

- 2.3 In the future, new forms and models of generation such as the embedded or distributed model outlined in *Get Smart, Think Small*¹², or where large scale renewable generation plays a growing role in providing energy growth, the transmission network will be as, if not more important to distribute supply from variable (temporal and geographic) generators to a variety of load points.
- 2.4 The transmission networks relationship with the distribution network is simpler: the transmission network is simply the distribution network at a larger scale, and there is perhaps an artificial separation due to ownership, rather than any fundamental difference between issues affecting and effects of the two networks.
- 2.5 The National Policy Statement: Electricity Transmission has been notified, but does not have a supporting wider strategic framework within which to effectively consider the impacts of the proposal against, or to guide consideration of how it might be improved.
- 2.6 This concern is perhaps more an issue of timing, as Waitakere City Council notes that a complementary NPS is being developed for Generation, and a National Environmental Standard is also discussed in relation to EMF/Transmission in the report of the Reference Group.
- 2.7 Waitakere City Council submits that it would have been preferable to have the full suite of documents including the National Policy Statement: Electricity Transmission (May), NPS: Generation (late 2007/early 2008?), and the supporting National Environmental Standards on Electricity Transmission (September 2007) to consider as a package, within the framework of a finalised NZES (September 2007) and NZEECS (October 2007).
- 2.8 Having the suite of complementary documents to consider as an integrated package may have removed a large part of the uncertainty and also provided a contextual backdrop (see also issue 4).

3. Lack of balance in the policies with respect to the wide range of matters to be considered under the Act:

- 3.1 Waitakere City Council is also concerned that the NPS states that adverse effects of the ETN should only be considered in relation to [section 6] matters of national importance.
- 3.2 It would appear that such a provision is less stringent than the Resource Management Act 1991, which requires that all effects (positive and negative) be considered on the environment (as a whole), and that in achieving the purpose of the Act the whole range of matters set out in Part II are relevant considerations when making a determination on the relative merits of any particular matter.
- 3.3 While it is noted the explanatory note states that this is not the case, it would seem self contradictory to have the policy state one thing, and the accompanying notes (and overarching legislation) state another.

4. Lack of supporting documentation and context

- 4.1 Waitakere City Council submits that the NPS policies are simply too succinct – the policies require explanation and context, particularly as they are unclear and non-specific, and where a non-participatory process for giving effect to them is mandated.

¹² Parliamentary Commissioner for the Environment, 2006. *Get smart, think small: Local energy systems for New Zealand*. Wellington: Parliamentary Commissioner for the Environment.

- 4.2 This lack of supporting documentation and context also links to point 2, where the NPS has been released without the support of its associated National Environmental Standards on Electricity Transmission, or a complementary NPS on Generation. The response to some of Waitakere City Council's concerns may then be that they will be addressed by the release of the National Environmental Standards, but in the meantime questions remain, and it is impossible to know at this stage if such questions will be answered by the National Environmental Standards.
- 4.3 The policies as a whole, and individually, cover a wide range of complex issues that relate to the Transmission Network. It is perhaps impossible to expect that such complexity can or should be encompassed in a single sentence statement, which is then required to be directly incorporated into Regional and District Plans without further formality. Changes are suggested to the policies in Part 2 of this submission, though Waitakere City Council is not an expert on the issue and has therefore not provided any suggested explanatory or contextual text, other than to note that such additions would be helpful.
- 4.4 Waitakere City Council also notes that in relation to the ICNIRP guidelines (Policy 6), reference is made to a scientific journal article, rather than providing the standard itself, such as an appendix to the NPS. Additionally, the ICNIRP guidelines (or the referenced article) have not been discoverable on the Ministry for the Environment website.
- 4.5 It is suggested that the reference in the NPS to the Journal Article be complemented with an internet link directing interested parties to the ICNIRP website, where the article is available for free download:
- <http://www.icnirp.de/documents/emfodl.pdf>
- and that this link, and/or a copy of the document is also made available for direct download from the Ministry for the Environment website, in particular from the National Policy Statement: Electricity Transmission page.
- 4.6 Waitakere City Council is also aware that the ICNIRP guidelines are based on a 'literature review' of epidemiological studies, that are able to causally link EMF exposure to biological effects, and then identify those effects that are to be considered a hazard to human health. In this respect, the guidelines represent a 'snapshot' of published literature available at the date of submission for publication (17 November, 1997), and ICNIRP itself notes¹³ that "development of EMF standards is an ongoing process".
- 4.7 Waitakere City Council also notes with concern the Reference Groups discussion of the datedness and inadequacy of the ICNIRP guidelines for the purpose they have been now put in the NPS (see esp. pg viii of the Draft Reference Group Report).
- 4.8 Waitakere City Council has no technical expertise or experience to comment on the suitability of the guidelines, and relies on the expertise of the Reference Group in this respect.
- 4.9 Waitakere City Council would also note that it does not have any in-house expertise regarding EFM measurement or exposure, nor its assessment, and that a greater level of guidance is also required from the national level. This may be coming with the National Environmental Standards on Transmission, but at this stage it is not possible to know.

¹³ ICNIRP, March 31 1999, *ICNIRP statement: Use of the ICNIRP EMF Guidelines*, <http://www.icnirp.de/documents/Use.htm>

- 4.10 Waitakere City Council therefore submits that, in accordance with the recommendations of the reference group report, that a National Environmental Standards is developed specifically relating to EMF from electricity transmission, and that this be based on the most appropriate and up to date standard, such as is under development by ARPANSA¹⁴, as suggested by the Reference Group.

5. Non-Participatory Process:

- 5.1 Waitakere City Council has concern with the direction within the Proposed National Policy Statement on Electricity Transmission to use the 'streamline' process as setout in s55(2A)(b), effectively incorporating the provisions of the NPS into District Plans by the Schedule 1, Clause 16 process.
- 5.2 This concern is based on two main issues that may be resolved –
firstly, that there is a necessary precondition of having 'specific provisions' to directly incorporate; and,
secondly, it is important that the participatory basis of the Resource Management Act 1991 is not undermined.
- 5.3 The first *content* issue is discussed more fully discussed in relation to the content of the NPS above, particularly in s1.
- 5.4 The second *process* issue is discussed here. Waitakere City Council would note that if a wide and rigorous consultative process has or will be undertaken with respect to the NPS, this concern would be resolved, as persons who may be impacted or have an interest in the issue would have the opportunity to have their views heard in a public forum. While anyone may submit on the NPS, and the process has to date complied with the minimum requirements of the Act, Waitakere City Council is not aware that the Board of Inquiry has directly contacted all those persons who may be directly affected by any change to the District Plan to make a submission.
- 5.5 An example of the number of people who may be impacted by a District Plan change follows: A basic GIS query, using the existing Transpower lines as 'the network' is run with a '20m rule' buffer. The results are attached at Appendix 1, as a map and table, which indicates the buffer would intersect with some 1200 'parcels'¹⁵, representing some 516Ha. The area directly impacted by the '20m rule' would be much less than the total area of the properties affected (Area= (20mx2) x Length of Line).
- 5.6 While Waitakere City Council has been directly notified as a Territorial Authority, it is not known whether these property owners were also notified. Given that the process chosen would remove the ability for people to become involved at Plan Change stage, the importance of having a open, transparent and participatory process at the National Policy Statement submission stage is increased.

¹⁴ Australian Radiation and Protection and Nuclear Safety Agency: "The reference group believes that the National Environmental Standards development process should not commence until this [ARPANSA] standard is available for consultation and its applicability for New Zealand has been reviewed" Reference Group draft report, p. viii. The timeframe of development and review of this standard is unknown.

