27 July 2025

National Direction Consultation
Ministry for the Environment
PO Box 10362
Wellington 6143

Submitted via: https://consult.environment.govt.nz/resource-management/infrastructure-development-primary-sector-nd/consultation

Tēnā koutou

Powerco submission on National Direction Package 1: Infrastructure and Development

1. Powerco Limited (Powerco) welcomes this opportunity to provide feedback on the proposed changes to the national direction instruments for infrastructure and development.

Summary of submission

2. Powerco strongly supports the proposed inclusion of the Electricity Distribution Network (EDN) within the scope of national direction, addressing a long-standing gap where only the transmission network was previously recognised. The sector has consistently advocated for this shift, and we welcome the government's recognition of the critical role that EDNs play in delivering electricity services and supporting Aotearoa's electrification objectives.

3. To ensure this policy delivers meaningful outcomes, it is vital that the full spectrum of electricity voltages and the full range of distribution activities (excluding substations) are included. Enabling only parts of the network would perpetuate the inconsistencies and barriers that this national direction seeks to resolve.

4. To further align the national direction framework and achieve the objectives of this work, we strongly recommend extending the current exclusions that apply to electricity transmission and renewable generation infrastructure under the National Policy Statement for Indigenous Biodiversity and the National Policy Statement for Freshwater Management to also include electricity distribution infrastructure.

5. As shown in Figure 1, distribution is a critical link within the electricity system. Enabling all components; from generation through to end-user delivery is essential to realising the full benefits of an integrated and resilient energy network for Aotearoa.

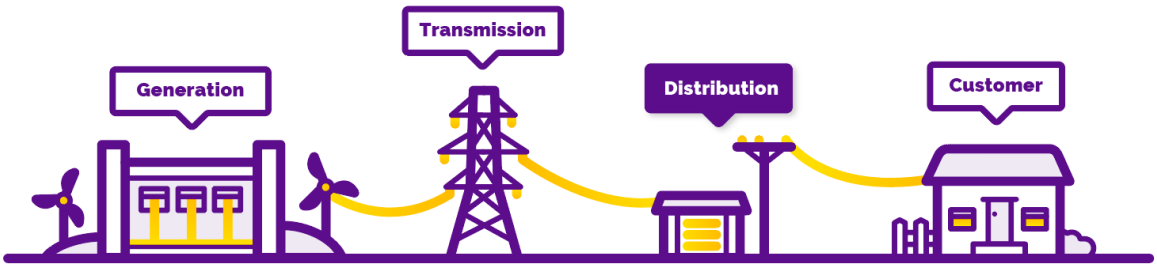

Figure 1 - The electricity system and the place of distribution

About Powerco

6. Powerco is New Zealand's largest electricity and second-largest gas distributor by network length. Our networks span the upper and lower central North Island, servicing approximately 1.1 million customers across 450,000 homes, businesses, and industries. This represents 46% of the country's gas connections and 16% of its electricity connections.

7. Our electricity distribution network extends over 28,000 km, and our gas network covers more than 6,170 km. With this wide geographical reach, our infrastructure traverses a diverse range of environments - urban, rural, and remote. For example, our networks on the Coromandel Peninsula pass through Outstanding Natural Features and Landscapes, Significant Natural Areas, the Coastal Marine Area, conservation land, wetlands, and multiple planning zones.

8. A breakdown of our electricity distribution network length, voltage and location relative to road reserve is contained within Table 1 below (as at 31 March 2022).

	110kV	33-66kV	6.6-22kV	<6.6kV
Percentage of total network	<1%	6%	58%	26%
Length (km)	12	1,781	16,995	10,159
Percentage of overhead line outside road reserve	51%	65%	53%	45%

Table 1 - Powerco network voltages and length

9. We are a requiring authority, operating across six regions, under 29 district plans, and pursuant to numerous resource consents and designations. Powerco is also listed as a "Lifeline Utility" under the Civil Defence Emergency Management Act 2002, reflecting the essential role of our services in supporting community resilience and emergency response.

10. Our existing distribution infrastructure must be maintained, repaired, and upgraded to ensure reliable supply and meet increasing demand. This includes expanding capacity, improving resilience, and supporting the

uptake of low-emissions technologies. Meeting this demand, while managing environmental and planning constraints, is vital to achieving New Zealand's net zero 2050 target.

Section 2: Infrastructure and development package

Part 2.1: National Policy Statement for Infrastructure

Consultation question 1. Is the scope of the proposed NPS-I adequate?

11. We support the exclusion of electricity network and renewable electricity activities so these can be addressed by other specific NPS. While this NPS may not apply to our core electricity distribution infrastructure, it will be relevant to our gas distribution business, and other interests (or potential interests) in infrastructure.

12. We support the scope applying to infrastructure activities as defined in the RMA "and additional infrastructure activities". The RMA definition does not reflect the broad networks, facilities and social infrastructure required to meet the needs of New Zealanders, and is appropriately addressed in an NPS.

Consultation question 2. Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?

13. Reliance on the RMA definition of 'infrastructure' is not a wide enough scope for the purpose of the NPS-I. We support the NPS applying to a broader range of infrastructure including those listed as 'additional infrastructure'. We note that the definition of 'infrastructure' in the RMA and the definition of 'additional infrastructure' in the NPS-I do not include facilities for the generation of manufactured gas, or energy that is not electricity. For example, Powerco is investigating opportunities to develop biomethane facilities to produce renewable gas for injection into the gas network. While the inclusion of 'resource recovery or waste disposal facilities' as additional infrastructure will be relevant to some biomethane projects, most aspects of such energy facilities are not captured in the definitions. We **recommend the definition of 'additional infrastructure' is amended** to include energy generation facilities (other than renewable electricity covered elsewhere) that are a community or district scale, and therefore likely connected to the transmission or distribution network. This is similar to the at-scale waste facilities included in the proposed definition:

h) community or district energy generation facilities (other than renewable electricity)

14. We have also previously suggested[1] that the definition of infrastructure should be amended to more appropriately refer to gas networks, rather than gas pipelines. However we are satisfied that the broad gas network is adequately covered in the definition of 'infrastructure activities' and the intent that this definition clarifies that the NPS-I applies to 'all aspects of infrastructure'.

[1] Powerco submission on the RM (Consenting and Other System Changes) Amendment Bill parliament-select-committee---resource-management-amendment-bill.pdf

15. The definition of 'infrastructure activities' does not align to the definition of 'electricity network activities' in the NPS-EN. We **recommend that the definitions in NPS-I and NPS-EN align by amending the definition of 'infrastructure activities'**:

> the construction, operation, maintenance, **development**, upgrade, **replacement**, **decommissioning** **or** ~~**and**~~ removal of infrastructure and all ancillary activities…

Consultation question 3. Does the proposed objective reflect the outcomes sought for infrastructure?

16. Yes, the objective is supported. For clarity and consistency in interpretation, we recommend that (f) is amended to align with the NPS-EN objective:

> f) is delivered in a timely, efficient, and ongoing manner, while managing adverse effects on the environment **in a proportionate and cost-effective way**

Consultation question 4. P1: Does the proposed policy adequately reflect the benefits that infrastructure provides?

17. Yes, we support this policy. We note that referring in 1(a) to current and future generations may be more aligned to the RMA purpose and other national direction.

