

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-277

UNDER	The Resource Management Act 1991 (Act)
IN THE MATTER	of an appeal under clause 14(1) of Schedule 1 of the Act
BETWEEN	AURORA ENERGY LIMITED Appellant
AND	DUNEDIN CITY COUNCIL Respondent

**NOTICE OF TRANSPower NEW ZEALAND LIMITED'S WISH TO BE PARTY TO
PROCEEDINGS**

DATED 31 JANUARY 2019

 **Simpson Grierson**
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**To: The Registrar
Environment Court
Christchurch**

- 1.** Transpower New Zealand Limited (**Transpower**) gives notice that it wishes to be a party to the appeal by Aurora Energy Limited against a decision of the Dunedin City Council on the Dunedin 2GP District Plan (**2GP**).
- 2.** Transpower is a person who made a submission about the subject matter of the proceedings (submissions 806 and 2453). Transpower either made a submission on the relevant provisions appealed, or the appeal points concern the same topics and issues that are prevalent throughout its submissions.
- 3.** Transpower is also a person who has an interest in the proceedings that is greater than the public generally for the reasons set out in its Appeal (ENV-2018-CHC-249) at paragraphs 5 to 10.
- 4.** Transpower is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
- 5.** Transpower is interested in the parts of the proceedings that may or will affect its ability to operate, maintain, develop and upgrade the National Grid, being those aspects of the appeal set out in **Appendix A**. Transpower's position on the amendments sought by Aurora is also set out in **Appendix A**.
- 6.** The general reasons for Transpower's interest in the proceedings are set out in its Notice of Appeal at paragraphs 13 to 15. In addition and without limiting those reasons, in many instances Transpower considers its Appeal relief gives better effect to the National Policy Statement on Electricity Transmission (**NPSET**) and the Otago Regional Policy Statement (**RPS**), where the amendments sought by Aurora would apply to the National Grid.

7. Transpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 31st day of January 2019



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Appendix A

Parts of the proceeding that Transpower is interested in

PROVISION APPEALED BY AURORA ENERGY	RELIEF SOUGHT BY AURORA ENERGY Additions shown with <u>underline</u> text and deletions shown with striketrough on the Decisions version of the 2GP.	POSITION ON RELIEF
Chapter 1 Definitions		
Regionally Significant Infrastructure / Significant Electricity Distribution Infrastructure	Add definition of <i>Regionally Significant Infrastructure</i> . Necessitates the inclusion of definitions for <i>Electricity Sub-Transmission infrastructure</i> and <i>Significant Electricity Distribution Infrastructure</i> .	Conditional support, in so far as these proposed definitions may have implications for the National Grid.
Functional need	Add new definition of “functional need” as follows: <u>Functional need means the locational, operational, practical or technical needs of an activity including development and upgrades</u>	Support
Chapter 2 Strategic Directions		
New Objective 2.3	Add new Objective 2.3.1A – <u>The social, economic, environmental and cultural benefits of infrastructure are, including Regionally Significant Infrastructure and Significant Electricity Distribution Infrastructure, are [sic] recognised and provided for.</u>	Oppose
New policy 2.3	Add new Policy 2.3.1A.1 <u>Support the safe and efficient operation of the network utilities through rules that:</u> a. <u>Recognise the need for maintenance and upgrading of network utilities to ensure ongoing resilience and efficiency;</u>	Oppose to the extent the relief proposed conflicts with Transpower’s own relief and/or to the extent the relief undermines the NPSET.

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	b. Recognise the functional needs of the network utility c. <u>Encourage co-location of facilities where operationally and technically feasible;</u> d. <u>Where appropriate identify network utility corridors to protect network utilities;</u> e. <u>Recognise and protect existing network utilities, particularly Regionally Significant Infrastructure and Significant Electricity Distribution Infrastructure by managing land use, development and subdivision in locations that could compromise the functioning of the network utility.</u>	
Policy 2.3.1.7	Amend Policy 2.3.1.7 as follows: “Enable network utilities through: a. Identifying National Grid infrastructure, <u>Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure</u> on planning maps and protecting the safe and efficient establishment, operation and upgrading of this infrastructure from inappropriate development; b. Rules that enable network utilities to be established, operated and upgraded efficiently and effectively; c. <u>Manage the adverse effects of network utilities on the environment, whilst recognising their functional needs;</u> d. Rules that require activities that may damage <u>or compromise functionality</u> or impede access to network utilities, and activities that may be sensitive to their effects to be set back an adequate distance from network utilities.	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief.
Chapter 5 Network Utilities		
5.1 Introduction	Amend introduction, refer to Notice of appeal.	Oppose