¹⁵ A parcel is one aggregation of land in the DCDB – the parcel may be only a portion of a larger property (i.e. a large rural holding or an industrial site with a building over the boundary) or may be held by multiple owners (e.g. Unit or Cross Leased Titles). The parcel figure is therefore only an approximate indication of the number of individual owners potentially impacted.

- 5.7 Whilst it is not currently clear from the NPS, significant alteration to Waitakere City Council Operative District Plan may be required to have regard to the Proposed National Policy Statement on Electricity Transmission. It is not considered appropriate, or necessary that such potentially significant change to the District Plan, and its potential injurious effect on people's abilities to undertake reasonable use and development of their land¹⁶, be done in a manner that does not allow for the usual rights of participation.
- 5.8 The s32 report notes that significant changes to some plans may be required, and that variability in the interpretation and response to the Proposed National Policy Statement on Electricity Transmission will occur as each Territorial Authority considers the Proposed National Policy Statement on Electricity Transmission in light of local issues and the existing Plan provisions and any RPS.
- 5.9 It would seem to be appropriate that given this potential for significant change, combined with local variability, that the opportunity is provide for the public at large, particularly those directly affected by any changes, as well as Transpower, Ministry for the Environment, or MED to be able to review, submit on and be heard in a public forum in relation to any changes proposed.
- 5.10 The Waitakere District Plan is an effects based plan, and this factor may make it more difficult to give effect to the NPS in the manner anticipated in the s32 report, particularly without directive policies or the ability to obtain input via the submission process.
- 5.11 It is also considered that the s32 analysis is flawed in that it has significantly underestimated the costs to affected landowners as a result of incontestable amendments to Regional and District Plans across the country.

6. Flawed s32 analysis.

- 6.1 Waitakere City Council submits that in considering the issues outlined above, that the analysis contained within the s32 report is flawed.
- 6.2 The use of the CI16 process would reduce the actual cost to Councils of making changes by removing the time and monetary costs of s32 analysis, consultation, notification, submissions. Further submissions. Hearing, decision, plan updates, appeals etc. In this respect, Waitakere City Council supports the use of CI16. However, the negative implications of this approach to achieving the objective of the RPS, in terms of reducing uncertainty and improving outcomes for the Network, may not be as great as anticipated in the s32 report.
- 6.3 There is also an issue around the perceived loss of property development rights for adjacent/affected landowners, for which Territorial Authorities will 'bear the brunt'. While Waitakere City Council does accept that property development is already significantly curtailed on properties in proximity to lines, the process by which the NPS must be given effect to may lead affected property owners to feel aggrieved and disenfranchised particularly if they have not been directly involved in the NPS submission process.
- 6.4 Waitakere City Council also supports the recommendations of the Reference Group with respect to other changes that could be made regarding better integration of Local Authority processes with Transmission Network objectives, for example, mandatory compliance with NZECP:34

¹⁶ Waitakere also recognise that in general, such restrictions already exist via the Electricity Act 1992, NZECP:34 and other regulations.

through the Building Code. However, it is noted that the costs of demonstrating compliance can be high, and is reliant on information provided by Transpower, and is also potentially outside the scope of this particular Resource Management Act 1991 process.

- 6.5 The s32 report also notes that Transpower currently spends approximately \$350K per annum on Resource Management Act 1991 related processes, and that the costs to all Territorial Authorities will be in total a touch under \$6M as a one off (unbudgeted) cost of a Plan Change (estimating some \$75,000 for each individual Local Authority Plan Change). Costs may be lower than this if the CI16 process is followed, but it provide the full range of benefits to the Network, if the current wording is not clarified.
- 6.6 Waitakere City Council submits that due to the process and content of the NPS as proposed, Transpower will continue to have to be involved in making its case at resource consent hearings, as the policy as currently worded does not provide the certainty and direction needed to national consistency.

Part 2: Solutions and Improvements

In light of the above broad issues, **Waitakere City Council seeks the following changes to the Proposed National Policy Statement on Electricity Transmission:**

NOTE: (To enable discussion in a logical fashion, the text of the Proposed National Policy Statement on Electricity Transmission has been set out in full, (in Garamond) with Waitakere City Council's position or comments on the text following (in Arial)).

0. Objective:

Objective

To recognise the national significance of the electricity transmission network.

- 0.1 Waitakere City Council supports the objective of the Proposed National Policy Statement on Electricity Transmission.
- 0.2 The importance of a secure, reliable and cost effective supply of electricity to enable the environmental, social, cultural and economic well being of people and their communities, as well as providing for their health and safety cannot be under estimated, and in this aim the intention of the Proposed National Policy Statement on Electricity Transmission is supported.
- 0.3 The ability of communities to be involved in decision on matters that may affect them directly is also significantly curtailed by the use of s55(2A)(b), requiring use of CI 16 to Schedule 1, which does not allow for the usual 'Schedule 1' participatory Plan change process to be followed. As noted above Waitakere City Council supports the use of CI16, where the policy is directive and the process is widely participatory.

- 0.4 Recent caselaw¹⁷ notes that the recent amendments to the Resource Management Act 1991 provide an effective framework within which to consider the relative positive and adverse effects of energy related infrastructure, and that in achieving the purpose of the Act, one must consider each case on its merits against the other provisions of Part II.
- 0.5 The policies that follow are limited in their reference to Part II, (referring only to s6 matters) or integrated management with other aspects of the electricity system, and do not provide for the certainty and specificity required to directly insert them into existing planning documents, as is required by the use of the s55(2A)(b) process.

1. Policy 1:

Policy 1

The benefits of sustainable, secure and efficient electricity transmission relevant to any particular project or development of the electricity transmission network may include:

- i) improved security of supply of electricity
- ii) improved efficiencies in the supply of electricity
- iii) the facilitation of new and existing renewable electricity generation
- iv) lower overall environmental costs from the generation

- 1.1 The above text is not a *policy*. It provides a statement of fact, and states a summary of some of the possible benefits of particular network development projects relating to the electricity transmission network to the goal of sustainable, secure and efficient transmission.
- 1.2 It is considered desirable that the manner in which the stated benefits accrue to the national good from development of the transmission network is also spelt out.
- 1.3 It is unclear to Waitakere City Council how this policy will contribute to the Objective, other than providing a basic starting point from which to develop Issues, Objectives, Policies and Rules at the Regional or District Plan level.
- 1.4 WCC submits that the above policy should, if the above assumption regarding lower level policy guidance is correct, provide greater detail, guidance and explanation of the benefits of transmission network developments. This will also need to be balanced¹⁸ against the possible adverse effects of such developments, of which there is no recognition in the NPS. This will enable a proper and considered balancing exercise to be undertaken by any consent authority, and supports the 'route selection' approach currently utilised by Transpower when considering locations for new lines.
- 1.5 This policy, being in a NPS, may 'trump' any other valid local or indeed national environmental concerns, including the direction set in the National Coastal Policy Statement¹⁹, given the hierarchical order they appear in, s67(3) (Contents of Regional Plans), s75(3) (Contents of District Plans) and s104 (Consideration of Applications). The documents are a cascading hierarchy, where there should not be inconsistencies between the lower document and the one

¹⁷ See for example W024/2007 – *Outstanding Landscape Protection Society and Ors v Hastings DC*, which provides a carefully considered decision on *renewable generation* (a 'new' Part 2, s7 Other Matter), which decided, on the balance that the adverse local effects outweighed the undoubtedly positive local, national and indeed global benefits of the proposal.

¹⁸ See comments on Policy 3.

