

**DUNEDIN CITY COUNCIL  
APPLICATION FOR RESOURCE CONSENT  
LUC-2025-420  
27 KING STREET, MOSGIEL**

**Panel Direction 3**

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**Provision of additional planning assessment – NPSs**

- [1] We received Ms Bain's assessment (as requested in Panel Direction 2) on 12 February. **See Attachment 1.**
- [2] The Panel invites Mr Moffat (submitter in attendance at the Hearing) to provide any comments on Ms Bain's assessment should he wish to do so. Any comments are to be provided on or before **5pm Wednesday 18 February 2026.**
- [3] As discussed at the Hearing, the Panel invites the Applicant to include any comments it may have on Ms Bain's assessment as part of its Right of Reply, discussed below.

**Applicant's Right of Reply**

- [4] The Applicant's Right of Reply should be limited to responding to matters raised during the hearing by other parties, not introducing new matters.
- [5] The Right of Reply is to be provided on or before **5pm Friday 20 February 2026.**
- [6] On receipt of the Applicant's Right of Reply, we will determine if we have sufficient information to arrive at a Decision before formally closing the Hearing process.

**Correspondence**

- [7] It is requested that all above information is sent to Wendy Collard (Government Support Officer (GSO) at [Wendy.Collard@dcc.govt.nz](mailto:Wendy.Collard@dcc.govt.nz)
- [8] Should any party referred to in this Minute have any queries regarding the process outlined above they are welcome to provide those queries to Wendy Collard (GSO) at [Wendy.Collard@dcc.govt.nz](mailto:Wendy.Collard@dcc.govt.nz) or phone 03 474 3374.

Dated this 13<sup>th</sup> day of February 2026

Signed by:



Rosalind Day-Cleavin  
**INDEPENDENT COMMISSIONER-Chair-on behalf of the Independent Hearing Panel.**

**DUNEDIN CITY COUNCIL  
APPLICATION FOR RESOURCE CONSENT  
LUC-2025-420  
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**Panel Direction 2**

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**Provision of additional planning assessment – NPSs**

- [1] We conducted our initial hearing on 10 February 2026. At the conclusion of our hearing, we verbally directed that additional information and assessment from Ms Bain (s42A Author) would be required.
- [2] Ms Bain's Section 42A report is dated 17 December 2025.
- [3] The Panel notes that at paragraph 90 the Section 42A report states "There are no relevant national policy statements."
- [4] Since the completion of the Section 42A report, the government published a multitude of new and updated national policy statements on 18 December 2025.
- [5] For the avoidance of doubt, we set out the below direction:
- [6] Ms Bain is to review the application against any relevant national direction referenced above, with particular attention to the National Policy Statement for Electricity Networks 2008 (Amended December 2025) and the National Policy Statement for Infrastructure 2025.
- [7] We request provision of this assessment on or before 5pm 13 February 2026.
- [8] On receipt of Ms Bain's assessment, it will be circulated to all Hearing parties, including the Applicant's Legal Counsel (Mr Paine) for comment. We will issue a further Minute at that time setting out our directions for the Applicant's Right of Reply.

Dated this 11<sup>th</sup> day of February 2026

Signed by:



Rosalind Day-Cleavin

**INDEPENDENT COMMISSIONER-Chair-on behalf of the Independent Hearing Panel.**

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**TO:** Independent Hearing Panel

**FROM:** Karen Bain, Associate Senior Planner

**DATE:** 12 February 2026

**SUBJECT:** **MINUTE / DIRECTION 2 FROM THE PANEL – INFORMATION ON THE NATIONAL POLICY STATEMENT FOR ELECTRICITY NETWORKS AMENDMENT 2025**

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## Introduction

The Panel has requested that I *...review the application against any relevant national direction ... with particular attention to the National Policy Statement for Electricity Networks 2008 (Amended December 2025) and the National Policy Statement for Infrastructure 2025.*

The following information is largely based on material sourced from the Ministry for the Environment: Manatū Mō Te Taiao website (see links below).