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Objective 5.2.1	Amend Objective 5.2.1 as follows: Network utility activities, including renewable energy generation activities, are able to establish, operate and upgrade efficiently and effectively while <u>avoiding, remedying and mitigating</u>, as far as practicable, any adverse effects on the amenity and character of the zone <u>or on the values associated with an overlay zone, scheduled site, or mapper area.</u>	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief.
Policy 5.2.1A	Amend as follows: “Enable network utility activities throughout the city where effects can be adequately managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas.”	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief. Transpower considers its relief gives better effect to the NPSET and the RPS.
Add new Policy	Add new policy as follows: <u>Provide for a range of network utilities to operate throughout Dunedin by recognising:</u> a. <u>The functional needs of the network utilities;</u> b. <u>The complexity of network utility services and the importance of managing them in an integrated way;</u> c. <u>The benefits of resilient network utilities for the community from an economic, social perspective and for health and safety purposes;</u> d. <u>The need for network utility operators to be able to respond quickly to service interruptions, particularly during natural disasters.</u>	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief.
Policy 5.2.1.7	Amend Policy 5.2.1.7 as follows: Require substations, underground or internal network utilities and network utility structures – small scale to be located, designed, and operated to ensure	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief

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	all risk to health and safety is avoided, or reduced as far as practicable, whilst <u>having regard to the functional needs of the network utility.</u>	
Policy 5.2.1.11 (this is Policy 5.2.1.5 in the Decisions Version)	Amend as follows: Allow network utility structures – large scale (in all zones), network utility poles and masts – small scale in residential and recreation zones and substations (on than in industrial zones) where the activity is designed and located to avoid, <u>or if avoidance is not practicable having considered the functional needs of the network utility, adequately mitigate:</u> a. Adverse effects on the visual amenity and character of the zone in which the activity is located; b. Adverse effects on the amenity of the surrounding residential activities	Oppose. If Transpower does not achieve its primary relief and this policy applies to the National Grid, the provision will not give effect to the NPSET.
Policies 5.2.2.2, 5.2.2.3 and 5.2.2.4	Amend Policies 5.2.2.2, 5.2.2.3 and 5.2.2.4 to include reference to Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure. Delete reference to “network utilities activities” from Policy 5.2.2.2.	Oppose to the extent the relief undermines, the NPSET.
Policy 5.2.1.2	Reinstate Policy 5.2.1.2 (at 5.2.2.1A) and amend it as follows: Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the National Grid infrastructure Electricity Sub-transmission infrastructure and Significant Electricity Distribution Infrastructure or, where avoidance is not <u>practicable</u> ensure any adverse effects would be insignificant.	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief

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Rule 5.3.2.10 – Network Utility Structures – Large Scale ¹	Amend Rule 5.3.2.10 as follows: a. Activity status in Res and Rec zone revert to RD b. Activity status in all other zones revert to RD	Oppose, as conflicts with Transpower’s relief.
Rule 5.3.2.10 – Network Utility Structures – Large Scale ²	Ament Rule 5.3.2.10 as follows: ... c. Activity status in ONF, HNCC and ONCC be changed to D	Support, as consistent with Transpower’s relief
Rule 5.6.1 – Setbacks from National Grid	Amend activity status to permit network utilities in the National Grid Yard.	Oppose. Aurora’s relief will remove the requirement to meet NZECP 34:2001 as a standard. In addition, the relief would provide for permitted activity status for all Network Utilities, not just Aurora’s infrastructure.
New Definition of Electricity Sub- Transmission or Significant Electricity Distribution	New Definition: <u>Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor:</u> <u>Means the area measured either side of the centre line of above ground Electricity Sub-Transmission Infrastructure or above ground Significant Electricity Distribution Infrastructure as follows:</u> a. <u>9.5m from 110kV</u>	Oppose. Transpower opposes the use of proposed new definition and Rule 5.6.3, and any consequential changes, to the extent the provisions are relying on the NPSET to manage effects from third parties on the Electricity Sub-Transmission Infrastructure and Significant Electricity Distribution Infrastructure.