Consultation question 5. P2: Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?

18. Yes we support this policy. It could be enhanced by recognizing that existing infrastructure needs to be regularly maintained and/or replaced and/or upgraded for a variety of operational reasons, and this will direct a particular infrastructure project with an operational or functional need. We **recommend adding to P2**:

> **f) be regularly maintained, upgraded, and/or replaced due to its age, the need to improve resilience, or the need to increase capacity.**

Consultation question 6. P3: Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?

19. We support the policy intended to strengthen the weight of strategic planning documents which may identify future infrastructure priorities, and at times locations. Plans such as Future Development Strategies are in a long phase of development and their form and direction, including level of infrastructure identification, will vary. We therefore support the inclusion of non-statutory 'spatial plans and master plans prepared by the infrastructure provider' as relevant guidance in planning decisions on infrastructure.

20. Every three years, Powerco is required by regulation to produce a comprehensive 10 year Asset Management Plan (AMP) which forecasts electricity/gas demand, expenditure, and specific priority investment projects. As well as a 3-yearly full AMP, we also publish an annual 'update' document. The AMP is a 'master plan' for the

purposes of energy distribution. We **recommend adding a definition or providing guidance for examples of 'spatial or master plan' and including energy distributor AMPs** within that definition.

21. These infrastructure provider plans may not technically be spatial plans, but they are a form of strategic plan. Similar to NPS-EN P11, and consistent with the content of P3, we **recommend that P3 be renamed 'Considering strategic planning'** rather than 'considering spatial planning'.

Consultation question 7. P4: Would the proposed policy help improve the efficient and timely delivery of infrastructure?

22. Yes, we support the direction provided in P4 and consider it would help with efficient and timely delivery. As commented on P3 above, regulated infrastructure providers prepare AMP under the Commerce Act. These plans contain comprehensive information and are based on investment decisions taken (and scrutinized) to meet the directives under the Commerce Act to demonstrate long-term benefit to customers and for investment to be both efficient and prudent. Infrastructure providers use various tools to test cost/benefit and strategic priority, with the results reflected in the AMP.

23. We support P4 2(c) but recommend that either the examples of 'existing information and assessments undertaken by the infrastructure provider' be broader and more encompassing of all types of infrastructure relevant for this NPS, as a list of examples can frequently be interpreted as the only examples (even if it is not written this way). Alternatively, and preferably, **we recommend the examples are removed, and the policy left open to relevant types of information/assessment**. Later guidance could provide more fulsome explanation of the types of information/assessment that may be relevant.

> c) utilise existing information and assessments undertaken by the infrastructure provider**~~, including, for example, information prepared using the better business case methodology for the Commerce Commission, infrastructure strategies prepared under the Local Government Act 2002, or the infrastructure priorities programme~~**; and

Consultation question 8. P5: Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?

24. We acknowledge the importance of appropriately providing for Māori interests in the planning and development of infrastructure activities.

Consultation question 9. P6-P8: Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?

25. We support these three policies providing direction on assessing and managing adverse effects of infrastructure. For consistency with NPS-EN, **we recommend that P6 include**:

> **f) recognise changes in amenity from infrastructure activities are unavoidable and necessary to achieve effective, efficient, safe, secure, reliable and resilient infrastructure;**

g) recognise there will be unavoidable adverse effect on some values regardless of the route, site, design and construction method selected.

Consultation question 10. P9-P10: Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?

26. We support these two policies providing direction on the interface between infrastructure and other activities.

27. For efficiency and consistency, we **recommend additional direction or guidance for local authorities in P9 including the approach to engage with infrastructure providers, identify infrastructure activities and methods to protect that infrastructure**. While there may be different approaches for different types of infrastructure, for one type of infrastructure eg gas network, there should be one approach across all local authority plans. Infrastructure providers such as Powerco and the other gas distributors would be pleased to work collectively on a consistent approach across local authorities. As there is no NES for infrastructure, this level of direction is important in the NPS.

Part 2.3: National Policy Statement Electricity Transmission

Consultation question 17. Do you support the inclusion of electricity distribution within the scope of the NPS-EN?

28. Yes we support the inclusion of electricity distribution within the scope of the NPS-EN **with changes.**

Consultation question 18. Are there risks that have not been identified?

29. There remains a significant gap: the risk that the provisions within the proposed National Policy Statement for Electricity Networks may not be extended to cover the full scope of the electricity distribution network including both high voltage and low voltage infrastructure.

30. This would be a critical omission, as the distribution sector faces a distinct and more nuanced set of issues when compared to transmission. If only part of the distribution network is captured by the provisions, many of the underlying challenges the proposal seeks to address may persist. In particular:

    - **Inconsistent policies, processes and rules** across jurisdictions may continue to apply to different parts of the distribution network, adding unnecessary complexity, cost and delay to essential infrastructure operation; and

    - **Efforts to protect electricity networks from the effects of other land use activities** will remain more fragmented, time-consuming, and costly than necessary if key parts of the distribution system are excluded.

31. We also hold concerns with managing the provisions of Policy 10 (Managing the effects of third parties on the electricity network). Bringing visibility to NZECP:34 and a greater level of compliance is a significant step

forward for industry and public safety; but requires an implementation plan to ensure EDB's are not overwhelmed with enquiries and approval requests. Our concerns specifically lie with Section 3 of ECP34 – Safe distance requirements between conductors and buildings (and other structures). Section 3.2.1.4 states that '*based on the outcome of the engineering study, which shall be provided by the landowner / building owner, the over head electric line owner will advise whether: -*

i. *the proposed building / structure complies with Table 3 and construction can proceed without restriction: or*

32. We strongly recommend that guidance is established to ensure that landowners / building owners' approach EDB's (where required under Section 3) in a consistent and informed manner so that the expectations of both parties are clear. Building.govt.nz/managing-buildings/dam-safety is an example of guidance that we believe NZECP34 guidance could be based on – including clearly setting out requirements and extending to a template for consultation with EDB's (covering specific information and statements required ie from their competent person). We welcome any further discussions on this topic with the ministry.

Consultation question 19. Do you support the proposed definitions in the NPS-EN?

33. Yes, **but with the following amendments**:

Definition	As drafted	Proposed change
D3 Customer Driven Projects	means 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 (NPS-REG).	Need to ensure the definition also provides for outcomes sort under Policy 1(2)(e)(iii). Support definition capturing 'new connections to generation or demand, or relocation or undergrounding of assets to enable urban development' but needs to recognise new connections that facilitate electrification of existing and routine customer initiated works such as subdivision and new customer connections, should also be excluded.
D18 Routine electricity network activities (routine EN activities)	means that: a) activities required for, or associated with, the operation or maintenance of existing EN assets or; b) implements the modern equivalent, substitute, or replacement of the existing EN assets that may not be 'like for like'; or c) maintenance and upgrades of existing EN assets necessary to continue to deliver the same or a similar level of service or to improve resilience; or	Concerned with a definition setting a requirement for an assessment of effects and the reference to 'or other change', we feel this introduces to much uncertainty in light of a definition proposed for upgrading. Suggest the following amendment is required:

	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 e) the removal, decommissioning or dismantling of EN assets; and f) all relevant ancillary activities, such as vegetation clearance, tree trimming, and creating, maintaining and improving access tracks and accessways to EN assets; and g) includes all activities regulated by the National Environmental Standards for Electricity Network Activities NES-ENA, including replacing structures, reconductoring, earthworks, altering or relocating of structures and undergrounding.	d) other upgrades of existing EN assets where the upgrade ~~or other change~~ *does not result in a change to the scale of the activity, other than that provided for in clauses b) and c)* ~~will, once the activity is complete, have no more than minor adverse effects on the environment~~; or

Consultation question 20. Are there any changes you recommend to the NPS-EN?

