proposed restricted discretionary activity conditions are:</p> <ul style="list-style-type: none"> • a building platform for a new dwelling or principal building can be accommodated outside of the National Grid Yard • vehicle access to National Grid assets is maintained. <p>If these two conditions are met, the proposed matters of discretion are:</p> <ol style="list-style-type: none"> 1) the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of NZECP 34:2001 2) the provision for the ongoing efficient operation, maintenance, upgrading and development and ETN activities, including the ability for continued reasonable access to existing transmission lines 3) the extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms 4) the extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines 5) the nature and location of any proposed vegetation to be planted 6) the outcome of any consultation with, and technical advice from, Transpower. 	<p>As with the National Grid Yard rules for buildings and structures outlined above, this rule has been developed over a number of years by Transpower engaging with councils and stakeholders to give effect to policy 10 and policy 11 in the existing NPS-ET. It recognises that, while subdivision itself does not affect the National Grid, the purpose of subdivision is generally to provide for or intensify development and, therefore, presents a good opportunity to ensure that activities subject to electrical risks are no more intense than before the subdivision.</p> <p>This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). A restricted discretionary activity status for subdivision provides an appropriate incentive and opportunity to design subdivision layouts that avoid building platforms within the National Grid Yard (which is generally narrower than the National Grid Subdivision Corridor).</p> <p>See attachment 1.4.1 for a diagram of the National Grid Subdivision Corridor.</p>

Electricity distribution lines and adverse effects from third parties

	Proposed provisions	Reasons
R14: Subdivision of site containing overhead EDN lines (Controlled)	<p>Introduce a new rule for subdivision of a site containing an existing overhead EDN line that would provide for this activity as a controlled activity if any proposed building, structure or building platform complies with the minimum safe distance requirements for poles and towers in NZECP 34:2001, otherwise resource consent would be required as a discretionary activity.</p> <p>If the condition above is complied with, the proposed matters of control are:</p> <ul style="list-style-type: none"> a) the extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements provided in NZECP 34:2001 b) provision for the ongoing efficient operation, maintenance, and minor upgrading of EDN line infrastructure, including for continued reasonable access for maintenance, inspections, and minor upgrading c) the location of site access and any proposed building platform, and the design and use of any future building as it relates to EDN line infrastructure d) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the overhead EDN lines on future owners and occupiers of the sites that result from the subdivision. 	<p>The reasons for the proposal are similar to that proposed for the National Grid Subdivision Corridor above, to protect the EDN from the adverse effects of third parties by ensuring the subdivision does not enable development that would not comply with the safe distance requirements for poles and towers in NZECP 34:2001. It will help ensure that subdivisions are designed in a way that accommodates existing EDN lines by ensuring the buildings and building platforms are set back from these lines.</p> <p>This rule has been adapted from proposed rules for electricity distribution lines in the National Planning Framework and the network utility rules commonly adopted and adapted in district plans across New Zealand. Some councils apply this approach to a subset of 'significant' or 'critical' EDN lines. An alternative approach to achieve the same intent is to provide for subdivision of a site containing an existing overhead EDN line as a restricted discretionary activity and allow for compliance with some or all of NZECP 34:2001 to be assessed as a matter of discretion.</p>
R15: Construction of buildings or structures near overhead EDN lines (Discretionary)	<p>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.</p>	<p>The reasons for the proposal are similar to that proposed for the National Grid Yard rule outlined above, to protect the EDN from the adverse effects of third parties by new buildings and structures, and that extensions to existing buildings and structures comply with the safe distance requirements for poles and towers in NZECP 34:2001. While compliance with NZECP 34:2001 is mandatory, regardless of what the NES-ENA says, including a nationally consistent rule requiring buildings and structures to comply with some or all of NZECP 34:2001 is expected to improve visibility and increase compliance.</p>