## Overview

The Government has introduced three new instruments, and amended seven existing ones. The new national policy statements and national environmental standards are:

- Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025
- National Policy Statement for Natural Hazards 2025
- National Policy Statement for Infrastructure 2025

The amended national direction instruments are:

- National Policy Statement for Highly Productive Land Amendment 2025
- New Zealand Coastal Policy Statement Amendment 2025
- National Policy Statement for Indigenous Biodiversity Amendment 2025
- National Policy Statement for Freshwater Management Amendment 2025
- Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025
- National Policy Statement for Renewable Electricity Generation Amendment 2025
- National Policy Statement for Electricity Networks Amendment 2025

The *National Policy Statement for Renewable Electricity Generation Amendment 2025* and the *National Policy Statement for Infrastructure 2025* are discussed below. The remaining new national policy statements and national environmental standards are not considered relevant to this resource consent application process, and are not discussed further in this memo.

## 1. The National Policy Statement for Electricity Networks Amendment 2025 (“NES-EN”)

The NPS-EN was previously named *National Policy Statement on Electricity Transmission 2008*, and is one of the updated national direction instruments under the RMA that came into force on 15 January 2026.

The NPS-EN operates under the RMA; and will also be restructured and incorporated into the new planning system.

The NPS-EN provides a high-level framework that gives guidance across New Zealand for the management and future planning of the national grid. It:

- acknowledges the national significance of the national grid, which has to be considered in local decision making on resource management
- gives guidance to local decision makers in the management of the impacts of the transmission network on its environment
- recognises the national benefits gained from electricity transmission, such as better security of supply of electricity
- guides the management of the adverse effects of activities from third parties on the grid, which helps reduce constraints on the operation, maintenance, upgrading and development of the grid
- ensures long-term strategic planning for elements of the national grid.

The NPS-EN directly affects decision-makers in local government. They have to take it into account when drafting plans and have regard for it when making decisions about resource consents, alongside other considerations under the RMA.

### ***The Amendments***

The purpose of the recent amendments was to:

- Recognise the national significance and benefits of the electricity network
- Provide national direction for the electricity distribution network
- Enable routine work on the electricity network, in all environments
- Manage the adverse effects of the electricity network
- Recognise and provide for Māori interests; and
- Provide stronger protection of the electricity network.

### ***The Objective and Policies of the NPS-EN***

The NPS-EN has one objective, viz:

- (1) The national significance of the electricity network is recognised, protected and provided for, so that the network:*
- (a) is upgraded, improved and resilient to provide for the social, economic and cultural wellbeing of present and future generations and their health and safety;*
- (b) is developed and operated in a timely, efficient and ongoing manner while managing adverse effects from or on the EN; and*
- (c) supports achievement of New Zealand's climate change mitigation and renewable energy targets.*

There are 14 policies, within seven separate categories, which detail how this objective is to be met. These categories are:

1. National significance and benefits of the electricity network (Policies 1-2)
2. Māori interests (Policy 3)
3. Site, route and method selection for electricity network activities (Policy 4)
4. Providing for electricity network activities and managing the effects of proposed electricity network activities on the environment (Policies 5-10)
5. Managing the effects of third parties on the electricity network (Policies 11 and 12)
6. Long-term spatial and strategic planning for the electricity network (Policy 13); and
7. Electric and magnetic fields (Policy 14)

Of these, policies 11 and 12 are, in my view, potentially relevant to the resource consent application to remove scheduled tree T666. These policies state:

**Policy 11**

- (1) *Decision-makers and local authorities must manage adverse effects of activities undertaken by third parties on the EN, including by:*
- (a) *avoiding direct effects on the EN;*
  - (b) *avoiding reverse sensitivity effects on the EN, to the extent reasonably possible; and*
  - (c) *ensuring that the effective operation, maintenance, upgrading and development of the EN is not compromised.*

**Policy 12**

- (1) *To manage adverse effects of activities undertaken by third parties on the EN:*
- (a) *local authorities must identify and map the ETN and other EN assets of national or regional significance within their district, whether or not these are designated;*
  - (b) *decision-makers, as relevant, must engage with the operator of the ETN to implement the buffer corridors, provided in any national environmental standards for electricity networks or similar standards, within which it can be expected that sensitive activities, buildings, earthworks, subdivision and other activities that have the potential to compromise the ETN are to be generally avoided;*
  - (c) *decision-makers, as relevant, must engage with EDN providers to implement the provisions of any national environmental standards for electricity networks or similar standards that protect the EDN from adverse effects of third parties;*
  - (d) *decision-makers must ensure that buildings, structures, earthworks, subdivision and land use activities are designed and located to maintain safe distances from, and allow sufficient space for access to, and maintenance, construction, development and upgrading of EN assets; and*
  - (e) *decision-makers must ensure the nature and location of any proposed trees or vegetation to be planted around the EN do not compromise its function and operation.*

