

In the Environment Court
At Christchurch

ENV-2026-CHC-048

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991

In the matter of an appeal under clause 14(1) of Schedule 1 of the Act

Between **THE ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

And **TIMARU DISTRICT COUNCIL**

Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS ON BEHALF OF
TRANSPOWER NEW ZEALAND LIMITED**

Dated: 27 May 2026



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To: The Registrar
Environment Court
Christchurch

1. Transpower New Zealand Limited (**Transpower**) gives notice that it wishes to become party to the appeal by Royal Forest and Bird Protection Society (**Forest and Bird**) against the decisions of the Timaru District Council (**Council**) on the Timaru Proposed District Plan (**PDP**).
2. Transpower is a person who made a submission about the subject matter of the proceedings (submissions #159 and further submission #159.1FS – 159.89FS). Transpower either made a submission on the relevant submissions appealed, or the appeal points concern the same subject matter 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 interest that the general public has for the reasons set out in its Appeal ENV-2026-CHC-045 at paragraphs 5 to 11.
4. Transpower is not a trade competitor for the purposes of section 308D or 308CA of the Resource Management Act 1991 (**RMA**).
5. Transpower is interested in the appeal points advanced by Forest and Bird in relation to SD-O2, the EI Chapter Introduction, EI-O2, EI-P2, EI-P5, EI-P6, EI Rules Section A, EI-R10, ECO-P1, ECO-P3, ECO-P4, ECO-P5, ECO-P8, ECO-R1, NFL-P4, CE-O5, CE-P9, and CE-R7, as set out in **Appendix 1** to this notice.
6. All relief sought is opposed or conditionally opposed, except for one point of relief that is supported. Reasons for its position on the Forest and Bird appeal include that parts of the proceedings may or will affect its ability to operate, maintain, develop and upgrade the National Grid, and may or will not give effect to the National Policy Statement on Electricity Networks (**NPS-EN**). Transpower's reasons for its position also include that the relief sought in the proceedings may or will conflict with the relief included in its Appeal.

7. Transpower agrees to participate in mediation or other alternative dispute resolution for this proceeding.

DATED this 27th day of May 2026



S J Scott / S L Richardson
Counsel for Transpower New Zealand
Limited

Address for service of interested party

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Appendix 1: Appeal points to join

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
<p>Strategic Directions SD-O2 The Natural and Historic Environment</p>	<p>Delete the words "outside the National Grid" from SD-O2(5) and (6).</p>	<p>Oppose.</p> <p>Transpower has also sought the deletion of these words in its Notice of Appeal, but that relief is alongside separate relief seeking a new limb in SD-O2 that would apply to the National Grid.</p> <p>The effect of the Forest and Bird relief is different – in that SD-O2(5) and (6) would apply to the National Grid. That approach is more stringent than required by higher order instruments and does not give effect to those instruments.</p>
<p>Energy and Infrastructure Chapter – Introduction</p>	<p>Under "Give effect to the following national documents, remove the reference to the NZCPS: "3. the New Zealand Coastal Policy Statement 2010 (NZCPS)."</p> <p>Add the explanation of the objective and policy relationship with zone chapters (from Policy IE-P6) to the EI introduction.</p> <p>Add an explanation of the relationship with Overlay chapters similar to that set out in the overview of the NFL chapter: <u>Except for the Port of Timaru operations, when considering activities involving regionally significant infrastructure or lifeline utilities, in the event of a conflict between the objectives and policies of this chapter and those of a zone chapter, the objectives and policies of this chapter are to be given greater weight.</u> <u>The rules within Part 2 District-Wide Matters chapters also apply to regionally significant infrastructure and other infrastructure. When considering any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure, the objectives and policies of both this chapter and those relating to overlays and areas set out under Policy EI-P2(1)(a) in other chapters also apply.</u></p>	<p>Oppose.</p> <p>The relief sought in respect of giving effect to the New Zealand Coastal Policy Statement (NZCPS) is contrary to Transpower's Appeal relief that EI-P5 gives effect to the NZCPS. This is also a statutory requirement.</p> <p>Similarly, the replacement text is opposed because it has the potential to conflict with Transpower's relief on EI-P5.</p>
<p>EI-O2 Adverse effects of Regionally Significant Infrastructure</p>	<p>Delete EI-O2: Adverse effects of infrastructure, including regionally significant infrastructure and lifeline utilities</p>	<p>Oppose.</p> <p>Transpower supports EI-O2, in particular clause (3). Its deletion would leave the associated policies (in particular EI-P5) without a supporting objective that addresses the adverse effects of infrastructure.</p>
<p>EI-P2 Managing adverse effects of regionally significant infrastructure and lifeline</p>	<p>Split Policy EI-P2 into two parts and amend as follows (appeal relief shown in blue text):</p>	<p>Oppose.</p>