¹⁹ Portions of the Transmission Network are located in the Coastal Marine Area for a significant distance along the eastern (Waitemata Harbour) coastline of Waitakere.

above, and that in practice, a consent authority must have regard to the relevant provisions of each and make a balancing decision.

2. Policy 2:

Policy 2

The electricity transmission network should be operated, maintained and upgraded efficiently.

- 2.1 WCC does not disagree with the intent of the policy. However, without context to this statement, the use of the word 'efficiently' and its focus on the electricity transmission network at the expense of all other relevant considerations, could lead to significant adverse local, regional or national effects.
- 2.2 WCC submits that the policy should be provided with an explanation, to clarify the meaning of the word 'efficiently' – for example will it have the same wide meaning as considered to apply in sections 7 and 32, or does it simply apply to narrow economic efficiency (such as the lowest possible transaction cost) for Transpower?
- 2.3 Does efficiency include a temporal dimension – is it more efficient to underground all lines when they are being upgraded (at today's prices), or wait until some future date when compulsory undergrounding or community pressure forces the issue?
- 2.4 Should the concept of efficiency relate to the sense in which the upgrade contributes to the purpose of the Act – for example Waitakere City Council would happily support an 'upgrade' that addresses visual effects by undergrounding significant portions of the network in conjunction with major motorway upgrades for example. Such efficiency could apply to Transpower in requiring them to have in place processes whereby the obvious co-benefits (and overall reduced costs) of undertaking these major projects together can be recognised – and acted on.²⁰
- 2.5 Waitakere City Council also notes that upgrading may have different meanings across different Territorial Authorities, and for Transpower. Transpower for example use the 'injurious effect' test of the Electricity Act 1992 to distinguish between 'upgrades' and 'new lines'. The 'injurious effect' test is related to the compensatory issues for access over and use of private land, relating to pre-1988 lines, and that this test is not useful or related (nor preferred by Transpower) to Resource Management Act 1991 issues.
- 2.6 An example of the current difficulty experienced by Transpower from inconsistent approaches across Territorial Authorities is a recently notified application by Transpower to upgrade the existing Otahuhu A to Henderson 220kV transmission line from 750MVA/75°C per circuit to 986MVA/120°C per circuit during a forced outage.
- 2.7 Waitakere City Council notes that currently its District Plan contains provisions for upgrading, operation and maintenance of infrastructure as a permitted activity, however has no provisions relating to controlling other land uses that may impact on the lines 'operational' issues (e.g. to control landuse or activities in relation to EMF or Electrical safety distances) or to ensure ease of maintenance (e.g. preservation of access). There is also no provision for new lines other than as

²⁰ Waitakere City Council would note that preliminary discussions with Transit New Zealand (in relation to the SH16/18 upgrade) indicate that in principle Transit has no objection. The majority of the lines follow the motorway for at least some of the distance through the City (see maps attached at Appendix 4) and this infrastructure upgrade represents a major existing opportunity for Transpower to demonstrate its commitment to efficiency.

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a Discretionary or Non-Complying Activity (if those lines were over 12m in height on a sensitive ridge, cliff or scarp).

- 2.8 Transpowers current involvement and investment in the Resource Management Act 1991 process may also see significant benefit – the LG(A)AA 2004 process for example has almost been completed at the time of writing. Publicly available Officers recommendations to the Joint Hearings Panel have recommended the inclusion of a number of Transpowers submissions²¹.
- 2.9 These submissions include additions to Policies and Objectives relating to the transmission network specifically and regionally significant infrastructure in general. These amendments may negate the need for Waitakere City Council to amend the District Plan to give effect to the NPS. One of many examples is a suggested amendment²² (by addition) to S6.1.1 Theme One: Urban Consolidation and Growth Pressures of the District Plan, which provides an integrated consideration of energy infrastructure, relates to reverse sensitivity on the network and adverse effects of the network, and discusses corridor management in the context of both the containing land resource and the future development of the network:

"The operation, maintenance, upgrading and extension of energy related infrastructure and transmission systems can be seriously constrained as a result of urban growth. The future development of land must be managed to ensure it does not adversely affect existing infrastructure and does not preclude the ability to upgrade infrastructure to meet demand. Future development of infrastructure corridors must be managed to ensure it [urban growth] does not adversely affect the infrastructure resource. This includes management of issues such as encroachment (resulting in reverse sensitivity issues), adverse effects, and retaining the necessary maintenance, future upgrade or extension of infrastructure within the corridor".

3: Policy 3:

Policy 3

Corridors and sites should be located and other activities associated with the electricity transmission network should be undertaken in a way that avoids, remedies or mitigates any adverse effects on matters of national importance

- 3.1 WCC submits that adverse effects should be considered in relation to the 'environment' as a whole, as defined in Part I, and including consideration of all Part II matters, and not the narrow consideration given here, which only requires impacts on matters of national importance to be considered. This issue is also discussed in relation to Policy 1.
- 3.2 Waitakere City Council is concerned that the NPS proposes to limit the matters for consideration to less than is required by the Resource Management Act 1991 – such an approach may be desirable for the management of the ETN but may be *ultra vires* with respect to the Act – such a situation appears to be alluded to in the Explanatory Note which states that the NPS "*will not detract from, or override, the responsibilities of local authorities to ensure that all relevant*

²¹ The Joint Hearings Panel may not act on all of the Officers recommendations – the JHP then makes recommendations to the individual Councils to make the final decision.

²² Transpower New Zealand Ltd, Submission No 185/45 – at the time of writing it cannot be stated if this submission has been accepted or rejected by the Joint Hearings Panel, but the text provides a good example of a directive, contextual and descriptive Policy amendment to the Waitakere District Plan.

environmental effects are appropriately considered in carrying out their functions under the Resource Management Act 1991”.

- 3.3 The other sections in Part II provide guidance to the matters to be had regard, or take into account when exercising functions under the Act.
- 3.4 For example, s7 provides guidance as to the other matters to be given particular regard to by all persons exercising functions under the Act, (including TA's, Transpower, and this Board of enquiry), for which the most relevant subsections include:
- 3.5 (b) the efficient use and development of natural and physical resources;
The transmission network is recognised as a physical resource; it is also located within or may affect natural resources and may impact upon other physical resources;
- 3.6 (ba) the efficiency of the end use of energy;
Transmission efficiency may be excluded given that it is not an 'end use' though losses from transmission could be considered under (b) above;
- 3.7 (c) the maintenance and enhancement of amenity values;
While it is accepted that for the most part, the visual, and EMF effects of the transmission network are generally considered to be adverse, the contribution that a reliable and efficient transmission network makes to health and safety and the ability for people and communities to provide for their social and cultural wellbeing is positive;
- 3.8 (f) maintenance and enhancement of the quality of the environment;
The transmission network, allows for generation facilities to be located where the natural and physical resources are, often far from the end user. In this respect, the transmission network facilitates the efficient and effective use of those resources, which are often renewable, avoiding the need for a multitude of less efficient generators locating in less optimal locations closer to the point of use. For example, if the generative capacity of the Southern Hydro System were to be replaced in the North Island, the only currently feasible option would likely be thermal generation. However, the transmission network considered on its own does generate adverse effects, particularly visual, on the quality of the environment.
- 3.9 (g) any finite characteristics of natural and physical resources;
as for (b), the limits of the ability for the transmission network to cope with increasing demand are finite, without upgrade, maintenance and expansion. The ability of the natural environment to continue to absorb expansion may also be limited.
- 3.10 ... (i) the effects of climate change;
The transmission network does not on its own contribute to Climate Change (there may of course be embodied CO2 in the material and use of vehicles in servicing etc), and may facilitate (as noted in (f) above) exploitation of renewable resources in locations that are far from load. These benefits are alluded to in Policy 1.
- 3.11 (j) the benefits to be derived from the use and development of renewable energy.
As for (i) and (j) the transmission network allows for the use and development of large scale renewable energy generation to be located where the best resource is, which may not be in proximity to load. An efficient and resilient transmission network may also reduce transmission losses, thereby improving efficiency.
- 3.12 Section 8: Treaty of Waitangi

Section 8, requires taking into account the principles of the Treaty of Waitangi – WCC also notes that the Act also places significant weight, in the preparation of a NPS, on the Minister to both consider anything which is significant in terms of Section 8 (Treaty of Waitangi) (s45(2)(h)), and to seek and consider comments from the relevant iwi authorities, and any other person the Minister thinks appropriate (s46(a)) before preparing a NPS statement.