Electric vehicle charging standard		
	Proposed provisions	Reasons
R16: Installing new EV charging infrastructure is a permitted activity	<p>Introduce a new regulation for EV charging infrastructure. This would provide for any of the following types of EV charging infrastructure as permitted activities.</p> <p>Private use</p> <p>1) EV infrastructure that is not available for public use and complies with the relevant zone rules relating to the construction of buildings and structures, and alterations and additions to existing buildings and structures.</p> <p>Land transport corridor</p> <p>2) EV infrastructure located in the land transport corridor.</p> <p>Ancillary to primary activity</p> <p>3) EV infrastructure that is ancillary to the primary activity on site and complies with the following conditions:</p> <p>a) it does not exceed 3 m in height if located within 1 m of any front boundary or 1 m of any boundary adjoining a residential zone</p> <p>b) it complies with the noise and earthworks standards (see below).</p> <p>Stand-alone EV charging facility</p> <p>4) EV infrastructure that is the primary activity on site and complies with the following conditions:</p> <p>a) it is not located in a residential zone, natural area, or historic heritage item or setting</p> <p>b) does not exceed 3 m in height if located within 1 m of any front boundary or 1 m of any boundary adjoining a residential zone</p> <p>c) complies with the noise and earthworks standards (see below)</p> <p>d) does not generate more than 10 vehicles per hour (averaged across 24 hours).</p> <p>The proposed noise standards are as follows.</p> <p>a) Residential zone</p>	<p>The reasons for introducing new regulations to enable EV charging infrastructure is set out in the discussion document. In summary:</p> <ul style="list-style-type: none"> Consent applications – while often straightforward – create extra costs and delay to obtain permission for an activity that often creates minimal environmental effects, and receives broad public support. Variability in district plan provisions – where these exist - force national charging providers to understand and comply with different rules and standards across different districts. Voluntary adoption of plan provisions is slow, so the obligation to obtain a consent is likely to remain in many districts for some time, and even then, planning provisions will remain a patchwork across New Zealand.

Electric vehicle charging standard

	Proposed provisions	Reasons
	<p>i. Noise must not exceed the following limits measured at the boundary of another site:</p> <ul style="list-style-type: none"> • 7 am to 10 pm: 50 dB LAeq (15min) • 10 pm to 7 am: <ul style="list-style-type: none"> – 40 dB LAeq (15min) – 65 dB LAFmax. <p>b) Non-residential zone</p> <p>i. Noise must not exceed the following limits measured at the boundary of any site zoned residential:</p> <ul style="list-style-type: none"> • 7 am to 10 pm: 55 dB LAeq (15min) • 10 pm to 7 am: <ul style="list-style-type: none"> – 45 dB LAeq (15min) – 65 dB LAFmax. <p>ii. Noise must not exceed the following limits measured at the boundary of any site that is not zoned residential:</p> <ul style="list-style-type: none"> • Any time: 60 dB LAeq (15min) • 10 pm to 7 am: 65 dB LAFmax. <p>The proposed earthworks standards are that earthworks must:</p> <ol style="list-style-type: none"> a) not result in a permanent cut height of more than 1.5 m or fill depth of more than 1.5 m; b) be carried out with controls to minimise the mobilisation of silt or sediment beyond the boundary of the site where the earthworks occur; c) not result in any instability of land at or beyond the boundary of the site where the earthworks occur; d) be reinstated to stabilise the site from further erosion within 1 month after the earthworks are complete. <p>Where permitted activity conditions are not complied with, the proposal is that resource consent would be required for a restricted discretionary activity, with the matters of discretion restricted to:</p> <ul style="list-style-type: none"> • the effects on the safe and efficient operation of transport networks; 	

Electric vehicle charging standard		
	Proposed provisions	Reasons
	<ul style="list-style-type: none"> • the effects of the operation of the activity, including noise; • the effects on the amenity and character of adjacent properties and environment; • the design and appearance of buildings and structures; • the extent to which a non-compliance is due to evolving technology; and • the measures to avoid, mitigate or remedy any adverse environmental effects. 	

Attachment 1.4.1: National Grid Yard and National Grid Subdivision Corridor

Proposed Amendment to the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2009

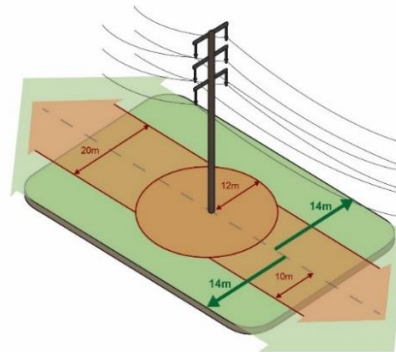
Legend:

National Grid Yard

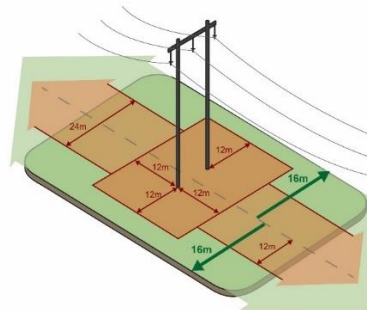
National Grid Subdivision Corridor



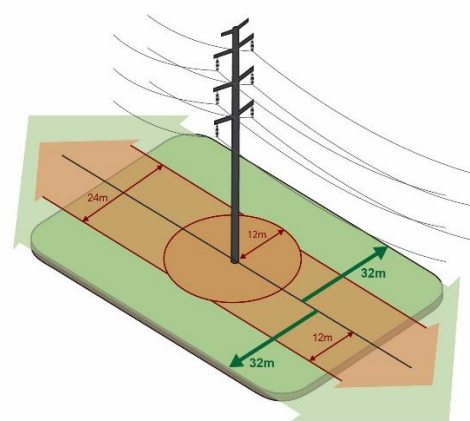
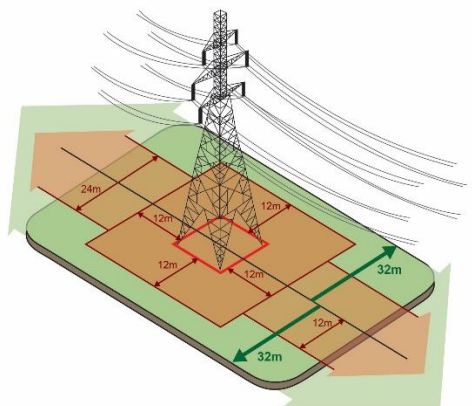
66 kV and 110 kV transmission lines on single poles



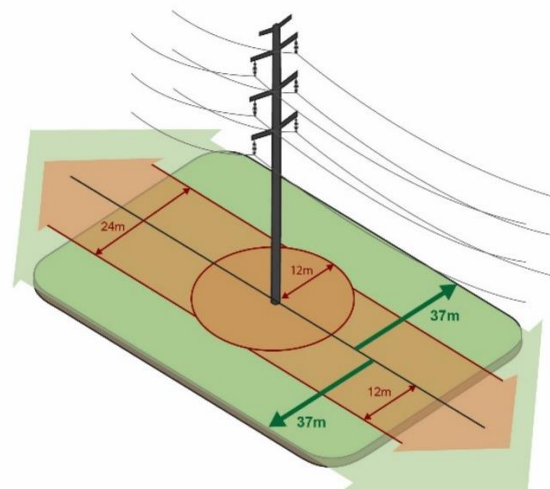
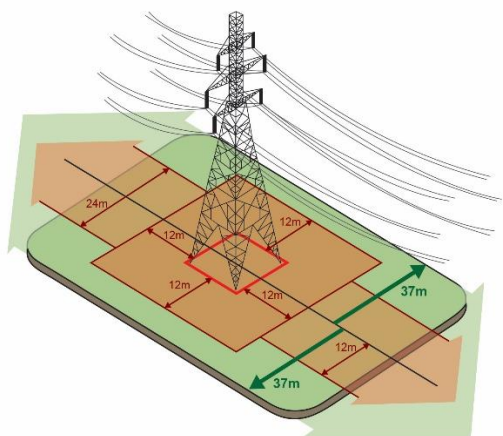
66 kV and 110 kV transmission lines on pi poles



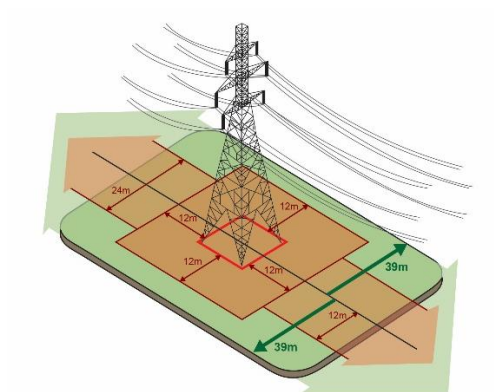
66 kV and 110 kV transmission lines on steel lattice towers



220 kV transmission lines on steel lattice towers and tubular steel monopoles



350 kV transmission lines



Source: Transpower, February 2025

Published in May 2025 by the Ministry for the Environment | Manatū mō te Taiao
Publication number: INFO 1307d



Te Kāwanatanga o Aotearoa
New Zealand Government