34. Yes:

Policy	**As drafted**	**Proposed change**
P2 Operational need or functional need for EN activities to be in particular locations and environments	1) Planning decisions must recognise and provide for EN activities that have an operational need or functional need to be in particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments. 2) Decision-makers shall recognise that the operational or functional need of EN activities may include: a) the need for EN assets to convey electricity over long distances and in all locations and environments, including:	1) included *and /* to recognise existing infrastructure has a functional need to be in a particular environment as it already exists in that environment: 1) Planning decisions must recognise and provide for EN activities that have an operational need *and / or* functional need to be in particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments.

	i. within and across urban and rural environments; ii. within the coastal environment, including the coastal marine area; iii. across jurisdictional boundaries within and across districts and regions; and b) the need for the EN to operate effectively and efficiently as an interconnected system across New Zealand; c) the requirement for regular maintenance and upgrading of the EN due to its age, the need to improve resilience, and the need to increase capacity to meet increasing demand; and d) the need for the EN to connect to electricity generation, and to respond to demand, wherever located.	2) (c) expand to include reference to *replacement* - this furthers the change being sort in 1): c) the requirement for regular maintenance*, replacement* and upgrading of the EN due to its age, the need to improve resilience, and the need to increase capacity to meet increasing demand; and
P4 Identifying the location for EN activities and managing adverse effects through the route, site, and method selection process	P4 Identifying the location for EN activities and managing adverse effects through the route, site, and method selection process	The inclusion of 'new' into the policy ensures it is clear policy relates only to new infrastructure and negates need for 'and / or' between functional and operational need: P4 Identifying the location for *new* EN activities and managing adverse effects through the route, site, and method selection process Policy 4 of the current NPS-ET uses the term 'new'.
P5 General considerations when considering and managing the environmental effects of EN activities	Include a new policy 5 as follows: 1) When considering the environmental effects of EN activities and measures to avoid, remedy, or mitigate any adverse effects on the environment, decision-makers must also:	Insert new bullet point - *a) have regard only to the adverse effects of the proposed activity that are additional to or different from those comprising the existing environment* d) adopt ~~relevant international and national standards and~~

	a) consider the constraints imposed on achieving those measures by the technical and operational requirements of the EN; b) recognise that EN activities are needed to increase and improve the capacity and delivery of the EN over time; c) recognise that changes in amenity from EN activities are unavoidable and necessary to achieve an effective, efficient, safe, secure, reliable, and resilient EN; d) adopt relevant international and national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and e) consider the financial and timing implications of mitigation measures and any consent conditions to ensure these are proportionate and cost-effective.	~~recognised~~ ~~best~~ *good industry* practice ~~standards and methodologies~~ to assess and manage adverse effects; and Insert new bullet point - *f) provide flexibility for operators of the EN to use new or innovative technologies and methods to improve the delivery of electricity and/or improve environmental outcomes*
P7 EN development and non-routine activities	1) In rural environments, planning and development of the EN should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity.	Remove reference to amenity as this term is subjective: 1) In rural environments, planning and development of the EN should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value ~~*and amenity.*~~ Consideration of operational and functional need should also be a consideration in this context.
P9 EN activities within urban environments and servicing new development	Include a new policy 9 as follows: 1) Decision-makers on EN activities within urban environments must:	Recommend that an additional policy point is added to 2): *c) engage with the EDN Operator to determine an appropriate means for*

	a) recognise that the EN forms an essential part of well-functioning urban environments that must be provided for; b) allow for changes in amenity associated with routine EN activities; c) recognise that it is not practicable to avoid all adverse effects of EN activities; and d) recognise that the effective and efficient development, operation, maintenance, and upgrade of the EN may be appropriate use and development when protecting historic heritage. 2) Planning decisions within urban environments must: a) ensure that, where development will result in an increase in demand for electricity, sufficient on-site space is provided for EDN assets to meet demand; and b) recognise that determining whether there is sufficient on-site space for EDN assets to meet demand will require consultation with the EDN provider.	*determining when EDN assets are required to meet that demand* This is to recognize that a one size fits all approach to managing onsite provision requirements is unlikely to work across the spectrum of EDB's. We believe a more nuanced approach is required and is unlikely to be applicable to all 29 Councils on the Powerco footprint.
P10 Managing the effects of third parties on the electricity network	Include a new policy 10 as follows: 1) Decision-makers must avoid the adverse effects of third parties on the EN, including by: a) avoiding direct and reverse sensitivity effects on the EN to the extent reasonably possible; and b) ensuring that the effective operation, maintenance, upgrading, and development of the EN is not compromised.	Include new a matter of consideration to align with the NPS-Infrastructure: c) *applying the general principle that the primary responsibility for managing adverse effects is on the new activity (including infrastructure) while allowing for flexibility for site- and project specific circumstances*

Consultation question 21. Do you support the proposed objective? Why or why not?

35. Yes, from an EDB perspective the objective captures key tension areas.

Consultation question 22. Will the proposed policy improve the consideration of the benefits of electricity networks in decision making?

36. Yes, we believe the proposed policy will significantly improve consideration that decision makers have when considering the Electricity Network – particularly making it clear that the significance of the network is felt at all levels ie local, regional and national.

Consultation question 23. Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?

37. Yes, **but with the following changes**:

38. Planning decisions must recognise and provide for EN activities that have an operational need and / or functional need to be in particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments.

39. This change is to recognise that existing infrastructure also has a functional need to operate in a particular environment, as it forms part of that particular environment and can only function in that environment.

Consultation question 24. Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?

40. Yes, we support Transpower and electricity distribution businesses selecting the preferred route or sites for the development of electricity networks. As infrastructure owners and system planners, **we are best placed to make these decisions based on a wide range of factors** that extend beyond local land use considerations. These include demand forecasting, system resilience, the need to enable the electrification of industry and transport, and the integration of new and distributed renewable energy sources.

41. Our businesses hold deep institutional knowledge and technical expertise built over decades of planning, developing, and operating critical infrastructure. This enables us to balance complex trade-offs such as risk, capital efficiency, network performance, delivery timeframes, and the ability to leverage existing assets and corridors. In many cases, decisions also need to consider future growth scenarios, the strategic value of connections, and the implications for operational reliability and maintenance.

Consultation question 25. Are there any other route or site selection considerations that have not been identified?

42. b) recognise and provide for the operational need and / or functional need of EN activities to be in particular environments as directed by policy 2 in this National Policy Statement. Inclusion of 'and /' makes it clear that

infrastructure that already exists in an environment has a functional need to locate there. Otherwise, we support the policy as drafted.

Consultation question 26. Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?

43. We acknowledge the importance of appropriately providing for Māori interests in the planning and development of electricity networks.

Consultation question 27. Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?