- 3.13 Waitakere City Council cannot speak for iwi, but does note that there is no mention of the Treaty or its principles in the Proposed National Policy Statement on Electricity Transmission, and that consideration of the Treaty and its principles appears to be specifically excluded by Policy 3.
- 3.14 As can be seen, these s7 'other matters', and potentially the s8 'Treaty' could both provide both promotion and inhibitions to the future development of the Transmission Network – in this manner it is appropriate the NPS, while recognising the national *significance* of the Transmission Network, considers matters not only of national *importance*, but also all other relevant sections of Part II.
- 3.15 Waitakere City Council also submits that Policy 3 should be amended to make clear, that the 'Corridors and sites' relate to electricity transmission corridors, and given that the network is for the most part existing, should also be clarified as to whether this applies to new corridors only; what other activities associated with the transmission network includes or does not include – generation and distribution activities being intrinsic to the operation and purpose of the network, for example; and that these activities should be undertaken in a manner that avoids, remedies or mitigates any adverse effects on the *environment*, particularly all Part II matters.
- 3.16 The wording of proposed policy 3 is particularly unclear, and for clarification and ease of understanding could be amended to read:
- “New transmission corridors, and activities and sites associated with the Transmission network, should be located and undertaken in a way that avoids, remedies or mitigates adverse effects on the environment”.
- 3.17 Such a wording clarifies the intent of the policy in that it applies to new corridors, as well as new and existing sites and activities, and requires them to be located and undertaken (if new, existing or upgraded) in a way that avoids adverse effects. It is also apparent from this wording that the consideration of new corridors should follow the 'route selection' process (as existing corridors have the benefit of existing use), and that all other activities and sites (including existing corridors) should be located and undertaken (including upgrades) in a way that avoids or remedies adverse effects.
- 3.18 Waitakere City Council is happy to support any other suitable wording amendment that provides the necessary clarification.

4. Policy 4:

Policy 4

Any new development that is sensitive to the effects of the electricity transmission network should be managed in a way that does not compromise efficient operation of the electricity transmission network.

- 4.1 WCC is concerned that this policy, by attempting to address two significant and complex issues together, does neither particularly well.
- 4.2 It appears that the policy attempts to address two, related but separate issues:
- management of activities that *affect the network*, and
 - management of activities that are *affected by the network*.
- 4.3 New activities or development in proximity to the lines may or may not be sensitive to the network, yet may still compromise efficient operation. Also, development that is sensitive to the lines should be managed in a way that minimises the effects of that sensitivity on the newly established activity.
- 4.4 Waitakere City Council's concern is that sensitivity to the network is not an indicator of effect on the network, yet the two are linked in the policy.
- 4.5 Reverse sensitivity as a concept relates to the effect that new activities (or development) may have on the operation of existing, lawfully established activities, such as the transmission network. Such an effect may be new buildings or fences obstructing maintenance access to towers or lines, or result as a function of the approach a Territorial Authority takes to the management of the existing activity, for example through imposition of more stringent standards (or better enforcement of existing standards) as a response to complaints in response to some adverse effect that becomes more apparent or adverse due to the proximity of the new activity.
- 4.6 WCC therefore submits that the Policy above should be clarified, and perhaps split to reflect the difference between the two issues. The wording could be as follows:
- Policy X
- Any new development or new activity, that is sensitive to the effects of the electricity transmission network, should be managed in such a way that that the effects of the network on the new activity is minimised.
- Policy XX
- Any new development or new activity should be managed in such a way that it does not compromise the efficient operation of the electricity transmission network.
- 4.7 Policy X should have explanatory text outlining the nature of sensitive activities, how such sensitivity may be identified, and suggestions as to how such sensitivity may be avoided, remedied or mitigated.
- 4.8 This could include reference to such details or concepts as included in Transpower's excellent publication "*Development guide for development near high voltage transmission lines*".
- 4.9 Policy XX should also include explanatory text outlining how development may proceed without compromising the efficient operation of the transmission network, including such details regarding maintenance access, separation distances and future upgrade issues.
- 4.10 Both of these policies may also be able to be reworded to apply to existing activities as well, though this may be in conflict with Part 10 Resource Management Act 1991, and may be better achieved through negotiation between Transpower and the land owner, or by way of enforcement

action, if existing regulations are in breach. Waitakere City Council understands that Transpower maintains a list of existing 'proximity' breaches.

- 4.11 Clarification should also be provided regarding what the phrase 'efficient operation of the transmission network' encompasses – effects on the "efficient operation" of the network may range from minor activities, (such as infill subdivision requiring a check for compliance with NZECP:34); to major new sources of load in locations not conducive to Transpowers existing network planning arrangements – WCC questions what role TA's should take in requiring information from applicants in relation to Transpowers network, (where they actually 'connect' to the distribution network) and how Transpower would be involved in the assessment and decision making process on any such application.
- 4.12 Again, it is submitted that clarification and explanation in the NPS is required to address these questions.
- 4.13 Waitakere City Council does recognise that reticulated electricity is little different from other infrastructure that Territorial Authorities regularly require applicants to provide information on, but for electricity, this relates usually to the level of the distribution network, and whether at subdivision stage (for example), such service can be provided, either via reticulation, or by another means (e.g. via on site generation via renewables), rather than at the higher level of the Transmission Network generally.
- 4.14 For extremely large new loads (such as a new town or major industrial site), such investigations and negotiations with Transpower and potential suppliers would, and indeed should, form part of the overall due diligence process, rather than a matter to be resolved with the Territorial Authority, however this may be a matter for consideration via resource consent.
- 4.15 Waitakere City Council does however consider that the management of regionally (and nationally) significant infrastructure is a matter that requires some consolidation and clarification to ensure regional and national consistency.
- 4.16 In this respect, Waitakere City as a net energy importer is dependent on the rules and policies of any number of other Territorial Authority plans which the lines traverse from generator to substation for its security of supply. The guidance provided by the NPS is helpful in addressing the wide range of approaches taken to this issue.
- 4.17 An example is Transpowers recently notified Otahuhu A – Henderson transmission line upgrade – under the Waitakere District Plan the activity is permitted (Transpower have obtained a Certificate of Compliance), under the Auckland City Isthmus Plan, the upgrade has been notified. It is likely²³ that Waitakere City Council will submit in support of the upgrade, to ensure security of supply to the City in the event of a forced outage.

5. Policy 5:

Policy 5

Where maps are included in a plan, these should identify the existing electricity transmission network, whether or not it is designated.

²³ Subject to Council approval.