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
utilities and other infrastructure	<p>EI-P2³⁵ Managing adverse effects of Regionally Significant Infrastructure and Lifeline Utilities³⁶ and other infrastructure in sensitive environments</p> <p>1⁵⁴ Except where provided for by Policy EI-P5,⁵⁵ provide for regionally significant infrastructure and lifeline utilities⁵⁶ and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid adverse effects on the identified values and qualities of locating activities within or adjacent to Outstanding Natural Landscapes (ONLs), and Outstanding Natural Features (ONFs), Visual Amenity Landscapes (VALs), the coastal environment outside of urban zoned areas⁵⁷, Significant Natural Areas (SNAs) listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna, HNWB, SASM, historic heritage, cultural, and archaeological areas, riparian margins, Long-Tailed Bat Habitat Protection Areas⁵⁸ and notable trees, in accordance with the relevant Part 2—District Wide provisions applying to those areas unless functional needs or operational needs require that such infrastructure must be located in these areas:</p> <p>b. Where due to functional needs or operational needs, regionally significant infrastructure and lifeline utilities and other infrastructure must be located in the environments identified in clause 1(a), and trigger a resource consent under those district wide provisions,⁵⁹ other than where 1(cx) or 1(cy) applies, manage adverse effects in the following way:</p> <ul style="list-style-type: none"> i. adverse effects are avoided where practicable; and ii. where adverse effects cannot be avoided, they are remedied where practicable; and iii. where adverse effects cannot be remedied, they are mitigated where practicable; and iv. where more than minor residual adverse effects cannot be avoided, remedied, or mitigated offsetting is provided where possible; and v. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and vi. if compensation is not appropriate, consider whether the activity itself should be avoided.⁶⁰ <p>(cx). In the coastal environment manage adverse effects in accordance with Policies 11, 13 and 15 of the NZCPS.</p> <p>(cy) where the RSI activity does not have significant regional or national benefits as required under clause 3.11 of the NPSIB, avoid adverse effects on the matters under clause 3.10(2).</p>	<p>While amendments to EI-P2 are not relevant to Transpower because the relief retains the exclusion for the National Grid in that Policy, the new EI-P2X Policy sought by Forest and Bird that would apply to 'all environments' does not include the same exclusion since it does not refer to EI-P5.</p> <p>Transpower would be neutral on new EI-P2X if it included the same exclusion for the National Grid.</p> <p>In respect of the overall relief in the appeal point, Transpower's interest is that any changes also give effect to the NPS-EN.</p>