- 1 It is recorded that Transpower’s Appeal, in relation to Rule 5.3.2 also refers to Rule 5.3.2.10. This is the provision number in the marked up version of the 2GP decisions version, but on the clean version of the 2GP decisions, the rule reference is 5.3.2.16.”
- 2 It is recorded that Transpower’s Appeal, in relation to Rule 5.3.2 also refers to Rule 5.3.2.10. This is the provision number in the marked up version of the 2GP decisions version, but on the clean version of the 2GP decisions, the rule reference is 5.3.2.16.”

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Infrastructure Corridor Rule 5.6.3 – Setbacks from Electricity Sub-transmission and Significant Electricity Distribution Infrastructure	b. <u>9.5m from 66kV</u> c. <u>8.5 from 33kV</u> d. <u>5m from 11kV</u> <u>Note: lines with spans greater than 125m may require greater setbacks than set out above in order comply with NZECP34.</u> New Rule 5.6.3: <u>Set back from Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure (buildings structures and activities)</u> a. <u>National Grid Sensitive Activities must be established outside of any Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor</u> b. <u>Buildings and structures for activities other than National Grid Sensitive Activities that comply with NZECP34 (where the prior written consent of the electricity infrastructure owner is not needed to meet those requirements).</u> c. <u>Subdivision of any land subject to a Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor.</u> d. <u>Earthworks</u> e. <u>Activities that contravene the performance standards in paragraph a above are non-complying activities.</u> f. <u>Activities that contravene the performance standards in paragraph b and c above are restricted discretionary. The relevant performance standards are A.a. and b.and 5.7.4</u>	

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Rule 5.7 – Assessment of Restricted Discretionary Activities	...3. Rule 5.7.4 applies to performance standards for setback from the National Grid, <u>network utilities and to activities within the Electricity Sub-transmission or Significant Electricity Distribution Infrastructure Corridor.</u> ...	Oppose, to the extent that the relief conflicts with Transpower's primary relief.
Chapter 10 Natural Environment		
Policy 10.2.3.2	...With respect to substations and network utility structures – large scale, if due to the functional needs of the infrastructure effects cannot be reduced so as to be insignificant they must be remedied and mitigated to the extent practicable, including offsetting."	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief. Transpower's relief gives better effect to the NPSET and the RPS. Oppose the relief to the extent that it requires mandatory offsetting in relation to the National Grid.
Policy 10.2.3.Y	Amend Policy 10.2.3.Y as follows: Only allow public amenities, substations, network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, natural hazard mitigation activities and transportation activities in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix 5 are avoided, or if avoidance is not practicable: a. Insignificant, or b. Where, <u>having regard to the functional needs of the activity</u> there are no practicable alternative locations, <u>effects must be</u> adequately mitigated.	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief. Transpower's relief gives better effect to the NPSET and the RPS.

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Policy 10.2.5.4 ³	... <u>With respect to substations and network utility structures – large scale, if due to the functional needs of the infrastructure effects cannot be reduced so as to be insignificant they must be remedied and mitigated to the extent practicable, including offsetting.</u>	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief. Transpower's relief gives better effect to the NPSET and the RPS. Oppose the relief to the extent that it requires mandatory offsetting in relation to the National Grid.
Policy 10.2.5Z	Only allow large buildings and structures, earthworks – large scale, public amenities, substations, network utility poles and masts – small scale, hydro generators – small scale, solar panels small scale, wind generators – small scale, network utility structures – large scale, transportation activities and natural hazard mitigation activities in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix 3 are:⁴ c. Insignificant, or d. <u>Where, having regard to the functional needs of the activity there are no practicable alternative locations, effects must be adequately mitigated.</u>	Conditional support, in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief. Transpower's relief gives better effect to the NPSET and the RPS.

³ Note that the numbering of this policy in the appeal does not correspond with the decisions version which does not relate to network utilities or substations.

⁴ Note that the numbering set out here is from Aurora's Notice of Appeal, the marked up decision version shows these as a. and b. The clean Decisions Version numbers this policy as 10.2.5.8.