- 5.1 Waitakere City Council supports this policy, as locational data plays a important role in management of spatially fixed natural and physical resources. From experience, Waitakere City Council recommends that this policy be implemented.
- 5.2 WCC would also note that the Operative District Plan already includes such spatial information. However there are no supporting rules currently in the Plan that require regard to be had to the transmission network, however the 'awareness' benefits from having the network shown are high.
- 5.3 WCC current practice is, where a LIM, PIM or Resource Consent is applied for to advise the applicant of their responsibilities under the Electricity Act 1992, and NZECP:34. The text currently used as an advice note on Controlled and Limited Discretionary Activity resource consents is:

"If there are high tension electricity transmission lines over or adjacent to the property, or there are transmission towers/pylons on or adjacent to the property the applicant must ensure that the proposed building or works complies with the line clearances and/or the measurements for excavations in the vicinity of towers/pylons prescribed in the New Zealand Electrical Code of Practice for Electrical Safe Distances. (NZECP:34)

Compliance with the Code is mandatory and any infringements not consented to by the line owner may lead to prosecution.

It is the responsibility of the line owner/building owner to ensure compliance and if necessary to contact the line owner to determine whether the proposed building will comply prior to commencing construction.

If the line owner requires any amendments to the layout and design of the proposed building/development, an amended building/resource consent may be required "

- 5.4 Depending on the development, and its proximity to the transmission network, WCC can, and does consider Transpower as an affected party. This only occurs for Discretionary and Non-Complying Activities, and does not apply to Controlled or Restricted Discretionary Activities²⁴.
- 5.5 In this respect, significant alteration may be required to the Operative District Plan to give effect to this provision of the NPS. This issue has been further discussed with proposed use of s55(2A)(b), and may involve the development of new rules (e.g. the '20m rule') to trigger a Discretionary level consent in order to require the applicant to obtain the approval of Transpower.

6: Policy 6

Policy 6

Provisions dealing with electric and magnetic fields (EMF) associated with the electricity transmission network should be based on the ICNIRP guidelines.

²⁴ as the Plan does not provide for affected parties consents to be obtained for this level of activity, (as per s94D(2) & (3)) and assessment of Controlled and Limited Discretionary Activities can only be undertaken with respect to the matters to which Council has reserved its control or discretion (which does not currently refer directly to the transmission network).

- 6.1 Waitakere City Council has no experience or expertise to comment with respect to ICNIRP, but notes that for the purposes of EMF radiation measurement, assessment and performance standards relates to New Zealand Standards NZS 2772.1 1999 (Radiofrequency Fields) as the existing District Plan is written, with respect to a number of existing designations (not all of which relate to Electricity Distribution, or Transmission), which may need to be altered. Waitakere City Council does note that the NZS is based on the ICNIRP guidelines.
- 6.2 Waitakere City Council also note the Reference Groups discussion regarding the potential inadequacies of the ICNIRP guidelines, and the forthcoming development of a National Environmental Standards on Electricity Transmission, and whether such technical details are appropriate or necessary in the NPS. See also comments in Part 1, s5.

7: Explanatory Notes:

Explanatory note

The proposed National Policy Statement will not detract from, or override, the responsibilities of local authorities to ensure that all relevant environmental effects are appropriately considered in carrying out their functions under the Resource Management Act 1991.

The proposed National Policy Statement will not override the Resource Management Act or any other legislation. The proposed National Policy Statement should be read together with other relevant planning documents, including the New Zealand Coastal Policy Statement.

- 7.1 WCC notes the above text, but considers that as written, the policies proposed may detract from or override the responsibilities of local authorities to ensure that all relevant adverse effects are properly considered, and where appropriate avoided, remedied or mitigated. The reasons for this are outlined with respect to the individual policies outlined above.

The National Policy Statement will apply to all persons exercising functions and powers under the Resource Management Act. The provisions of the National Policy Statement will be included in documents pursuant to section 55(2A)(b) of the Resource Management Act.

- 7.2 This issue has been covered in Part 1, s1.

Waitakere City Council wishes to be heard in support of this submission

Waitakere City Council will consider making a joint presentation at a hearing with others making a similar submission.

Chair, Planning and Regulatory Committee
Cr Vanessa Neeson

Date

Address for Service: Waitakere City Council,
Private Bag 93109
Henderson 0650
WAITAKERE
Att: Kyle Balderston
L5, Strategy.

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Ph: (09)836-8000, x8474
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Kyle Balderston, Strategic Advisor: Sustainable Management

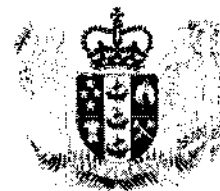
APPENDIX 1:

1. District Plan (Human Environments) Map with Transmission Lines.
2. '20m Rule' – GIS buffer query and parcel based results

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Minister for the Environment



Appendix A – Proposed National Environmental Standards for Telecommunications

Pursuant to s43B of the Resource Management Act 1991, no rule or resource consent shall be more stringent than the national environmental standards for telecommunications facilities.

1. Radiofrequency field exposures from wireless telecommunications infrastructure

Permitted activity

An activity by a telecommunications operator that generates radiofrequency fields is a permitted activity provided the following conditions are met.

1. Exposures to the radiofrequency fields generated by the activity (in conjunction, where applicable, with exposures to radiofrequency fields from existing transmitters in the vicinity) comply with NZS2772.1: 1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz (“the New Zealand Standard”).
2. Prior to commencing any activity that generates radiofrequency fields, the following are sent to and reviewed by the relevant Council:
 - a. written notice of the location of the facility or proposed facility; and
 - b. a report prepared by a radio engineer/technician or physical scientist containing a prediction of whether the New Zealand Standard will be complied with.
3. If the report provided to the Council under condition 2(b) predicts that exposures will reach 25 percent of the exposure limit set for the general public in the New Zealand Standard, then, within three months of radiofrequency emissions commencing, a report from an appropriately qualified person/organisation (for example a Radiofrequency engineer) certifying compliance with the New Zealand Standard, based on measurements at the site will be provided to the Council.

2. Telecommunications equipment cabinets within road reserves

Telecommunication cabinets in road reserves shall be permitted activities subject to the following restrictions:

Limitations on cabinet size and location (Above ground level)	Adjacent area type
Maximum height: 1.8m Maximum footprint of any single cabinet: 1.4m ² Maximum footprint occupied by all cabinets: 1.8m ² Maximum number of network utility cabinets exceeding 900mm in height in any location: one ¹ Minimum separation distance from any existing utility cabinet exceeding 900mm in height: 30m (except where specific provision by way of dedicated areas has been made for utilities infrastructure within the road reserve)	Residential
Maximum height: 2m Maximum footprint: 2.0m ² Minimum separation distance from any existing utility cabinet exceeding 900mm in height: 30m (except where specific provision by way of dedicated areas has been made for utilities infrastructure within the road reserve)	Non-residential

¹ Cabinets in new subdivisions are often located in areas allocated for utilities, for example dedicated areas of road reserve are provided. In these cases it would be considered a reasonable condition of a Road Opening Notice that the cabinets be located within those areas.

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Minister for the Environment



All cabinets permitted by this standard shall comply with:

- Any specific performance standards contained in a plan or design guide (that forms part of a district plan) relating to design or external appearance of utility cabinets in the road reserve.

The relevant district plan rules shall prevail over this standard in the following circumstances:

- Where the cabinet is located in an area, or adjacent to a site, to which the district plan applies rules protecting historic heritage, or visual amenity values², for example:
 - Within view shafts identified in district plans (covered above)
 - Commercial areas i.e. CBD, shopping precincts (covered above)
- where any excavation work to install the cabinet needs to be undertaken within the drip line or branch spread of any tree or vegetation.
- where the cabinet is proposed to be located on the seaward side of the road centre-line, and the road abuts the Coastal Marine Area
- where any above ground power supply is not contained within the cabinet

Other considerations:

Cabinet means either an individual cabinet, or a cluster of cabinets. Provided that in the case of a cluster, these cabinets are interdependent on each other to provide a service, and that the spacing between adjacent cabinets is no more than 500mm, and that the total dimensions of all cabinets (excluding the space between the cabinets) does not exceed the maximum height and area restrictions set out in this standard.