**Assessment – NPS-EN**

The NPS-EN came into force in April 2008, and was in existence before the 2GP. The 2GP includes provisions and controls in respect of network utilities (2GP Section 5) which seek to enable the establishment, operation, maintenance and upgrading of network utilities; and facilitate efficient and effective infrastructure networks in Dunedin.

In addition, the Scheduled Trees Section (Section 7) anticipates removal of a scheduled tree if it is necessary to avoid significant adverse effects on existing infrastructure and network utilities (refer Policy 7.2.1.2.d and assessment rule 7.8.2.1.c.iv).

I consider that, in these provisions, the 2GP has given effect to the NPS-EN (and acknowledge that this assessment should have been included in my Section 42A report). The recent amendments do not appear to have introduced any additional matters that are not already addressed by the 2GP provisions. As such, it is my view that further consideration of the NPS-EN is not required.

In terms of avoiding significant adverse effects on existing infrastructure and network utilities (2GP Assessment Rule 7.8.2.1.iv), the public notification process provides electricity distribution network

providers with the opportunity to submit on applications to remove scheduled trees. In this instance, no such submission was received.

In addition, as noted in my report, the Electricity (Hazards from Trees) Regulations 2003 provide for cutting or trimming trees that encroach on electrical conductors. An electricity distribution network provider may issue a notice to the owner to have a tree trimmed, or cut it back in such a way that if the tree fell over, it would be unlikely to fall onto the power lines. (Any such work on a scheduled tree would nevertheless require a resource consent.)

## **2. National Policy Statement for Infrastructure 2025 (“NPS-I”)**

The NPS-I provides national direction to support the development, maintenance and upgrade of infrastructure across New Zealand. It applies to all decisions made under the RMA affecting the operation, maintenance, renewal and upgrade of existing infrastructure, and to the development of new infrastructure.

The NPS-I does not apply to (underlining added):

- renewable electricity generation activities and assets managed under the National Policy Statement for Renewable Electricity Generation 2011
- the electricity transmission network and electricity distribution network activities and assets managed under the NPS-EN
- the allocation and prioritisation of freshwater.

### ***Assessment – NPS-I***

On the basis that electricity distribution network activities and assets (including powerlines) managed under the NPS-EN are excluded from the NPS-I; and no evidence has been presented to indicate that adverse effects on other infrastructure such as the roading network and the DCC reticulated infrastructure have occurred, I do not consider that further consideration of the NPS-I is required.

## **Conclusion**

In response to the Panel’s request that I review the application against any relevant national direction, I identified the NPS-EN and the NPS-I as being of potential relevance.

Upon further assessment, I concluded that:

1. the 2GP has given effect to the NPS-EN; and that the recent amendments to it have not introduced any additional matters that require further or additional consideration; and
2. consideration of the NPS-I is not required because electricity distribution network activities and assets are managed under the NPS-EN and are excluded from the NPS-I; and no evidence has been presented to indicate that adverse effects on other infrastructure have occurred.



Karen Bain  
**Associate Senior Planner**

## **References**

The information included in this summary was sourced from the following websites:

<https://environment.govt.nz/news/rma-national-direction-updated/>

<https://environment.govt.nz/publications/national-policy-statement-for-electricity-networks/>

<https://environment.govt.nz/acts-and-regulations/legislation/nps-i/>

<https://environment.govt.nz/publications/national-policy-statement-for-infrastructure/>

#### **Other related regulations/standards**

- Electricity (Hazards from Trees) Regulations 2003 (most recent amendment October 2024)  
<https://www.legislation.govt.nz/regulation/public/2003/0375/latest/whole.html>
- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (most recent amendment May 2014, but currently under review)  
<https://www.legislation.govt.nz/regulation/public/2009/0397/latest/DLM2626036.html>