44. We support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA or covered by other national direction. Providing clear policy direction for EN development in these areas is essential to ensure efficient delivery of infrastructure.

45. However, to be effective in practice, the policy must also recognise the critical role of existing and planned transport corridors as strategic infrastructure corridors particularly for electricity networks. Transport corridors - such as roads, rail corridors, and state highways; are often co-located with electricity infrastructure and are already highly modified environments. They offer efficient, low-conflict pathways for EN development.

46. To maximise their utility, it is essential that these corridors are clearly zoned and identified as such, and that adjacent planning overlays or restrictive zoning (such as ecological, landscape, or wetland protections) do not encroach into the corridor itself. In many cases, adjoining zones and overlays currently extend into these corridors, creating confusion and unintended regulatory constraints. This undermines the functional role of these corridors and adds significant cost and delay to otherwise routine development.

47. The NPS for Indigenous Biodiversity and the NPS for Freshwater Management are already contributing to these challenges. Their application within transport corridors is affecting the ability of network utilities to efficiently deliver new capacity and resilience upgrades. If left unaddressed, these issues risk significantly weakening the intended enabling effect of the proposed NPS-EN policy.

48. We **recommend** that the policy be amended to explicitly recognise the strategic role of transport corridors in supporting EN development and to ensure that the enabling intent of the policy is not diluted by misaligned zoning or overlapping environmental protections. Without such clarification, the policy risks being undermined in practice despite its intent.

Consultation question 28. Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities?

49. We do not believe the proposals fully cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network (EN) activities. In particular, the policy framework

needs to better ensure that decision-makers are only assessing the additional or incremental effects of proposed EN activities, those effects that are over and above what is already in place.

50. We recommend the policy be amended to clarify that assessment of effects should focus on new or materially different effects arising from the proposed activity, not those that are already part of the baseline or operational context.

Consultation question 29. Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment?

51. We **strongly support** the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment.

52. However, to be effective in practice, the policy must provide clearer direction to decision-makers that this enablement applies regardless of location, including areas subject to section 6 of the RMA or other national direction. In particular, it should be explicit that this policy applies even where there may be conflicts with the National Policy Statement for Indigenous Biodiversity (NPS-IB), the National Policy Statement for Freshwater Management (NPS-FM), or the National Policy Statement for Highly Productive Land (NPS-HPL), among others.

53. We also consider that the principle raised earlier regarding effects assessment is highly relevant here: decision-makers should focus only on *new or materially different* effects associated with the proposed work and not reassess baseline or already-established effects. This is particularly important for routine works that take place within existing corridors and established infrastructure footprints.

54. To provide sufficient clarity and regulatory certainty, we recommend that the policy be amended to extend the existing carve-out or enabling provision that applies to the National Grid infrastructure within the NPS-IB and NPS-F, so that it also applies to the wider electricity network. This would ensure that the practical realities of both transmission and distribution activities are equally supported under this National Policy Statement.

Consultation question 30. What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments?

55. We have concerns about the proposed policy requiring decision-makers to consider practicable opportunities and measures to reduce the existing adverse effects of electricity network (EN) assets in relation to non-routine activities.

56. While we support a practical and effects-based approach to minimising environmental impacts where feasible, we are concerned that the policy as drafted omits *functional need* as a core consideration. Functional and operational constraints are critical when assessing the viability of mitigation measures, particularly for infrastructure that is spatially fixed, linearly extensive, and designed for long-term service across varied environments.

57. We are also concerned about the reference to *amenity values* - a term that has historically been highly subjective and inconsistently applied in regulatory decision-making. In practice, 'amenity' has often been used to oppose or delay infrastructure works, despite broader public benefits. This was acknowledged in recent RMA reform processes, where amenity was deliberately removed as a matter to avoid undue conflict with infrastructure provision under the Natural and Built Environment Act (NBA).

58. A practical example of these tensions can be seen in vegetation management: raising overhead lines to avoid trimming native vegetation may reduce ecological impact, but this can increase visual prominence and trigger amenity-related objections. In such cases, natural character and amenity values may conflict directly, making it difficult for decision-makers to determine which value should prevail.

59. As currently worded, the policy lacks sufficient clarity or direction to support a rational and balanced consideration of these competing values. We recommend amending the policy to:

    - explicitly include functional and operational need as a consideration alongside technical and financial constraints;
    - clarify that amenity values should not be treated as a primary constraint where other nationally significant values (e.g. resilience, renewable energy, ecological outcomes) are being enabled; and
    - provide guidance on how to weigh competing environmental effects, rather than leaving this to subjective judgment.

60. This would better align the policy with the practical realities of operating and upgrading EN infrastructure, and ensure decisions are guided by balanced, nationally consistent principles.

Consultation question 31. Do you support the proposed policy to enable sufficient on-site space for distribution assets?

61. As an electricity distribution business, we support the proposed policy to enable sufficient on-site space for distribution assets. This policy is critical to ensuring that electricity infrastructure can be delivered and maintained safely in a manner that supports current and future urban growth.

62. In practice, transportation corridors are often constrained in terms of physical space and are increasingly congested with other infrastructure, landscaping, carparking and recreation / open space areas. This can limit the availability of suitable, accessible locations for distribution assets such as transformers and other ancillary assets - especially in intensifying urban areas.

63. Sufficient space allocation is also a key enabler of successful infill development, provided it is considered early in the development design process. Provided a nationally consistent approach is taken; where infrastructure is located or sited adjacent to the road corridor – ensuring assets are accessible for operation and maintenance, then infill development can occur in a much more integrated and streamlined manner.

64. Seeking this provisioning of onsite space for distribution assets has largely been driven out of the implementation of the NPS-UD and the introduction of Medium Density Residential Standards (MDRS); which allows up to three dwellings of up to three storeys on a single property.

Consultation question 32. Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?

65. Yes, we support a requirement for developers to consult with electricity distribution businesses (EDBs) *before* resource consent is granted. This consultation should be **mandatory**, with EDBs treated as *affected parties* where development occurs in proximity to electricity infrastructure or on property that contains electricity infrastructure.

66. Early consultation is the most effective time to identify and address conflicts, ensure access and safety provisions are in place, and avoid costly redesigns later. It also enables proactive discussions about asset relocation where this may be mutually beneficial or cost-effective for the developer.

Part 2.4 National environmental standards for electricity transmission/networks

67. Please refer to Appendix 1 for changes recommended to the definitions proposed within the NES-EN.

68. Please refer to Appendix 2 for changes recommended to the regulations proposed for the EDN within the NES-EN.

Consultation question 40. What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?

69. We support **Controlled activity** status for electricity distribution activities that do not meet permitted activity conditions, particularly for works relating to existing assets. Electricity network (EN) providers require a high degree of certainty when carrying out routine activities for the operation, maintenance, minor upgrading, and replacement of the EN, regardless of the environment in which the assets are located. These activities are essential to ensuring reliability, safety, and resilience across the network, and should not be subject to uncertain or overly burdensome consent processes.

70. We also support differentiating between existing and new assets in the activity status framework.

71. For existing assets, most activities should be **Permitted**, with **Controlled** status as the highest threshold. This reflects the fact that the physical footprint and environmental effects are already established, and that ongoing work is essential for network functionality. Controlled status ensures oversight without undermining certainty or efficiency, while providing outcome certainty.