An additional cabinet can be abutted to an existing cabinet, so long as the combined size or foot print of the cabinets does not exceed the maximum specified in this standard.

Issues to do with location of structures to ensure they do not create a safety hazard, including frangibility of structures are addressed by road controlling authorities through the provisions of the Telecommunications Act 2001. The development of a national code of practice for utilities access to the road corridor and the development of a consistent set of reasonable conditions that can be required by road controlling authorities will provide clarity and national consistency.

3. Noise from telecommunications equipment located within road reserves

Noise from telecommunication cabinets located in road reserves shall be a permitted activity provided that the following noise limits are not exceeded:

Residential, Mixed Use, Rural and Open Space/Reserve Areas

All Days	Noise Limit
Day time (0700 – 2200)	50dBA L_{Aeq} (5 min)
Night time (2200 – 0700)	40dBA L_{Aeq} (5 min) 65dBAL _{max}

Business and Industrial Areas (and any other non-residential zones)

All Days	Noise Limit
Day time (0700 – 2200)	60dBA L_{Aeq} (5 min)
Night time (2200 – 0700)	60dBA L_{Aeq} (5 min)

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² Areas identified as historic, historic heritage, cultural sites or open space

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Minister for the Environment



Noise shall be measured in accordance with NZS 6801:2008 *Acoustics – Measurement of Environmental Sound*, and the basis for assessment shall be NZS 6802:2008 – *Assessment of Environmental Sound*. This includes provision for averaging during daytime such that a maximum daytime noise level of 55dBA LAeq (5 min) in residential, mixed-use and rural zones at the measurement point is allowed, provided that the average noise level over the full day (07.00 to 22.00) does not exceed 50dBA LAeq. No averaging is allowed at night-time.

4 Masts and Antennas

Permitted activities

The replacement of, or addition to, any existing utility structure in the road reserve of antennas and their associated support structures by telecommunications operators shall be permitted activities subject to the following restrictions:

- the new or altered structure does not exceed the maximum diameter of the structure it replaces or modifies by more than 50%,
- in the case of antennas or any associated covering shroud, the antennas and/or shroud do not extend more than 30% or 3 metres, whichever is the lesser, above the highest point of the existing structure prior to the addition of any equipment for telecommunications purposes.
- Antennas extending above the highest point of an existing structure shall be contained within maximum dimensions of a cylindrical shape 2.0m high by 0.5m diameter, located along the centre-line of the pole.
- Dish antennas are permitted up to a maximum diameter of 380mm, protruding from the centre line of the pole by no more than 0.6m up to a maximum of two antennas per pole.

This does not apply to new or existing structures that are primarily for the purposes of supporting telecommunications antennas.

Provided that any rule in a district plan shall take precedence over this standard in the following circumstances:

1. Where the support structure or antenna(s) is located in a road reserve directly adjoining a site containing a building listed as having heritage value (this provision shall apply where a site containing the heritage building is located on the same side of the road reserve centre line as the support structure or antenna(s)).
2. Where the support structure or antenna(s) is located in a road reserve contained within or directly adjacent to any heritage precinct or area of landscape importance identified in a district plan (where the road reserve itself is not contained within the identified precinct or area, this provision shall apply where a site identified as being within a heritage precinct or area of landscape importance is located on the same side of the road reserve centre line as the support structure or antenna(s)).

Comments

- The standard includes a maximum envelope size for panel antennas and makes provision for the addition of up to two small dish antennas on any structure.
- The use of "prior to the addition of any telecommunications equipment" is intended to convey the meaning that this is a one-off height control, and any revisits must stay within the original envelope.
- Issues to do with location of structures to ensure they do not create a safety hazard, including frangibility of structures are most appropriately addressed by the road controlling authority through the legal requirement for a Road Opening Notice under the Telecommunications Act and reasonable conditions that can be attached by a road controlling authority to the notice.

Definitions:

Antenna – means any device operated by a telecommunications operator that receives or transmits radio communication or telecommunication signals.

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Cabinet – means an equipment casing, operated by a telecommunications operator usually set on a concrete foundation plinth, used primarily for the purposes of operating a telecommunications network. The cabinet may contain telecommunications equipment, batteries, line terminals, and cooling systems such as heat exchangers and fans, and other such devices and equipment that are required to operate a telecommunications network. Further more: **'Cabinet'** means either an individual cabinet, or a cluster of cabinets. Provided that in the case of a cluster, these cabinets are interdependent on each other to provide a service, and that the spacing between adjacent cabinets is no more than 500mm, and that the total dimensions of all cabinets (excluding the space between the cabinets) does not exceed the maximum height and area restrictions set out in this standard.

Mast – means any pole, tower or similar structure designed to support antennas to facilitate telecommunications, radio communications and broadcasting. Operated by a telecommunications operator

Road Reserve: - means the full extent of the legal road corridor vested in either the local Council or Transit New Zealand. This includes the formed vehicle carriageway and the road berms areas between the vehicle carriageway and adjacent properties.

Telecommunications Operator: - has the same meaning as network operator in Section 5 of the Telecommunications Act 2001

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Ministry for the Environment
Att: Ann Callahan
PO Box 10362
Wellington

25 October 2007

Dear Ann,

Please find enclosed comments of the Waitakere City Council on:

What should be included in a possible National Policy Statement on Renewable Energy?

Introduction:

This letter contains the response of officers of the Waitakere City Council¹ to the invitation of the Ministry for the Environment in a letter dated 11 October 2007 to provide views on what should be included in a proposed National Policy Statement on Renewable Energy (NPS :RE).

In summary, officers welcome the government's intention to provide national guidance on Renewable Energy.

Renewable Energy development at both the large commercial generation scale and local distributed or embedded domestic scale generation will be required to achieve the outcomes outlined in the New Zealand Energy Strategy (NZES) and Waitakere's own Climate Change Plan of Action (CCPoA), and to support a number of existing and future initiative intended to achieve these aims.

While providing benefits at the global though to the local levels on a wide range of matters, renewable energy development may also create adverse effects at the local level.

It is important that the NPS:RE recognises this tension and provides high level objectives and policies that provide guidance on how these tensions may be resolved at the local, regional and national level.

¹ Please note: Due to the short time frame involved for comment aligning with the interregnum period, and that these comments are intended for guidance and comment prior to the development of a national policy statement to be made available for public submission, that these comments are those of Officers of the Waitakere City Council based on their professional opinion and current strategic direction and may not represent the opinion of the Waitakere City Council.

Waitakere City Council reserves the right to make a submission on the as yet un-proposed National Policy Statement on Renewable Energy that may not be in accordance with the comments contained herein.

What should be included in a possible National Policy Statement on Renewable Energy?

Resource Management Act 1991:

The Resource Management Act 1991 sets out the legal requirements for what can be contained in a NPS. Sections 45 to 55 inclusive contain detail on the purpose of and process for developing the NPS. Only s45(1) contains the broad direction on what a NPS should contain, and this section states:

National policy statements

45. Purpose of national policy statements (other than New Zealand coastal policy statements)

- (1) The purpose of national policy statements is to state **objectives and policies** for matters of national significance that are relevant to achieving the purpose of this Act.

This section states that the NPS should state objectives and policies for matters of national *significance* relevant to achieving the purpose of the Act (note: that this refers to matters of national *significance* which is not the same as Part II, s6 which refers to matters of national *importance*).

