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North West Rapid Transit Fast-track Application
Environmental Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

C/- substantive@fasttrack.govt.nz

Re: Notice of application by New Zealand Transport Agency Waka Kotahi, and invitation to comment under the Fast-track Approvals Act 2024

Thank you for the opportunity to comment on the New Zealand Transpower Agency (NZTA) Northwest Rapid Transit Project fast-track application. The Northwest Rapid Transit Project (the Project) is listed in Schedule 2 of the Fast-Track Approvals Act 2024 (FTAA).

Transpower is the State-Owned Enterprise that plans, builds, maintains and operates New Zealand's high voltage electricity transmission network – The National Grid. Transpower's principal role is to ensure the reliable supply of electricity throughout the country and, therefore, has a significant interest in ensuring that the Project does not adversely affect the operation, maintenance, upgrading and development of the existing transmission network.

The following application documents have been reviewed by Transpower¹:

- North West Rapid Transit – The Project
- Legal submissions on behalf of NZTA Waka Kotahi
- Resource Management Act Approvals
- Attachment 6.1 Indicative Design West

¹ Application documents available on FTAA website <https://www.fasttrack.govt.nz/projects/north-west-rapid-transit/substantive-application>

- Attachment 6.2 Indicative Design East
- Attachment 6.3 Indicative Cross Section
- Attachment 6.4 Designation plans
- Part 4 – Appendix A – Proposed Designation Conditions
- Part 4 – Appendix B – Proposed Consent Conditions.

The Project comprises the construction, operation and maintenance of a new bus rapid transit (BRT) facilities alongside State Highway 16 (SH16) from the Bingham Creek Road/State Highway 16 intersection through to Ian McKinnon Drive in Auckland City Centre and includes seven rapid transit stations. The Project also includes connections to the local bus and road network. The Project relies on the existing bus shoulder lanes along the causeway between Te Atatū and the Waterview interchange.

Three Transpower overhead transmission lines (on steel lattice towers) are located within the Project boundary (refer Attachment 1):

- Henderson to Hepburn Road A (HEN-HEP-A) 110kV transmission line
- Henderson to Mount Roskill A (HEN-ROS-A) 110 kV transmission line
- Henderson to Otahuhu A (HEN-OTA-A) 220 kV transmission line.

Transpower does not have designations for these transmission lines. The lines are protected by policies in the National Policy Statement for Electricity Networks 2008 (formerly the National Policy Statement on Electricity Transmission) (**NPS-EN**), and the resulting provisions in the Auckland Unitary Plan. The lines traverse the Project at various locations between Te Atatū Peninsula and Triangle Road in Massey.

Specifically, the lines traverse the following NZTA designation areas (refer Attachment 2):

- NOR 3 – Busway between Royal Road Mānutewhau station and Te Whau River
- NOR 7 – Lincoln Road Wai o Pareira Station.

Transpower acknowledges the early consultation NZTA has undertaken with Transpower to understand the effects of the Project on these National Grid assets.

Comments on the substantive application

The substantive application states that NZTA considers the impact on utilities, including the nationally significant National Grid, are irrelevant to the Panel’s determination. Further it considers that there are several other Acts and regulations that provide for ongoing protection of the National Grid that will be observed.

We strongly disagree that impacts on the National Grid are irrelevant to the Panel’s determination. As discussed earlier, the NPS-EN contains objectives and policies that protect the Grid. These objectives and policies remain relevant to the Panel’s determination.

Transpower also strongly disagrees that compliance with other legislation is sufficient to meet the requirements of the FTAA, and the NPS-EN. The FTAA does not provide that a national policy statement is irrelevant where the topic is covered by other legislation. In this regard, compliance with one piece of legislation does not negate the need to comply with another.

The NPS-EN contains an objective and a policy that is most relevant to the Panel's determination. The objective of the NPS-EN is as follows (emphasis added):

*(1) The national significance of the electricity network is recognised, **protected and provided for**, so that the network:*

(a) is upgraded, improved and resilient to provide for the social, economic and cultural wellbeing of present and future generations and their health and safety;

(b) is developed and operated in a timely, efficient and ongoing manner while managing adverse effects from or on the EN; and

(c) supports achievement of New Zealand's climate change mitigation and renewable energy targets.