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
	<p data-bbox="432 188 1384 236"><u>EI-P2X</u> <u>Managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure in all environments</u></p> <p data-bbox="483 252 1384 678"> <u>1.e. in all environments (including the environments described in 1(a)) managing adverse effects in accordance with relevant provisions in Part 2 District Wide chapters and by</u> <ol style="list-style-type: none"> <li data-bbox="528 304 1384 352">i. <u>managing⁶¹ the height, bulk and location of all infrastructure, taking into account⁶² the role, function, character and identified qualities of the underlying zone; and</u> <li data-bbox="528 360 1384 464">ii. <u>requiring compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity⁶³; and</u> <li data-bbox="528 472 1384 520">iii. <u>requiring the undergrounding of network utility lines⁶⁴ in new areas of urban development; and</u> <li data-bbox="528 528 1384 576">iv. <u>minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and</u> <li data-bbox="528 584 1384 647">v. <u>requiring other infrastructure to adopt sensitive design to integrate within the site, and existing built form and/or landform, and to take into account⁶⁵ the character and qualities of the surrounding area;</u> <li data-bbox="528 655 1384 678">vi. <u>recognising the functional needs or operational needs of the infrastructure.</u> </p> <p data-bbox="450 703 1384 1118"> <u>2. When recognising the functional needs⁶⁶ or operational needs of regionally significant infrastructure, lifeline utilities⁶⁷ and other infrastructure activities, regard must be had to:</u> <ol style="list-style-type: none"> <li data-bbox="483 775 1384 823">a. <u>the extent to which adverse effects have been addressed through site, route or method selection; and</u> <li data-bbox="483 831 1384 853">b. <u>the need to quickly repair and restore disrupted services; and</u> <li data-bbox="483 861 1384 909">c. <u>the impact of not operating, repairing, maintaining, replacing,⁶⁸ upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and</u> <li data-bbox="483 917 1384 940">d. <u>the time, duration or frequency, scale and extent of adverse effects; and</u> <li data-bbox="483 948 1384 1118"> <ol style="list-style-type: none"> <li data-bbox="528 963 1384 986">i. <u>the complexity and connectedness of the networks and services;</u> <li data-bbox="528 994 1384 1016">ii. <u>the potential for co-location and shared use of infrastructure corridors;</u> <li data-bbox="528 1024 1384 1072">iii. <u>the extent to which there are feasible alternative sites, routes or methods available;⁶⁹</u> <u>and</u> <li data-bbox="528 1080 1384 1118">f. <u>for renewable energy generation, the need to locate where the natural resources occur.</u> </p> <p data-bbox="432 1174 1592 1238">Make other amendments to ensure other relevant provisions in Part 2 District Wide provisions are considered and to give effect to Policies 11, 13 and 15 of the NZCPS and Clause 3:10(2) and cl. 3.11 of the NPSIB.</p>	

