

## Jacob Paget

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**From:** Jennifer Valentine s 9(2)(a)  
**Sent:** Tuesday, 9 May 2023 8:23 am  
**To:** Fast Track Consenting  
**Cc:** Ryan Piddington  
**Subject:** Waiuku Wind Farm - further transmission response  
**Attachments:** Letter to Jennifer Valentine re Electricity Act - 5 May 2023.pdf  
**Importance:** High

### **MFE CYBER SECURITY WARNING**

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Kia ora Melissa,

Thank you for the call on Thursday to discuss the additional information request regarding the referral application for the Waiuku Wind Farm Project.

The information request relates to whether other approvals are required (including from Counties Energy or landowners) as well as other resource consents for the Project's transmission lines and, if approvals and/or consents are required, whether they will impact on project delivery or timing. The information request stems from comments provided by Counties Energy.

In summary, the Project Team are confident Counties Energy can rely on its powers under the Electricity Act 1993 to replace or upgrade the line on private land. Should our opinion on this be incorrect and landowner approvals are required, the Applicant could employ specialist assistance to obtain landowner approvals. In the event that the option of upgrading the existing 33kV line is not viable (e.g., because of cost, practicality or inability to obtain landowner approvals), the second transmission option will be used – constructing a new line. The new line has been designed to place all infrastructure in the road reserve, avoiding the need for landowner approvals. From our review both upgrading the line and establishing a new line can be undertaken as a permitted activity. As such the Project Team consider that the transmission line will not impact on project delivery or timing. This optionality provides certainty for delivery of the project within the timelines afforded by the FTCA.

#### **Response**

The regulatory, asset owner and landowner approvals for the Project's transmission options is an issue that the Project team identified early in the scoping and design of the Project. The issue has been considered carefully. The routes of the two transmission options (upgrading an existing line or installing a new line) are identified in our further information response of 30 March 2023.

The Project team is aware of the process for connecting to Counties Energy's assets, including the rating study / capacity checks, design approval, deconflicting new and existing assets and Electricity Industry Participation Code requirements. These matters have been factored into the Project's delivery timeframe.

In respect of landowner approvals, the transmission options for the Project have been intentionally developed to avoid this risk. The Project team has carefully considered the extent of Counties Energy's powers. The option of upgrading Counties Energy's 33kV line would rely on Counties Energy's powers under the Electricity Act 1993 to replace or upgrade the line, which would mean landowner approvals are not required. The Project's legal advisor has provided a legal opinion, which concludes that the Electricity Act can be used for the Project – see **attached**.

The Applicant notes that there are firms that specialise in obtaining landowner approval for infrastructure projects, including for telecommunications, roads, and other types of infrastructure. These firms are engaged by both the private and public sector to facilitate such approvals and are available to the Applicant should they be required. The Applicant has held discussions with such a specialist firm already, however, has determined that approaching landowners at this current time is premature given the legal advice received and combined with the alternative approach of a new line within the road corridors. While the Project Team are confident Counties Energy can rely on its powers under the Electricity Act 1993 to replace or upgrade the line on private land. Should our opinion on this be incorrect and landowner approvals are required, the Applicant could employ specialist assistance to obtain landowner approvals.

In the event that the option of upgrading the existing 33kV line is not viable (e.g., because of cost, practicality or inability to obtain landowner approvals), the second transmission option will be used – constructing a new line. The new line has been designed to place all infrastructure in the road reserve, avoiding the need for landowner approvals.

In terms of resource consenting, we have undertaken a detailed review of consenting requirements under the Auckland Unitary Plan (Operative in part), the Proposed Waikato District Plan – Appeals Version and the Operative Waikato District Plan for the transmission options. We have concluded that:

- Upgrade of the existing line, including associated support structures as required, can be designed and undertaken in a way that avoids the need for resource consent.
- Construction of a new line and support structures can be undertaken without resource consent, by constructing the new line in the road reserve (above ground or underground, depending on the nature of the adjacent zoning).

Having carefully considered the comments from Counties Energy, our opinion remains that the Project, including its transmission line, can be delivered without landowner approvals (excluding the project site for which approvals have already been secured), without resource consents required beyond the project site and within the timeframes required by the FTCA.

### **Engagement with Counties Energy**

We have engaged with Counties Energy on the Project and have been provided a copy of Counties Energy's comments on the Referral application.

As an initial point, we note that Counties Energy seems to have assumed the 16-month timeframe as being fixed for related Counties Energy approvals in the Project timeframe. As you know, the FTCA provides more time than that to implement the Project. As such there is additional time available in the statutory timeframe, beyond what has been identified for the Project in the Project timeline. Furthermore, the 16-month timeframe indicated is only relevant to the transmission design acceptance which is independent of any landowner or consenting approvals, and this time block can be extended a further 12- 16 months to the right of the project timeline without impacting the overall delivery of the project, as delivery of the transmission connection is not required until energy is ready to be transmitted from the wind farm.

Counties Energy also advised that design of the transmission upgrade has not occurred. However, we consider it is not unusual at this stage in a project to not have completed detailed design for a transmission connection. In our opinion it is typical of such projects for any detailed design and agreement with network providers to occur post granting of consent. We consider that with two options and routes for a transmission connection available to the Project, that both options can be done as a permitted activity, there is sufficient certainty that a transmission connection can be achieved, and the Project can be delivered within the FTCA timeframes. Further, we refer you to Transpower's Generation Connection Investigation Pipeline – Application Guidance Notes v1 1/11/2022 pg 7 s 2.6 that states,

*“A strategy should set out a plan to obtain the applicant's and Transpower's typical high-level property requirements as stated above. Where property rights are still to be secured a strategy should include sufficient details to set out the owner/beneficiary of the property rights and, if this is a third party, their*

**relationship to the applicant. *Where a project requires a long line connection and route selection is yet to take place Transpower does not require detailed property right information for the long line connection as this will be established during the route selection process. In this instance Transpower would still expect the applicant to provide evidence of at least a firm property right option for the proposed generation site.*** [emphasis added]

While your questions are not in reference to the Transpower connection, the guidance is relevant to the process we are in as it contemplates the delivery of approvals following route selection and detailed design, as is the case with our proposal. We believe that we have provided sufficient detail to identify a strategy to establish the transmission connection through the primary option of upgrading the existing line.

The Project Team met with Counties Energy on Friday 5 May and Monday 8<sup>th</sup> to discuss its comments on the Referral Application. While there is a difference in opinion on the scope of work that can be undertaken under the Electricity Act 1992, Counties Energy have confirmed there are options available for a transmission line for the Project including ones put forward by the Project Team. Paul Blue, GM Networks, Counties Energy is happy to be contacted to discuss this if required on s 9(2)(a)

Please contact me if you would like to discuss this further.

Kind regards  
Jennifer

Jennifer Valentine

Technical Director - Planning  
s 9(2)(a)



201 Victoria Street West, Auckland Central 1010  
PO Box 911 310, Victoria St West, Auckland 1142  
[4Sight.Consulting](#) [LinkedIn](#)

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