Policy 11 requires decision makers to avoid direct effects and ensure that the Grid is not compromised. It provides the following (emphasis added):

(1) Decision-makers and local authorities must manage adverse effects of activities undertaken by third parties on the EN, including by:

*(a) **avoiding** direct effects on the EN;*

(b) avoiding reverse sensitivity effects on the EN, to the extent reasonably possible; and

*(c) **ensuring** that the effective operation, maintenance, upgrading and development of the EN is not compromised.*

The direction in the NPS-EN is strong. The High Court in *Transpower New Zealand Limited v Auckland Council* [2017] NZHC 281, noted that the equivalent provision in the NPS-ET was strongly directive. It relevantly stated (at paragraph 85) that the provision:

“requires that decision-makers “must” ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised. What is sought to be protected is the national electricity transmission grid – an asset which the NPSET recognises is of national significance. A mandatory requirement to ensure that an asset of national significance is not compromised is, in my judgment, a relatively strong directive.”

The Project has the potential to directly affect the lines, access to the lines and otherwise compromise the operation and maintenance of the asset. These are not matters that should be ignored, given the strong direction in the NPS-EN. Accordingly, Transpower seeks the following condition be imposed on the designations for the Project.

Request for Transpower Construction Management Plan

Transpower notes that the Applicant has proposed a number of management plans, but none which specifically address how any potential effects on the National Grid, will be managed and not compromise the effective operation and maintenance of the Grid.

Given the proximity of the proposed construction works required for the Project, Transpower requests that a Transpower Construction Management Plan (TCMP) shall be prepared prior to commencing any physical works in proximity to the HEN-HEP-A, HEN-ROS-A or HEN-OTA-A National Grid transmission lines and associated support structures. Transpower proposes the following condition –

TRANSPOWER CONSTRUCTION MANAGEMENT PLAN

- 1.1 NZTA will engage a suitably qualified person to prepare a Transpower Construction Management Plan (“TCMP”) before the start of any Construction Works within 50 metres of Transpower Assets.
- 1.2 The purpose of the TCMP is to set out the management procedures and construction methods to be undertaken so that Construction Works are safe and appropriately manage any potential adverse effects on Transpower Assets. To achieve this purpose, the TCMP must include, but need not be limited to:
 - (a) the roles and responsibilities of staff and contractors responsible for implementation of the TCMP;
 - (b) drawings showing proposed Construction Works in the vicinity of, or directly affecting, Transpower Assets;
 - (c) drawings showing the existing location and any future location of any Transpower Assets that the Parties have agreed by separate Transpower Works Agreement may be altered or relocated to accommodate the Construction Works and/or the Project;
 - (d) drawings showing that the Construction Works (temporary and permanent) mitigate Earth Potential Rise where the use of conductive materials for Project infrastructure (e.g. signs, metallic barriers, lighting, noise walls), or relocated network utilities installed during the Construction Works are within 50 metres of the Transmission Assets;
 - (e) drawings showing that the Construction Works (temporary and permanent) maintain an appropriate vertical clearance between the transmission line conductors and the finished Busway level. For the purpose of this clause, “appropriate vertical clearance” is 10.5 metres in relation to the 220kV

Henderson – Otahuhu A transmission line and 9.5 metres in relation to the 110kV Henderson to Hepburn Road A and Henderson – Otahuhu A transmission lines;

- (f) drawings showing that the Construction Works (temporary and permanent) maintain a standard of access comparable to that which existed prior to the Construction Works to Transpower Assets for maintenance at all reasonable times, and emergency works at all times;
 - (g) proposed methods to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (“NZECP 34: 2001”), including any dispensations that Transpower has granted for any Construction Works;
 - (h) proposed methods to:
 - (i) delineate areas that are not to be accessed during Construction Works and areas within which management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or a Transpower observer;
 - (ii) manage the effects of dust (including any other material which can cause material damage beyond normal wear and tear) resulting from Construction Works on the Transpower Assets;
 - (iii) manage any changes to drainage patterns, runoff characteristics and stormwater to avoid adverse effects on foundations of any support structure; and
 - (iv) manage construction activities that could result in ground vibrations and/or ground instability to avoid causing damage to the Transpower Assets, including the conductors and support structures.
- 1.3 NZTA will consult with Transpower during the preparation of the TCMP by:
- (a) Providing a draft of the TCMP to Transpower for review.
 - (b) Taking into account Transpower’s written feedback on the draft TCMP provided to NZTA within 20 Business Days, and addressing that feedback to the extent practicable before finalising the TCMP.
- 1.4 NZTA must implement the TCMP for the duration of any Construction Works within 50 metres of Transpower Assets.
- 1.5 NZTA will provide written notice to Transpower at least 10 Business Days before starting Construction Works within 50 metres of Transpower Assets. The written notice will be sent to: transmission.corridor@transpower.co.nz.

Transpower is happy to answer any questions the panel may have on these comments.