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
<p>EI-P5 Managing adverse effects of the National Grid</p>	<p>Make amendments to Policy EI-P5, including the first sentence, clause 2, clause 3 and 3(a) to clarify the policy. Add new clauses 3(f) and 3(g) to address residual effects and consideration of biodiversity offsetting or compensation for any significant residual adverse effects on indigenous biodiversity (appeal relief shown in blue text):</p> <p>EI-PX5 Managing adverse effects of the National Grid⁷⁵</p> <p><u>Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by while:</u></p> <ol style="list-style-type: none"> <u>1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets; and</u> <u>2. providing for new, or upgrades that are more than minor to, the National Grid; while by</u> <ol style="list-style-type: none"> <u>a. in urban environments, minimising adverse effects on urban amenity and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities; and</u> <u>b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required⁷⁶ to protect the special values and characteristics of those areas; and</u> <u>c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following:</u> <ol style="list-style-type: none"> <u>i. SNAs significant natural areas listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</u> <u>ii. ONFs and ONLs outstanding natural features and landscapes listed in SCHED8 and SCHED9; and</u> <u>iii. HNWB High Naturalness Waterbodies Areas; and</u> <u>iv. areas of high or outstanding natural character; and</u> <u>v. historic heritage items sites and historic heritage areas listed in SCHED3-4; and</u> <u>vi. SASM sites and areas of significance to Kāi Huirapa listed in SCHED6; and</u> <u>viii. VALs visual amenity landscapes listed in SCHED10; and</u> <u>ix. Long-Tailed Bat Habitat Protection Areas listed in SCHEDXX⁷⁷; and</u> <u>3. where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2)(c), remedy or mitigate adverse effects having regard to:</u> <ol style="list-style-type: none"> <u>a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedying or mitigating adverse effects the location of National Grid activities; and</u> <u>b. the extent to which significant adverse effects are avoided; and</u> <u>c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection; and</u> <u>d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade; and</u> <u>e. the extent to which adverse effects on urban amenity have been minimised; and</u> <u>f. the scale of residual effects remaining after measures to avoid, remedy or mitigate adverse effects and the protection of areas listed in (2)(c); and</u> <u>g. for any significant residual effects on indigenous biodiversity, consider whether biodiversity offsetting or biodiversity compensation is appropriate.</u> <u>4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3); and</u> <u>5. prevailing clause 2(c) over SASM-P5, SASM-P6, and SASM-P7 and SASM-8⁷⁸ in the event of conflict; and</u> <u>6. prevailing clause 2(c) over NATC-P4 and NATC-P6 in the event of conflict; and</u> <u>7. using substantial upgrades of transmission infrastructure as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.</u> 	<p>Oppose.</p> <p>The relief conflicts with the relief sought in Transpower's Appeal in relation to EI-P5.</p> <p>The relief reads Policy 8 of the NPS-EN narrowly and without considering Policy 7. The appeal also appears to apply the NPS-IB to the National Grid.</p>

Provision appealed	Appellants relief sought	Transpower's position on relief and reason												
EI-P6 Application of Provisions	<p>Delete policy EI-P6 and move this explanation of the objective and policy relationship with zone chapters to the EI introduction. Add an explanation of the relationship with Overlay chapters similar to that set out in the overview of the NFL chapter.</p> <p>Insert:</p> <p>Except for the Port of Timaru operations , when considering activities involving regionally significant infrastructure or lifeline utilities, in the event of a conflict between the objectives and policies of this chapter and those of a zone chapter, the objectives and policies of this chapter are to be given greater weight.</p> <p>The rules within Part 2 District-Wide Matters chapters also apply to regionally significant infrastructure and other infrastructure. When considering any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure, the objectives and policies of both this chapter and those relating to overlays and areas set out under Policy EI-P2(1)(a) in other chapters also apply.</p>	<p>Oppose.</p> <p>The relief conflicts with the relief in Transpower's Appeal.</p> <p>The direction in EI-P6 is intended to apply to the relationship between the EI chapter and zone chapters. The relief is wider in scope, by addressing other district-wide chapters.</p>												
EI Rules Section A	<p>Seeks that the heading of the rule table is amended to clarify the scope of Section A rules:</p> <p><i>Section A - Rules for Energy and Infrastructure Activities (not otherwise listed in other Sections of this EI chapter Rules, Sections B to G)</i></p>	<p>Support.</p> <p>Transpower supports this relief as it improves the clarity as to the scope of rules under section A.</p>												
EI-R10 New overhead lines and associated support structures that convey electricity excluding customer connections	<p>Amend EI-R10 so that permitted activity status only applies outside the coastal environment.</p> <p>Add a matter of discretion for "any adverse effects on the coastal environment."</p> <table border="1" data-bbox="427 948 1344 1238"> <tr> <td data-bbox="427 948 551 1003">EI-R10</td> <td colspan="2" data-bbox="551 948 1344 1003">New overhead lines and associated support structures that convey electricity excluding customer connections</td> </tr> <tr> <td data-bbox="427 1003 551 1099">General Rural Zone</td> <td data-bbox="551 1003 960 1099">Activity status: Permitted Where:</td> <td data-bbox="960 1003 1344 1099">Activity status when compliance not achieved: Restricted Discretionary</td> </tr> <tr> <td data-bbox="427 1099 551 1203">General Industrial Zone</td> <td data-bbox="551 1099 960 1203">PER-1 EI-S1 is complied with and PER-2 the activity is outside the coastal environment.</td> <td data-bbox="960 1099 1344 1203">Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. 2. Any adverse effects on indigenous biodiversity in the coastal environment</td> </tr> <tr> <td data-bbox="427 1203 551 1238">Port Zone</td> <td colspan="2" data-bbox="551 1203 1344 1238"></td> </tr> </table>	EI-R10	New overhead lines and associated support structures that convey electricity excluding customer connections		General Rural Zone	Activity status: Permitted Where:	Activity status when compliance not achieved: Restricted Discretionary	General Industrial Zone	PER-1 EI-S1 is complied with and PER-2 the activity is outside the coastal environment.	Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. 2. Any adverse effects on indigenous biodiversity in the coastal environment	Port Zone			<p>Oppose.</p> <p>In respect of Regionally Significant Infrastructure (RSI), the relief is not necessary because there are rules in the Coastal Environment chapter for RSI. The relief should be refined to reflect this and prevent duplication or overlap.</p>
EI-R10	New overhead lines and associated support structures that convey electricity excluding customer connections													
General Rural Zone	Activity status: Permitted Where:	Activity status when compliance not achieved: Restricted Discretionary												
General Industrial Zone	PER-1 EI-S1 is complied with and PER-2 the activity is outside the coastal environment.	Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. 2. Any adverse effects on indigenous biodiversity in the coastal environment												
Port Zone														