72. For new assets, we agree that development should be enabled but support a **Restricted Discretionary** activity status as the upper threshold and likely reserved for section 6 matters where effects will be

significant. This allows effects to be managed and assessed in a targeted way, while still recognising the national significance of EDN infrastructure and the public benefit it delivers.

Consultation question 41. What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?

73. We support the inclusion of the **full scope and scale of EDN activities (excluding substations)** within the proposed NES-ENA. It is essential that all asset types - from low voltage (LV) to high voltage (HV) are covered, as each has unique characteristics and planning challenges that require nationally consistent treatment.

74. For example, the LV network is increasingly impacted by in-fill urban intensification and is more susceptible to NZECP 34 encroachments. Meanwhile, HV infrastructure, particularly at the edge of urban areas; is at risk from new development that can compromise access, encroach on setback distances, or introduce incompatible land uses. Subdivision activity is a key pressure point, as it can unintentionally enable dwellings or sensitive activities to locate too close to existing infrastructure, raising both safety and operational risks.

75. We strongly support moving away from the traditional focus on only enabling or protecting HV infrastructure. Communities rely on the electricity network regardless of voltage, and lower voltage assets often provide critical supply functions in remote or geographically isolated areas. For example, we operate 11kV lines supplying communities on the Coromandel Peninsula that are just as vital as our 66kV inter-substation lines in terms of consumer security of supply.

76. Table 1 in *About Powerco*, highlights the scale and diversity of Powerco's electricity distribution network across voltage ranges and the proportion of the network that is located outside of the transport corridor.

77. In relation to substations, our preference is to continue managing these through the designation process, as this allows greater flexibility across zones and environments. Including substations under the NES could introduce unnecessary complexity and still be subject to the limitations of section 43D of the RMA. However, we consider it vital that the NES-ENA includes provisions to manage incompatible land uses and reverse sensitivity around substations, to ensure ongoing operation, security, and safety are not compromised by nearby development.

Consultation question 42. Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?

78. Yes, we strongly support the inclusion of the **full New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)** into the proposed NES-ENA. It is important that all aspects of the Code are given regulatory visibility, particularly those relating to structures, fencing, excavation, and safe setbacks near electricity distribution infrastructure.

79. We do not consider it necessary for the NES to reference individual sections or tables of NZECP 34. Instead, rules should simply require **compliance with the Code as a whole**. This allows for a clear, enforceable

standard while preserving flexibility for developers and landowners to determine which compliance pathway best suits their needs.

80. For example, Table 2 provides default setback distances that can be used without engineering input, offering a cost-effective and straightforward compliance pathway. In contrast, Table 3 allows for reduced clearances, but requires specific engineering calculations and asset details, potentially enabling higher-density outcomes but at a higher compliance cost. This flexibility is important, as it supports a balance between development opportunity and infrastructure safety.

Consultation question 43. Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?

81. Yes, we support and endorse the proposed NES-ENA as the **most appropriate vehicle** to drive compliance with NZECP 34:2001. In practice, NZECP 34 has limited visibility and is not well known outside of the electricity industry. As a result, compliance is often retrospective, identified only after building consent, design completion, or even when construction has taken place, leading to costly redesigns, network modifications, or unsafe proximity to electricity infrastructure. This reactive approach is inefficient, increases project costs, and does not support a safe or predictable development environment.

82. We believe that the District Plan is the most effective delivery mechanism for improving awareness and compliance. Embedding rules requiring NZECP 34 compliance within the appropriate planning stages, ie at plan level, ensures that risks are identified and addressed before significant capital investment has occurred in design or construction. This approach also protects future homeowners from inheriting potentially costly non-compliance issues in new developments.

83. To be effective, the NES-ENA must ensure that rules referencing NZECP 34 are not simply relegated to the Utilities or Infrastructure chapters of District Plans, where they are unlikely to be seen by most developers or consultants. Instead, compliance requirements must be **clearly and explicitly embedded in zone rules and development standards**, where they are directly encountered by plan users during site design and consenting.

Consultation question 44. Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?

84. Yes, we support the NES-ENA allowing more lenient plan rules for electricity distribution activities. The NES will apply to 29 EDB's operating across a diverse range of geographies, environments, and local planning contexts. Some EDBs operate in just one or two districts, while others operate across nearly 30. This diversity means that a one-size-fits-all regulatory approach may be unnecessarily restrictive in some areas.

85. Allowing more lenient rules within district plans provides the necessary flexibility for councils and EDBs that have already worked together to develop locally tailored provisions based on a shared understanding of network effects, local conditions, and community needs. These existing relationships and planning frameworks should be preserved where they are functioning effectively.

86. Furthermore, enabling leniency also allows for more proportionate regulation in areas where certain environmental constraints (e.g. overlays, sensitive features) may not be present but are captured when applying a national lens. This ensures that regulation is responsive to context while still maintaining the nationally consistent baseline that the NES-ENA provides.

Consultation question 45. Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (eg, when located in a 'natural area').

87. We **do not support** the NES-ENA allowing more stringent plan rules in relation to electricity distribution activities beyond what is already provided for in the national direction framework.

88. One of the core purposes of the NES-ENA is to provide national consistency and remove unnecessary regulatory variation that undermines the efficient operation, maintenance, and development of electricity distribution infrastructure. Allowing plan rules to be more stringent, particularly in broadly defined areas like 'natural areas', risks reintroducing the very uncertainty and inconsistency that the NES is intended to resolve.

89. Electricity distribution infrastructure, particularly existing assets, are often located in areas with natural values. These are not new developments but long-established corridors that require ongoing maintenance, replacement, upgrades, and resilience work. Adding local stringency in such areas would undermine the intent of the NES and compromise network reliability; particularly on networks like Powerco's that span multiple district plans.

90. Even for new infrastructure, a consistent national framework is essential. Distribution networks are locationally constrained and serve critical public functions. Environmental effects can and should be managed through the provisions of the NES itself, without the need for additional local restrictions.

91. Allowing councils to apply more stringent rules risks continuing the cycle of costly plan appeals and mediations that electricity distribution businesses like Powerco are already heavily involved in. This undermines the efficiency and certainty the NES is intended to provide.

Part 2.5 National environmental standards for telecommunication facilities

Consultation question 52. Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?

92. Maximum pole heights – We support option 2.

93. Antennas on buildings – We support option 2.

94. Cabinets in the road reserve – We support the proposed amendments to the activity standards.

95. Antennas – We support the proposed amendments to the activity standards.

Consultation question 53. Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?

96. By their nature, telecommunication facilities need 'line of sight' to function effectively and they can be constrained by the natural and built environment. Powerco is of the view that the proposed provisions strike an appropriate balance between enablement and effects management. It is important to acknowledge that telecommunication facilities provide significant benefits to individuals, businesses, and the community.

Consultation question 54. Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?

97. We are pleased to see additional zones being added to the NES, however it holds concern over height in relation to boundary recession planes potentially being applied in certain zones. In practice this would mean that new facilities would need to be located further into the site in order to be permitted activities, which may be problematic due to existing buildings and structures.

98. We also consider that the leniency provisions in the NES should be expanded to include aerials – if aerials are a permitted activity in a district plan they shouldn't be subject to the NES. Powerco utilises a number of aerials on its electricity network (to enable remote operation), however these often cannot meet the permitted activity requirements of the NES due to their placement on the outer edge of the cross arm. Given the thin dimensions and minimal visual impact of aerials, Powerco considers they can appropriately be subject to a leniency provision.