S 45 (2) outlines the matters the Minister may have regard to when deciding to promulgate an NPS, which is a broad and non-exclusive list.

The following sections refer to the process of developing the NPS and the public participation process. This includes a provision whereby Cl.16 of the First Schedule may be used to change Plans to directly incorporate specific provisions of an NPS (such as proposed in the recent NPS: Electricity Transmission).

Other sections of the Act refer to the requirement for decision makers to consider the NPS when undertaking various processes under the Act – these provisions include:

S62(3) requires Regional Policy Statements to 'give effect to' the NPS

S67(3)(a) requires regional plans to 'give effect' to the NPS

S75(3)(a) requires District Plans to 'give effect to' the NPS;

The Resource Management Act 1991 also requires that each level of the hierarchy of documents from the national to the district give effect to the document above – in this manner there is a 'trickle down' of consistency.

s104(1)(b)(ii) requires decision makers to 'have regard to' the NPS when deciding whether to grant consent to an application (thereby allowing consideration of an NPS when assessing an application for resource consent even if the relevant plan has not yet been amended to 'give effect to' the NPS).

Given these legal requirements it is important that the NPS is as clear and unambiguous as possible so that there is national consistency with respect to renewable energy (subject of course to the ability to interpret the policies and objectives to the local or regional situation).

If the Cl. 16 process is to be used (as in the recently proposed NPS: Electricity Transmission) then the importance of having clear and unambiguous, easily implemented policies is increased, as no party will be able to comment on the method by which a Regional or Territorial Authority chooses to 'give effect to' the specific provisions to be incorporated into the relevant plans via that non-participatory method.

General or Specific:

Renewable Energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave and ocean currents.

While these energy resources are all 'renewable', the issues and effects related to exploiting each resource are very different. It is therefore appropriate and necessary that the NPS:RE include policies and objectives specific to particular types of renewable energy generation in addition to general overarching policies and objectives around the benefits of renewable energy development in general.

General overarching policies (which are required) should reflect (or reference) those already set out in the NZES and the forthcoming National Energy Efficiency and Conservation Strategy (NZEES), which are in themselves statutory documents that would be 'had regard to' when making decisions, but the statutory weight of a NPS requiring the stronger wording of 'giving effect to' would ensure the intent and policy direction contained within the NZES and NEECS are implemented through the Resource Management Act 1991 process more effectively.

Case law² indicates that policies may be general or specific and, if specific, may have the effect of a rule.

Encouragement and Protection:

The NPS should encourage renewable energy, but should recognise (or enable recognition) that some locations should be protected from the effects of such development. In summary, renewable generation despite its widely recognised benefits may not be appropriate in all locations.

While the benefits of renewable energy forms part of the purpose of the Act and is outlined specifically and implicitly as something to be had regard to (via Section 7: Other matters: ss(b), (ba), (i) and especially (j)) the s 6 matters of national importance would take precedence as matters to be recognised and provided for – these section 6 matters include matters which are likely to be impacted by large scale renewable energy developments such as:

- 6(a) *preservation of natural character of the coastal environment* – tidal, wave, ocean current, off and on-shore wind;
- (b) *protection of outstanding natural features and landscapes* – wind, geothermal, large scale solar;
- (c) *protection of significant indigenous vegetation and faunal habitat* – hydro, wind;
- (d) *public access to CMA, lakes and rivers* – hydro, wave, tidal, ocean current, off and on-shore wind;
- (e) *maori taonga* – all;
- (f) *heritage* – all
- (g) *customary activities* – all.

While only a quick summary, the above example does indicate the current (appropriate) restrictions on developments that could impact on renewable energy development.

The NPS should outline the manner in which, at a policy level, these restrictions can appropriately be overcome.

The EECA has been undertaking Regional Renewable Energy Assessments (RREA) to collate in one easily accessible location, known public data on the availability of renewable energy resources by region, as a tool to promote investment and further investigation into exploitation of these resources. They will also be useful tools to local bodies in identifying areas that are likely to be investigated and to

² See in particular Auckland Regional Council v NSCC – the Long Bay/Oakura MUL series of cases, which clarified the ability of the Auckland Regional Council to use the MUL as a specific policy tool which effectively operates as a rule.

begin to develop objectives, policies rules and methods around the management of the effects of possible future exploitation of those resources.

The approach taken in the RREA was to investigate all of a region with the exception of DoC land "as a first order definition of what might be environmentally acceptable". In the Auckland Regional Assessment a similar approach has been taken to the Waitakere Ranges where the assessment notes:

"Figure 13 shows areas that will require careful and sensitive planning when proposing wind farms. Native forest and Department of Conservation (DoC) land can lengthen and complicate the consent process and as a result, wind farm developers tend to favour locations outside such areas. In this context, it is to be noted that the Waitakere Ranges Regional Park and the proposed Waitakere Ranges Heritage Area contain substantial native forest. Given this, these areas have not been considered in the estimate of installed wind capacity in the Auckland Region presented below. Furthermore, it is noted that the proposed Waitakere Ranges Heritage Area Bill aims to secure the long-term recognition, status and protection for the Waitakere Ranges, foothills and coastal villages. In summary, whilst wind farm development in these areas cannot be ruled out completely, areas within the Auckland Region outside the Waitakere Ranges have comparable wind resources and grid accessibility together with limited native bush cover."

This paragraph illustrates the tension between the possible availability of a renewable energy resource and the presence of other valued natural or physical resources which could be affected by the extraction of those resources.

The NPS will need to reflect this tension and provide guidance to decision makers as to the situations in which the national benefits of renewable generation should outweigh the potential local adverse effects on other resources, and also the situations where they would not.

This is also a complex issue as the availability of a resource is not the only consideration – other factors including proximity to load, site availability, topography, access and distance to the network or grid are also important determinants.

It will be important that the NPS is developed in concert with other government initiatives (including the NPS: Electricity Transmission, government incentives and other regulatory and non-regulatory approaches) to ensure consistency and integration for the best possible outcome.

Scale:

Waitakere City Council believe that there is a significant distinction to be made between the use or generation of renewable energy at the individual household or building level ('post-meter') and commercial scale renewable energy developments intended to be connected to the transmission or distribution networks.

The NPS should ensure that there are as few regulatory restrictions on the domestic scale use of renewable energy devices such as micro-wind turbines, solar hot water heating, solar p.v. panels, ground source heat pumps, micro-hydro, passive solar gain and other similar technologies, which will have significant positive benefits from a resilience, efficiency and economic multiplier aspects, and result in minimal adverse impacts even at a cumulative scale.

Existing restraints may include height or sunlight protection planes which are commonly provided in District Plans usually with a number of exceptions for chimneys, aerials, satellite dishes, gable ends and so on. It would be appropriate for the NPS to indicate that similar exemptions should apply to renewable energy devices such as solar p.v. or heaters, and micro wind turbines, given that the effects of such devices are minimal, and comparable to many common roof top structures.

Earthworks rules may restrict the installation of domestic ground source heat pumps.

Water diversion rules may require consent for micro hydro devices.

It is anticipated that the NPS would specify limits as to the scale of devices that should be provided for in plans.

In contrast to the small scale domestic of single building scale devices mentioned above, a different approach is required to the Objectives and Policies surrounding large scale developments.