Provision appealed	Appellants relief sought	Transpower's position on relief and reason				
<p>ECO-P1 Assessment and identification of significant indigenous biodiversity</p>	<p>Add a new ECO-PX providing direction for areas identified as meeting APP5 criteria that are not included in SCHED7.</p> <table border="1" data-bbox="432 220 1391 325"> <tr> <td data-bbox="432 220 584 325">ECO-PX</td> <td data-bbox="584 220 1391 325">Protection of significant indigenous biodiversity outside Significant Natural Areas</td> </tr> </table> <p data-bbox="432 352 1386 440">Have particular regard to ECO chapter objectives and policies, including those relating to SNAs, in consenting processes for activities in areas that meet the APP5 criteria but are not included in SCHED7.</p> <p>Amend ECO-P1 as follows:</p> <table border="1" data-bbox="432 528 1357 600"> <tr> <td data-bbox="432 528 573 600">ECO-P1</td> <td data-bbox="573 528 1357 600">Assessment and identification of Significant Natural Areas significant indigenous biodiversity</td> </tr> </table> <p>Identify SNAs Significant Natural Areas by:</p> <ol style="list-style-type: none"> 4. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and 5. including SNAs Significant Natural Areas on the planning maps and in SCHED7 - Schedule of Significant Natural Areas. 	ECO-PX	Protection of significant indigenous biodiversity outside Significant Natural Areas	ECO-P1	Assessment and identification of Significant Natural Areas significant indigenous biodiversity	<p>Oppose.</p> <p>Given the broad nature of proposed policy ECO-PX and its protection directive, Transpower's interest is ensuring that the National Grid specific policy EI-P5 and its Appeal Relief on EI-P5 is not compromised by this relief.</p>
ECO-PX	Protection of significant indigenous biodiversity outside Significant Natural Areas					
ECO-P1	Assessment and identification of Significant Natural Areas significant indigenous biodiversity					
<p>ECO-P3 Protection of indigenous biodiversity in sensitive areas</p>	<p>Add: new clause 5 to ECO-P3: <u>"5. areas of indigenous vegetation that provide habitat for Threatened, At Risk or locally uncommon species."</u></p>	<p>Oppose.</p> <p>ECO-P3 is not about significant indigenous biodiversity. The new clause is very directive as it would requires that indigenous biodiversity is 'protected', and the inclusion of the sought clause would significantly widen its application.</p> <p>Transpower's position could be neutral if Transpower's relief on EI-P5 is agreed to.</p>				
<p>ECO-P4 Protection for long-tailed bats</p>	<p>Add new clause 3 to ECO-P4: <u>"3. managing adverse effects on long tailed bats both within and outside the Overlay."</u></p>	<p>Oppose.</p> <p>The policy is very directive as it requires that long-tailed bats are 'protected', and the inclusion of the sought clause would significantly widen its application.</p> <p>Transpower's position could be neutral if Transpower's relief on EI-P5 is agreed to.</p>				