Consultation question 55. Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?

99. We have telecommunication facilities both within and outside of road reserve. It is important that they are enabled in all locations.

Consultation question 56. Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?

100. We operate our own telecommunication facilities for monitoring and control of our networks and to enable communication with field crews. It is important to note that telecommunication facilities need to be located where coverage is required, so co-location may not always be possible as different networks have different needs. While Powerco does co-locate with other providers in certain locations, there have been instances in the past where space limitations on existing sites have required Powerco to establish new facilities. As such, it is important that the NES acknowledges that co-location is not possible in all circumstances.

Part 2.6 National environmental standards for granny flats

Consultation question 63. Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?

101. The proposed NES-GF does not set rules or standards in relation to certain listed matters, which will continue to be managed through either existing plans or other NES. One listed matter is "setbacks from transmissions lines, railway lines and the National Grid Yard".

102. The risks of electrical fault, fire, or serious injury are heightened with infill housing development such as granny flats, and this risk does not only relate to transmission lines, but all electricity lines. In fact the risk with infill housing is more common for distribution lines. The risk can be addressed by ensuring compliance with the existing Worksafe Electrical Code of Practice for electrical safe distances (ECP34). Compliance with ECP34 also avoids financial impact to home-owners and developers through the need for retrospective compliance or insurance being void.

103. The proposed NES-EN includes rules to manage buildings near both the National Grid Yard (NES-EN R12) and also Electricity Distribution Lines (NES-EN R15), to ensure compliance with ECP34.

104. For clarity, and alignment across the national direction package, Powerco **recommend the NES-GF state that other NES provisions will apply to granny flats in relation to setbacks from all electricity lines**.

105. The NES-EN defines "Transmission line or distribution line". The application clause in the NES-GF should reference:

> "setbacks from **a** Transmission line~~s~~ **or distribution line**, railway lines and the National Grid Yard".

Part 2.7 National environmental standards for papakāinga

Consultation question 66 and 67. What additional permitted activity standards for papakāinga should be included? Which, if any, rules from the underlying zone should apply to papakāinga developments?

106. The proposed NES-P includes a permitted activity standard PAS3 which lists matters that would be determined by the relevant provisions from district or regional plans, or other regulations (NES). PAS3 includes setbacks from waterways and rail corridors, but it does not include setbacks from electricity lines. The proposed provisions explain the list in PAS3 includes rules "necessary to ensure the health and safety of residents".

107. Similar to our comments on the NES-GF, the risks of electrical fault, fire, or serious injury are heightened with more intensive housing development such as papakāinga. Compliance with safe setback distances from electricity lines is critical to "ensure the health and safety of residents" as well as the health and safety of

workers in the construction phase. For clarity and alignment with the NES-GF and NES-EN, we **recommend NES-P PAS3 include**:

- **setbacks from a Transmission line or distribution line**

108. The NES-EN defines "Transmission line or distribution line" and includes the relevant provisions for those setbacks in proposed R12 and R15.

109. The restricted discretionary provisions for papakāinga developments that do not comply with PAS3 would not be appropriate in the case of non-compliance with setbacks from electricity lines. A breach of ECP34 (through the NES-EN) is effectively a prohibited activity and there should be no pathway in the NES-P for consenting such a breach. We **recommend the NES-P either include a new rule to clarify there is no pathway for this element of PAS3 and it would be a prohibited activity; or include a scope provision that setbacks from transmission and distribution lines are wholly addressed in other NES** (as per the way this is addressed in the NES-GF).

Part 2.8 National policy statement for natural hazards

Consultation question 71. Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?

110. We support the NPS-NH specifically addressing 7 hazards: flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami. However, making the NPS "non-limiting" for local authorities to manage natural hazard risk beyond the NPS has the risk of undermining the purpose of an NPS. It will create uncertainty, opportunity for individual council responses on their interpretation of an 'other' hazard or 'application of the NPS' and inconsistency across New Zealand. The proposed provisions of NPS-NH do not define 'flooding', 'coastal inundation' or other key NPS-NH terms creating additional uncertainty with this national direction. We **recommend that the NPS-NH cover all natural hazards to be managed under the RMA, and reference to it being non-limiting be removed**.

111. In response to question 83 whether the NZCPS prevail over the proposed NPS-NH, we see no reason for this explicit weighting. As for other NPS weighting, the NPS-NH and NZCPS should have equal weighting, with decisions to be made based on application of all relevant objectives and policies to a specific decision. We endorse this principle applying to NPS-NH and **recommend removing the statement that the NZCPS prevails**.

Consultation question 72. Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?

112. We agree that management of the risk of natural hazards to infrastructure is not a priority and we **support infrastructure being excluded from the scope** of the NPS-NH. There is no benefit in infrastructure providers such as Powerco being subject to an NPS-NH as infrastructure providers are best placed to assess risk and make decisions about natural hazards. Powerco has comprehensive risk management procedures and rigorous design standards which are specific to our assets and risks, and have been developed and

tested over time. For example ensuring, as a minimum, assets are designed to recognised standards and in some asset instances; to meet or exceed a 0.5% annual exceedance probability. Our risk management and response is undertaken in the context of our regulated obligation to provide electricity services with cost/quality incentives, and also takes account of our obligations as a lifeline utility under the CDEMA – which requires Powerco to deliver services to the fullest extent possible, even though this might be at a reduced level, during an emergency and ensure its plan for functioning during and after an emergency is available.

113. The discussion document suggests that the National Policy Statement for Natural Hazards (NPS-NH) could be expanded in future policy work to cover a broader range of activities. This creates uncertainty for infrastructure providers. If the NPS-NH is intended to apply to infrastructure in the future, it must be fit for purpose. As currently drafted, it is not. For example, it does not adequately accommodate the unique characteristics of linear infrastructure, which must traverse multiple environments due to functional need. Instead, the NPS-NH is more appropriately focused on site-based development, such as urban buildings. We **recommend removing any indication that the NPS-NH could apply to infrastructure in the future**.

Conclusion

114. We support the overall direction of the Package 1 proposals, particularly the introduction of a National Policy Statement and National Environmental Standard for Electricity Networks. We consider this to be a positive and necessary step toward recognising the national significance of the electricity network and enabling its safe, resilient, and efficient operation. Throughout this submission, we have proposed a number of targeted amendments that we believe will strengthen the policy framework and give better effect to the frameworks objectives and policies.

115. We are generally supportive of the wider package of proposals, which align with the strategic needs of the electricity sector. Across several instruments, we have suggested targeted amendments to improve clarity, support implementation, and ensure alignment with electricity network requirements. For the proposed NES for Granny Flats and NES for Papakāinga Housing, we have recommended targeted changes to ensure alignment with electricity network requirements and avoid unintended impacts on people and infrastructure.

116. Should officials require any additional information regarding Powerco or the changes sought above, please do not hesitate to contact us via Adam Du Fall, Head of Environment, Ph +64 6 759 6268, Mobile +64 27 603 0833 or email: planning@powerco.co.nz.

Ngā mihi,

Adam Du Fall
Head of Environment
POWERCO

Powerco has read and acknowledges the Privacy Statement outlined in the Consultation Document dated May 2025.

