



Gate 1  
 Gridco Road  
 Otara, Auckland 2023  
 P O Box 17 215  
 Greenlane, Auckland 1546  
 New Zealand  
 P 64 9 590 6000  
 F 64 9 589 2310  
[www.transpower.co.nz](http://www.transpower.co.nz)

20 Novmeber 2018

Whangarei District Council  
 Private Bag 9023  
 Whangarei 0148

Via email: [allie.miller@wdc.govt.nz](mailto:allie.miller@wdc.govt.nz)

Dear Sir/Madam

## Whangarei District Plan

### Plan Change 129 – Notable and Public Trees

**Submitter Reference: Transpower NZ Ltd (Submitter reference #15) and Further Submitter reference X054 and X055)**

Transpower New Zealand Limited (“Transpower”) is the State-Owned Enterprise that plans, builds, maintains and operates New Zealand’s high voltage transmission network (the National Grid) which links generators to distribution companies and major industrial users. The National Grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.

The National Grid comprises some 12,000 km of transmission lines and 167 substations. This is supported by a telecommunications network of some 300 telecommunication sites that link together the components that make up the National Grid.

Transpower’s assets within the Whangarei District include:

- Henderson – Maungatapere A (HEN-MPE A) 110 kV double circuit transmission line on towers;
- Henderson – Marsden A (HEN-MDN A) 220 kV double circuit transmission line on towers;
- Marsden – Maungatapere A (MDN-MPE A) 110 kV double circuit transmission line on

towers; and

- Kaikohe – Maungatapere A (KOE-MPE A) 110 kV double circuit transmission line on towers.

In addition, Transpower operates substations at Maungatapere, Bream Bay and an outdoor switchyard at Marsden.

Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (“NESETA”) and a proposed plan. Of particular relevance to PC 129 to the Operative Whangarei District Plan (“WDP”) are NESETA Regulations 30 to 32 relating to trimming, felling and removing trees and vegetation.

Under Regulation 30, the trimming, felling or removal of trees or vegetation in relation to an existing transmission line is a permitted activity subject to conditions including; that there is not a rule (in a district or regional plan) which prohibits or restricts the activity; or the tree or vegetation is not in a natural area. Where the conditions are not met, consent is required for either a controlled or restricted discretionary activity.

### ***Section 42A Officers Report Recommendations and Transpower’s Response***

The following comments are specific to the recommendations on submission points sought by Transpower.

#### ***Recommendations supported/accepted***

##### **Submission Reference: 15/h**

##### **Plan Provision and S42A Report: L. Definitions**

In its submission Transpower sought definitions for the terms ‘trimming’, ‘alteration’ and ‘removal’.

While the relief sought is rejected, Transpower accepts the officer recommendation on the basis of other officer recommended changes, the term ‘removal’ is self-explanatory, and ‘trimming’ and ‘alteration’ are replaced with the terms ‘pruning’ and ‘maintenance’.

##### **Submission Reference: 15/b**

##### **Plan Provision and S42A Report: N. NPT.1.2 Eligibility**

In its submission Transpower supported the provision of a permitted activity rule but noted the rule framework approach in PC 129 could be confusing to plan users as the provisions within the rule are effectively drafted as permitted activity standards.

While the relief sought is technically rejected in that the structure of NPT 1.2 is amended, Transpower supports the officer recommendation to restructure the rule framework. The restructuring will provide clarity to plan users and assist in plan interpretation.

### Submission Reference: 15/c

#### Plan Provision and S42A Report: O. NPT.1.3 Objectives

In its submission Transpower supported Objective 2 and sought it be retained. In particular sub clause 2 (relating to network utilities) was supported.

While the relief sought is technically rejected, Transpower supports the officer recommendation as the objectives have been retained with minor amendment, which are supported. In particular sub clause 2 within Objective 2 is retained with the word 'use' inserted.

### Submission Reference: 15/d

#### Plan Provision and S42A Report Plan Provision: P. NPT.1.4 Policies

In its submission Transpower supported policy 2 but sought amendment to clause d) to include 'removal' and 'access' within the policy relating to enabling the safe, efficient, use maintenance and upgrade of network utilities.

While the officer recommends the submission point by Transpower be rejected, Transpower accepts the recommendation on the basis of the officer recommended new clause (e) which provides for 'removal' where appropriate.

While 'access' has not been included within the policy, Transpower accepts the officer recommendation on the basis of the generic nature of the policy overall and that it could be interpreted that access is included within the policy. Furthermore, as the plan change provisions of relevance to Transpower relate to public trees and not trees on private property (there are no notable trees within the vicinity of Transpower's assets), access would not be an issue in this instance.

### Submission Reference: 15/e and 15/f

#### Plan Provision and S42A Report Plan Provision: Q. NPT.1.5 Discretionary Activities (Land Use)

In its submission Transpower sought amendment to Discretionary Rule 4 and Rule 6. Transpower supports the officer recommendation to accept in part the relief sought to Rule 4, and accept the relief sought to Rule 6.

Specific to Rule 4, 'Broken' has been included within clause a). 'Alternation' has not been included as the terms 'pruning and maintenance' are now used. Whilst the sought reference to access has not been included, given the rules and policies only apply to certain trees on roads, reserves or parks, access is not seen as an issue.

Specific to Rule 6, 'Removal' (as sought by Transpower) is now included and provision made for removal as a permitted activity in certain circumstances, with a default discretionary activity status, which is supported.

**Submission Reference: 15/g****Plan Provision and S42A Report Plan Provision: NPT.1.7 Assessment Criteria for Discretionary Activities**

In its submission Transpower supported the assessment criteria for discretionary activities. In particular clauses e) and h) are supported.

The officer recommendation on the provisions is supported.

**Submission Reference: 15/a****Plan Provision and S42A Report Plan Provision: U. NPT.1.10 Protected Public Trees**

In its submission Transpower supported the definition of 'public tree' within NPT.1.10. The officer recommendation to retain the definition is supported.

**Further Submission Points**

Transpower lodged seven further submission points. Having read and considered the s42A reporting officer recommendations on the submission points, Transpower accepts the reporting officer recommendations.

**Hearing Appearance**

Given the support given to the relevant officer recommendations relating to Plan Change 129 Notable and Public Trees, Transpower does not propose to present evidence on these matters at the hearing. However, if the Hearing Panel considers it useful for Transpower to appear before it to explain and answer any questions on the above we would be more than happy to do so.

Transpower requests this letter be tabled at the hearing in support of its submission points and the Section 42A Report recommendations as outlined above.

Transpower wishes to express its appreciation for the due consideration given by the reporting officer to Transpower's submission points.

Should you require clarification of any matter, please contact Sarah McLean at Transpower (04 590 7062), or on the following email:

[Sarah.McLean@transpower.co.nz](mailto:Sarah.McLean@transpower.co.nz)

Yours faithfully

pp. 

Sarah McLean  
Environmental Advisor