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
ECO-P5 Protection of Significant Natural Areas	<p>Amend ECO-P5 to move the exclusion of ECO-P2 to an inclusion as the first clause in the policy.</p> <p>Remove the reference to outside the coastal environment in clause 1.</p> <p>Add a requirement for RSI and other infrastructure to be in accordance with ECO-P8.</p> <p>Move the provision for National Grid to a new clause 3.</p> <p>ECO-P5 Protection of Significant Natural Areas</p> <p>Except as provided for in ECO-P2¹⁹⁰, a Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:</p> <p>A1. are provided for under ECO-P2; or</p> <p>4. are outside the coastal environment and¹⁹¹ can be undertaken in a way that protects the identified ecological values; and or¹⁹²</p> <p>5. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure <u>and within the coastal environment in accordance with ECO-P8; or</u></p> <p>3. are for the National Grid, and it can be demonstrated that adverse effects are managed in accordance with EI-PX5 Managing adverse effects of the National Grid¹⁹³.</p>	<p>The relocation of the reference to ECO-P2 does not alter the intent of the policy – any relocation is not opposed.</p> <p>However, the changes to the policy are opposed given that Transpower also opposes Forest and Birds relief on EI-P5 and ECO-P8.</p>
ECO-P8 Indigenous biodiversity in the coastal environment	<p>Amend ECO-P8 to remove the ECO-P2 exception and to add provision for protection of indigenous biodiversity:</p> <p>ECO-PX8 Indigenous Biodiversity in the Coastal Environment¹⁹⁵</p> <p>In the coastal environment, except as provided for in ECO-P2, provide for the protection of indigenous biodiversity by, avoiding adverse effects of activities on:</p> <ol style="list-style-type: none"> 1. indigenous taxa that are listed as threatened or at-risk in the New Zealand Threat Classification System lists; and 2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; and 3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and 4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and 5. areas containing nationally significant examples of indigenous community types; and 6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and <p>avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on:</p>	<p>Oppose.</p> <p>The exception for ECO-P2 should be retained. In particular Transpower supports the coverage of ECO-P2 in respect of clearance for health and safety and well-being reasons, including by enabling clearance of (5) “for the operation, maintenance, repair or minor upgrade of the National Grid”.</p>