Appendix 1: NES – EN Definition amendments recommended

Definition	As drafted	Proposed change
D1 Ancillary electricity network activities (ancillary EN activities)	Introduce a new definition for 'ancillary EN activities' that: *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.*	Broaden definition to include 'development' of the network. *means all supporting and subsidiary activities needed to provide for the operation, maintenance, ~~and~~ upgrading, and development 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.*
D6 Customer driven project	Introduce a new definition for 'customer driven projects' that means: 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.	Need to ensure the definition also provides for outcomes sort under Policy 1(2)(e)(iii). Support definition capturing 'new connections to generation or demand, or relocation or undergrounding of assets to enable urban development' but needs to recognise new connections that facilitate electrification of existing and routine customer initiated works such as subdivision and new customer connections, should also be excluded.
D20 Historic heritage item or setting	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.	We consider the alternative option more appropriate and provides greater clarity. means any historic heritage site, building or area *identified within a district or regional plan* and *is* protected by a rule in ~~a~~ *that district or regional* plan because of its historic heritage value, including sites of significance to Māori.
D27 Natural area	Amend the existing definition of natural area that: 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	Same comment as made in relation to Historic Heritage, EN operators need certainty and clarity around these features and recommend the definition be amended to: *means an area that is identified within a district or regional plan and is protected by a rule in ~~a~~ that district or regional plan because it is an outstanding natural feature or landscape, an area of significant indigenous vegetation, or a significant habitat of indigenous fauna.*
D31 Pole	Amend the definition that means: a) a structure that supports conductors as part of a transmission line or distribution line and that—	Suggest that an amendment is made to capture other hardware typically associated with poles ie transformers,

	i. has no more than 3 vertical supports, not including a pole that forms part of a guy wire; and ii. is not a steel lattice structure; and b) includes the hardware associated with the structure (such as insulators, cross-arms, and guy wires) and the structure's foundations; and c) can be made of wood, reinforced concrete, steel, or other material.	voltage regulators etc and also emerging technology ie pole top batteries etc. d) *and includes electricity network assets attached to the structure.*
D32 Routine electricity network activity (Routine EN activity)	Introduce a definition that: means a) activities required for, or associated with, the operation or maintenance of existing EN assets; or b) implements the modern equivalent, substitute, or replacement of the existing EN assets, which may not be 'like for like'; or 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 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 e) the removal, decommissioning, or dismantling of EN assets; and f) all relevant ancillary activities, such as vegetation clearance, tree trimming, and creating, maintaining, and improving access tracks and accessways to EN assets; and g) includes all activities regulated by the NES-ENA, including replacing structures, reconductoring, earthworks, altering or relocating of structures, undergrounding.	Refer to comments made on the same definition for the NPS-EN. d) other upgrades of existing EN assets where the upgrade ~~or other change~~ *does not result in a change to the scale of the activity, other than that provided for in clauses b) and c)* ~~will, once the activity is complete, have no more than minor adverse effects on the environment~~; or
New definition (bring across from the NPS-EN) D9 Electricity Network Asset	Introduce a definition that: means the physical components of EN and all ancillary activities, such as access tracks.	We recommend this definition from the proposed NPS-EN is also included within the NES-ENA to avoid listing all EDN asset types and making it clear that D31 Pole also includes electricity network assets for example pole top batteries, transformers and voltage regulators.

Appendix 2: NES – EN Regulation amendments recommended

Regulation	Consultation changes	Powerco comment
Regulation 23 – Permitted activities **Regulation 24 – Signs**	The proposed changes are to: • 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.	The proposal is to apply regulation 23 and 24 to the EDN. We support this approach especially the permissive nature and removal of size restrictions.
Regulation 25 – Permitted activities **Permitted 26 – Controlled activities** **Permitted 27 – Restricted discretionary activities**	Amend the regulations as follows. Regulation 25 (permitted activities) • Broadening of the regulation to: – 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): – 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). • 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. The proposal is that the overarching EMP must include:	The proposal is to apply regulation 25 and 26 to the EDN. We support this approach. Noting that condition 26(c)(i) of the existing regulation requires a controlled activity consent where blasting occurs within 50m of a water body or the CMA, this is a greater setback than what is proposed as a permitted activity i.e. the permitted rule is works must be setback 20m (for wet blasting) or 10m (for dry blasting) from a waterbody or CMA. the proposed amendments to 26(b) will cover instances where the setbacks for wet and dry abrasive blasting works are not met, including where a management plan has not been provided – recommend this aspect is deleted. We recommend the reference to historic heritage in Regulation 26(3)(a) is deleted as a matter of control.

	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. The proposal is that the SSMP must include: a) the tower name and location (including address and coordinates) 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 c) identification if the structure has previously been painted with lead, and, if so, details on the method and mitigation d) proposed methodology (eg, mechanical preparation, wet blasting, dry blasting) e) timing and duration of work 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 g) proposed monitoring, for example, wind speed and placement of whiteboard markers for drift towards water bodies h) how waste (including solvent rags) and debris will be managed and disposed of i) notification, for example, could be notifying road authority and households within a certain radius of the structure j) location of plant and machinery, containment area of paints and spill kits available k) complaints management and recording procedure l) roles and responsibilities and quality assurance for environmental controls. Regulation 26 (controlled activities) • 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. • Amendments to the matters of control in regulation 26(3), including:	

	– 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. Regulation 27 (restricted discretionary activities) 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)	
Regulation 28 – Permitted activities **Regulation 29 – Controlled activities**	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.	Support this regulation applying to both Transmission and distribution activities.
Regulations 30 – Permitted activities **Regulation 31 – Controlled activities** **Restricted 32 – Restricted discretionary activities**	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: 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. 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: 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: 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. Outside natural areas and notable trees, vegetation clearance would be permitted with no conditions (eg, trimming and clearing grass, pest weeds, exotic vegetation). Remove the existing conditions in regulation 30(3) and 30(4) that require that vegetation clearance:	Regulation 30 is proposed to apply to the EDN as well as the ETN. Support permitting the clearance and trimming of vegetation with the following amendments: (2) any tree or vegetation must not be trimmed, felled, or removed if - *(a) the tree or group of trees have been identified within the relevant district plan and the rules of that plan* prohibit or restrict its trimming, felling, or removal… (3) Any tree or vegetation located on any land must not ne felled or removed if a regional plan controls the use of the land for the purpose of – (a) soil conservation, where the tree or vegetation is required for soil conservation purposes; or In terms of the management plan alternative option, it is preferable that the NES provides clear parameters for necessary vegetation removal / control. A management plan approach could morph into a pseudo controlled activity approach without careful consideration and a templated approach.