It is anticipated that this latter concern will form the bulk of the coverage of the NPS, and should address the matters outlined above including (but not limited to):

- o General overarching policies and objectives for renewable energy development
- o Specific policies and objectives for specific renewable resources and the management of the effects of their development for energy needs (i.e. management of the effects of extraction);
- o Policies and Objectives should recognise and provide direction around managing the tension between the benefits of renewable energy and the localised effects, particularly the management of localised effects on matters of national importance;
- o Policies and objectives should recognise that there are locations or situations where renewable energy development would not be appropriate, and there may be locations and/or situations where renewable energy development should be promoted perhaps even to the detriment of other activities or valued resources;

Waitakere City Council thanks the Ministry for the Environment for a chance to comment on the content of a possible National Policy Statement on Renewable Energy and looks forward to commenting on the possible future document.

Sue Bidrose
Director: Strategic Performance
for
Waitakere City Council

Date

Contact Details:

For questions or correspondence on this matter please direct enquiries in the first instance to:

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WAITAKERE

Other Staff consulted:

Cathy Sheehan: Strategic Advisor: Sustainability Projects
Fred Braxton: Eco-Design Advisor
Jenny Fuller: Senior Advisor: Sustainable Management
Michelle Dawson: Project Manager: Cleaner Production

**MINUTES OF A MEETING OF THE SWIMMING POOL EXEMPTION SUBCOMMITTEE
TO BE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,
HENDERSON, WAITAKERE, ON TUESDAY, 11 MARCH 2008
COMMENCING AT 12.34 PM**

PRESENT: Councillors WW Flaunty, QSM JP, (Chairman)
DQ Battersby, JP (Chairman)
LA Cooper, JP
MM Jolley (until 12.40 pm)
PG Mitchell (until 12.40 pm)

IN ATTENDANCE: Team Manager: Operational Compliance
Committee Secretary: E Joyce

1 APOLOGIES

323/2008

MOVED by Cr Battersby, seconded Cr Cooper:

That an apology from Cr Hulse for absence be received and sustained.

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFLICTS OF INTEREST

Elected Members were reminded via the agenda, the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have.

4 CONFIRMATION OF MINUTES

324/2008

MOVED by Cr Mitchell, seconded Cr Battersby:

That the minutes of the Meeting of the Swimming Pool Exemption Subcommittee held on Thursday, 21 February 2008, as circulated, be taken as read and now be confirmed.

CARRIED

A108

5 **APPLICATIONS FOR SPECIAL EXEMPTIONS - FENCING OF SWIMMING POOLS ACT 1987**

325/2008

MOVED by Cr Flaunty, seconded Cr Battersby:

1. That the Applications for Special Exemptions - Fencing of Swimming Pools Act 1987 report be received.
2. That the Swimming Pool Exemption Subcommittee consider each of the applications and either decline or approve (subject to conditions) the exemptions sought.

CARRIED

ADJOURNMENT

326/2008

MOVED by, Cr Flaunty, seconded Cr Battersby

That the meeting stand adjourned.

CARRIED

12.40 pm The meeting adjourned.

1.05 pm The meeting reconvened. Crs Mitchell and Jollley were not present.

APPLICATIONS

AD Sadler, 1 Mayburn Road, Te Atatu Peninsula

327/2008

MOVED by Cr Cooper, seconded Cr Battersby:

1. That the application and the exemptions sought by AD Sadler at 1 Mayburn Road, Te Atatu Peninsula be approved for an indefinite term.
2. That this exemption will run with the property situated at 1 Mayburn Road, Te Atatu Peninsula, notwithstanding any changes of ownership.

CARRIED

328/2008

MOVED by Cr Flaunty, seconded Cr Cooper:

3. That the application fee of \$250 to be paid by AD Sadler at 1 Mayburn Road, Te Atatu Peninsula be waived.

CARRIED

A109

ADJOURNMENT

329/2008

MOVED by, Cr Cooper seconded Cr Battersby:

That the meeting stand adjourned.

CARRIED

1.07 pm The meeting adjourned.

1.20 pm The meeting reconvened.

Stephen and Dianne Hoeata, 32 Longburn Road, Henderson

330/2008

MOVED by Cr Flaunty, seconded Cr Cooper

1. That the application and the exemptions sought by Stephen and Dianne Hoeata at 32 Longburn Road, Henderson be approved for an indefinite term.
2. That this exemption will run with the property situated at 32 Longburn Road, Henderson, not withstanding any changes of ownership.

CARRIED

ADJOURNMENT

331/2008

MOVED by, Cr Flaunty seconded Cr Cooper:

That the meeting stand adjourned.

CARRIED

1.25 pm The meeting adjourned.

1.30 pm The meeting reconvened.

SJ Carey, 41 Fitzwater Place, Henderson

332/2008

MOVED by Cr Battersby, seconded Cr Cooper:

1. That the application and the exemptions sought by SJ Carey at 41 Fitzwater Place, Henderson be approved for an indefinite term.
2. That this exemption will run with the property situated at 41 Fitzwater Place, Henderson, not withstanding any changes of ownership.

CARRIED

Allio

ADJOURNMENT

333/2008

MOVED by, Cr Battersby seconded Cr Cooper:

That the meeting stand adjourned.

CARRIED

1.35 pm The meeting adjourned.

1.45 pm The meeting reconvened.

BR and E Collings, 23 Woodvale Road, Glen Eden

334/2008

MOVED by Cr Cooper, seconded Cr Flaunty:

1. That the application and the exemptions sought by BR and E Collings at 23 Woodvale Road, Glen Eden be approved for an indefinite term.
2. That this exemption will run with the property situated at 23 Woodvale Road, Glen Eden, notwithstanding any changes of ownership.

CARRIED

ADJOURNMENT

335/2008

MOVED by, Cr Cooper seconded Cr Flaunty:

That the meeting stand adjourned.

CARRIED

1.50 pm The meeting adjourned.

1.51 pm The meeting reconvened.

DA Elliot and BA Hansen, 2/17B Woodvale Road, Glen Eden

336/2008

MOVED by Cr Cooper, seconded Cr Battersby:

1. That the application and the exemptions sought by DA Elliot and BA Hansen at 2/17B Woodvale Road, Glen Eden be approved for an indefinite term.
2. That this exemption will run with the property situated at 2/17B Woodvale Road, Glen Eden, notwithstanding any changes of ownership.

CARRIED

All

ADJOURNMENT

337/2008

MOVED by, Cr Cooper seconded Cr Flaunty:

That the meeting stand adjourned.

CARRIED

1.55 pm The meeting adjourned.

2.10 pm The meeting reconvened.

Wayne Leathard, 7 Burgundy Park Avenue, Henderson

338/2008

MOVED by Cr Flaunty, seconded Cr Cooper:

1. That the application and the exemptions sought by Wayne Leathard at 7 Burgundy Park Avenue, Henderson be approved for an indefinite term.
2. That this exemption will run with the property situated at 7 Burgundy Park Avenue, Henderson, not withstanding any changes of ownership.

CARRIED

2.15 pm

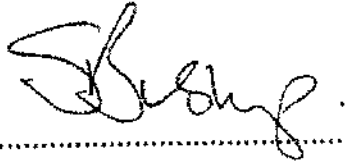
The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF SWIMMING
POOL EXEMPTION SUBCOMMITTEE HELD ON

DATE:.....

CHAIRMAN:.....

A112



..... Date: 11 March 2008

Stephen Bishop
Arborist, Consents

12.0 CONSENT GRANTED AS RECOMMENDED

Acting under delegated authority and for the reasons set out in the above recommendation this application (LUC-2008-355), shall be granted subject to the conditions set out in Section 11.0 above.



..... Date:

12/03/08

Matthew Wright/ Jeannette Ibrahim/Steven McKenzie
Team Leader, Consents

Please contact Stephen Bishop (Ph 8390400) if you have any queries about this resource consent and associated report.