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
ECO-R1 Clearance of indigenous vegetation	<p>Amend ECO-R1 heading by moving the exceptions for ECO-R2 and R3 activities from the heading into a note below permitted standards within rules ECO-R1.1 and ECO-R1.2 and as a note relating only to National Grid ECO-R3 under ECO-R1.3. Amend ECO-R1 heading by deleting the exception for ECO-P6 activities.</p> <p>ECO-R1 Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, or ECO-R3 for National Grid activities or ECO-RX6 for restoration or enhancement of a Significant Natural Area)¹⁹⁷</p> <p>This rule does not apply to indigenous vegetation clearance for National Grid activities which are addressed under ECO-R3 or for flood protection works which are addressed under ECO-R2</p>	<p>Oppose in part.</p> <p>Transpower understands that the appeal point considers that there is a 'gap' in the rules that do not cover clearance associated with the National Grid when outside of overlays/Significant Natural Areas. This is because Rule ECO-R3 only relates to clearance in certain "overlay" areas.</p> <p>However, Transpower's understanding of ECO-R1 (decisions version) is that ECO-R1 would apply because the exemption is 'except as provided for' and therefore if a particular activity is not covered in ECO-R3, ECO-R1 would apply.</p> <p>Transpower is not opposed to this being made clearer.</p>
NFL-P4 Protecting Outstanding Natural Features and Outstanding Natural Landscapes	<p>Amend Policy NFL-P4: "X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 <u>and in accordance with NFL-P5 within the coastal environment</u>, or for the National Grid, EI-PX5."</p> <p>Add new Policy NFL-P5 to incorporate Policy 15(b) of the NZCPS: <u>"NFL-P5 Other natural features and landscapes in the coastal environment: Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment."</u></p> <p>Include matters of discretion into all CE RDIS rules to ensure that new policy NFL-P5 and NFL-P4 are considered in consent processes. (see amendments in Appendix 3 CE-R1.2, CE-R2, CE-R3, CE-R4.2, CE R4.3 CE-R6.1, CE-E6.2, CE-R7, CR-R4.1, CE-R10)</p>	<p>Oppose.</p> <p>The appeal relief conflicts with the relief sought in Transpower's submission. Transpower opposes proposed NFL-P5 applying to the National Grid.</p>
CE-O5 Regionally significant infrastructure and lifeline utilities	<p>Delete CE-O5.</p>	<p>Oppose.</p> <p>Deletion of CE-O5 would relevant policies including EI-P5, as it applies to the coastal environment, without a supporting objective.</p>

Provision appealed	Appellants relief sought	Transpower's position on relief and reason
<p>CE-P9</p> <p>Preserve the natural character qualities of areas with coastal high natural character</p>	<p>Amend CE-P9 by deleting “for infrastructure, the development is in accordance with EI-P2” from clause 1 and clarify that the clause applies to the National Grid:</p> <div data-bbox="427 280 1415 352" style="background-color: #d3d3d3; padding: 5px;"> <p>CE-P119 Preserve the natural character qualities of areas with coastal high natural character</p> </div> <p>Only allow subdivision, use and development in areas of coastal high natural character where:</p> <ol style="list-style-type: none"> 1. for infrastructure, the development is in accordance with EI-P2 <u>Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and National Grid activities are in accordance with EI-P5, Managing the effects of the National Grid,</u>³¹⁶ and 	<p>Oppose in part.</p> <p>Transpower supports the reference to the National Grid, subject to Transpower's appeal relief on EI-P5.</p>
<p>CE-R7</p> <p>Land disturbance</p>	<p>Delete CE-R7.</p> <p>Delete the definition for “land disturbance” and make consequential amendments.</p> <p>Alternatively amend CE-R7 as follows:</p> <p>Add the following conditions and RDIS status to CE-R7:</p> <p>“Where:</p> <p><u>PER-1</u></p> <p><u>Any land disturbance does not exceed the following quantum per calendar year:</u></p> <ol style="list-style-type: none"> 1. <u>150m2 within the area of the site located within the Coastal Environment Area Overlay; or</u> 2. <u>100m2 within the area of the site located within the Coastal High Natural Character Area Overlay.</u> <p><u>Activity status when compliance not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>any adverse impacts on the identified matters contained in CE P3, CE-P4, CE-P5, CE-P6, CE-P7, CE-P8 and CE-P9;</u> 2. <u>adverse effects on the habitats of indigenous species;</u> 3. <u>effects from disturbance of contaminated land</u> 4. <u>adverse effects on wahi tapu, sensitive or archaeological sites.”</u> <p>Make consequential amendments to NH-R3 for consistency with amendments sought to CE-R7 Land disturbance, within the coastal environment.</p>	<p>Oppose.</p> <p>Deleting the definition of ‘land disturbance’ has consequences for Rule EI-R26 (Earthworks and land disturbance in the National Grid Yard) that are not resolved with the proposed drafting.</p>