	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. However, it is proposed that the conditions in regulation 30(3) and 30(4) are retained. 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: 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. Alternative option – management plan requirements 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: 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.	
Regulation 33 – Permitted activities **Regulation 34 – Controlled activities** **Regulation 35 – Restricted discretionary activities:**	Amend the regulations for earthworks to be a permitted activity in regulation 33 (except for contaminated land) by: • replacing the area thresholds for earthworks undertaken within a natural area in regulation 33(2) with a requirement for earthworks to not be located within a natural area or historic heritage area or place otherwise a controlled activity consent would be required • amending existing regulation 33(3) to require sediment control measures to be implemented when the earthworks	Proposal is to apply these regulations to the EDN as well as the ETN. The proposed amendments have removed the volumetric thresholds from the existing NES-ETA within natural areas and instead proposed a controlled activity for such works, we oppose this approach as it is more restrictive than the status quo in many places. We request this regulation is revisited and that a

historic heritage areas	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. 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: • add matters of control relating to the timing and duration or 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. Alternative option – management plan requirements 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 occur in a natural area or a historic heritage place or area, or a notable tree. The requirements in the management plan could include: • 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	threshold is reintroduced to works within natural areas. We support Transpowers proposed amendments to these regulations (and ensure they extend to the EDN).

	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.	We are concerned with the inclusion of 'potentially' contaminated and support a move to a management plan approach to addressing works on contaminated land, rather than requiring compliance with the NES – CS. The term 'potentially' provides little certainty especially when planning infrastructure projects, suggest this reference is removed. Substations are included in the Hazardous Activity and Industry List and are therefore subject to the provisions of the NES – CS. In practise, soil disturbance and or removal consents require a management plan, and consents offer little in the way of additional protections (they are largely rinse and repeat). A more pragmatic approach to these works would be in take the key elements of the already required soil management plans and shift them into a permitted activity framework. We also recommend volumetric thresholds are introduced to ensure routine activities can be carried out without repetitive consenting requirements: Introduce a disturbance volume of 200m^3 per site and a similar volume of 200m^3 for disposal. A soil management plan remains a requirement and can be either provided to council if requested or provided to council in the form of notification of the works.
Regional rules	R1: River crossings R2: Groundwater take and use, dewatering	We recommend the provisions currently proposed to relate to the

	R3: Stormwater discharges R4: Structures in the coastal marine area (CMA) R5: Works within the bed of a lake or river	Transmission network are extended to the EDN also, as these activities are also common to the EDN.

Part 3: Regulations for Electricity Distribution Network Activities		
R8: Additions to existing EDN assets	**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: • 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). 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.	Recommend that controls on height and width of telecommunication devices is not different for network type (ETN vs EDN). Alternatively, ensure the height and width controls are permitted within the urban environment.
	B: Introduce new regulations that would enable the installation of mid-span poles on existing EDN lines. The regulations would provide for these poles as a permitted activity subject to compliance with the following conditions: • the pole is not greater than 30 m in height above ground level • the pole is required to ensure compliance with NZECP 34:2001 • the pole not located within a natural area or a historic heritage place or area (except where the existing line is located in one of these areas). Mid-span poles on existing EDN lines that do not comply with the permitted activity standards would be a controlled activity. The proposed matters of control would be limited to visual and landscape effects, ecological effects, effects on any natural area or historic heritage place or area, proposed methods to mitigate adverse effects, technical requirements and the functional and operational need of the EDN, benefits to and of the EDN, and effects on health and safety.	We support the proposal for enabling mid span poles, we would recommend that matters of control are amended to refer to effects on natural areas as opposed to the drafted landscape and ecological effects.

	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 NESETA (regulation 11), which are proposed to be retained in the NES-ENA.	Support
R9: Alteration, relocation and replacement of existing EDN assets	**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. The proposed permitted activity standards are as follows. • The EDN asset must be located: - within a land transport corridor; or - outside a natural area or historic heritage place or area (ie, except where the existing ED line is located within one of these areas). • The altered, relocated or replaced EDN assets must not increase the height or width of the existing EDN asset by more than 25%. • The replaced or relocated EDN asset must be within 10 m of the existing location. • Poles must not be replaced with towers. • Restoration and stabilisation of land must be undertaken when existing EDN assets are relocated. • Cabinets must comply with the corresponding permitted noise standards in regulation 24 of the NES-TF if located within road reserve, and otherwise with the noise standards of the underlying zone. Proposed exceptions to these permitted activity conditions being complied with are for specific operational and safety reasons including: • 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. 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	We believe that like-for-like replacement of existing assets should be provided for as a permitted activity, with scope for the replacement asset to be larger in scale under certain circumstances. We understand the percentage threshold included here is what has been traditionally applied in district plans, but this could be restrictive for some replacement activities. An alternative would be to take the approach of the Auckland Unitary Plan which applies the rules for new assets in situations where minor infrastructure upgrades do not meet the required standards for area or distance from the existing asset. In the context of the NESENA, this would mean where the replacement asset exceeds the 25% threshold, Rule R10 would apply instead, as relevant to the specific asset, enabling a wider permitted activity envelope for replacement activities. However, we note that a condition of Rule R10 as currently proposed is that new assets are not located within a natural area or historic heritage area of place, regardless of whether the existing asset is located in that area. This differs from Rule R9 which provides an exception where the existing ED line is located in one of these areas. We recommend the following amendments: Rule R9A Add the following clause 'Where the altered, replaced or relocated asset cannot comply with the size and distance conditions, Rule R10 shall apply as relevant to the specific asset. Rule R10A

	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.	Amend the following clause: 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 or where the line is an alteration, replacement, or relocation of an existing line that cannot meet the size and distance conditions in Rule R9); Rule R10B Amend the following clause: the cabinets are not located within a natural area or a historic heritage place or area (except where the cabinet is an alteration, replacement, or relocation to an existing that cannot meet the size and distance conditions in Rule R9).
	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: • within a land transport corridor • within all other zones provided that any relocated ED line or cabinet is not located within any new 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 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.	Support
R10: The construction of new EDN assets	**B**: Introduce a new regulation to enable new cabinets associated with the EDN to be installed and operated as a permitted activity provided that: • the cabinet is located within a land transport corridor; and - the cabinet(s) are no larger than 1.8 m tall and 6 m2 in area;	We recommend that permissive thresholds already in effect within district plans are adopted for R10(B). We strongly support a size threshold for cabinets and above ground assets of 5m in height and 10m2 in area within the land transport corridor, or otherwise compliance with the zone provisions (provided setbacks are excluded).

	- 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. 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.	A 5m height threshold sounds excessive but this allows for the automation of network equipment and increases in asset sizes due to operating changes – for example the phasing out of SF6 as an insulating medium for ring main units.
R14: Subdivision of site containing overhead EDN lines (Controlled)	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. If the condition above is complied with, the proposed matters of control are: 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.	We support the inclusion of this rule within the proposal and agree with a controlled activity, however we believe that there are two missing matters of control and recommend their inclusion: - earthworks (in relation to ECP34); and - Replacement – this aspect is important and relates directly to (b).
R15: Construction of buildings or structures near overhead EDN lines (Discretionary)	Introduce a new rule to manage buildings and structures within 30 m of EDN lines to ensure these comply with NZECP 34:2001. The rule would provide for the construction of a new building or structure, or alterations or extensions to an existing building or structure within 30 m of the centre line of an overhead EDN line as a permitted activity, provided the construction or alteration complies with the safe distance requirements for poles and towers in NZECP 34:2001.	Support

Appendix 3: Related National Direction Submissions

Powerco also submitted on the following National Direction Packages which contain relevant feedback on other aspects that will support or further hinder the operation, maintenance, upgrading or replacement of the Electricity Distribution Network:

- Package 2: Primary Sector;
- Package 3: Freshwater; and
- Package 4: Going for Housing Growth.