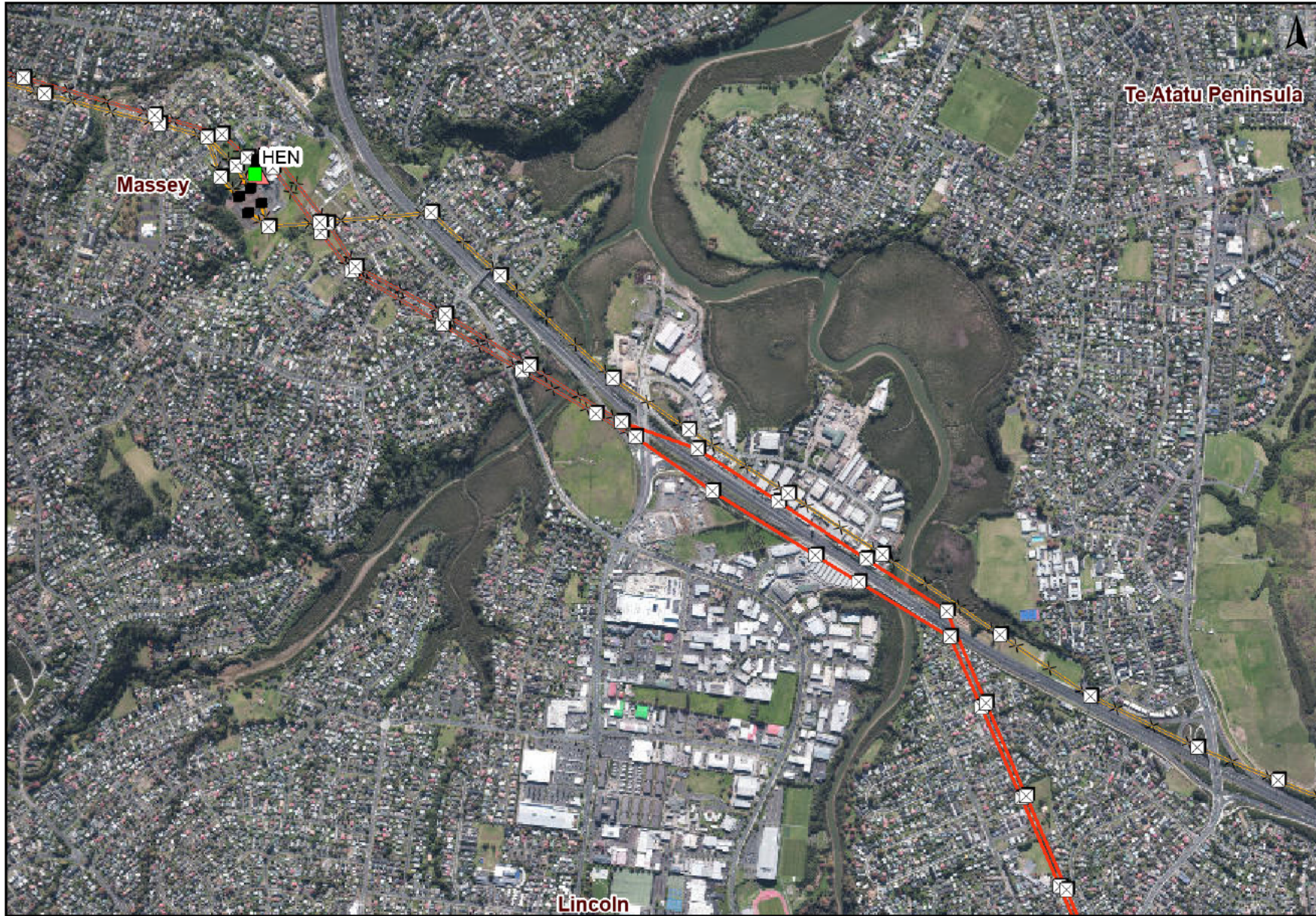
If the Panel decides to approve the consent application, Transpower would appreciate the opportunity to review the draft conditions and be notified of the decision.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'S. Shand', written in a cursive style.

Sarah Shand
Senior Environmental Planner

Appendix 1: Transpower Asset Map



Legend

Maximo Assets

Site

■ AC Substation

Structure

⊠ Double Circuit Steel Tower

■ Termination

Earthwire

⋈

Span

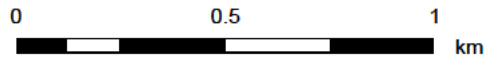
— 110 kV

— 220 kV

Transpower Data

Asbestos at Substation

⚠



Appendix 2: NZTA Designation Plan

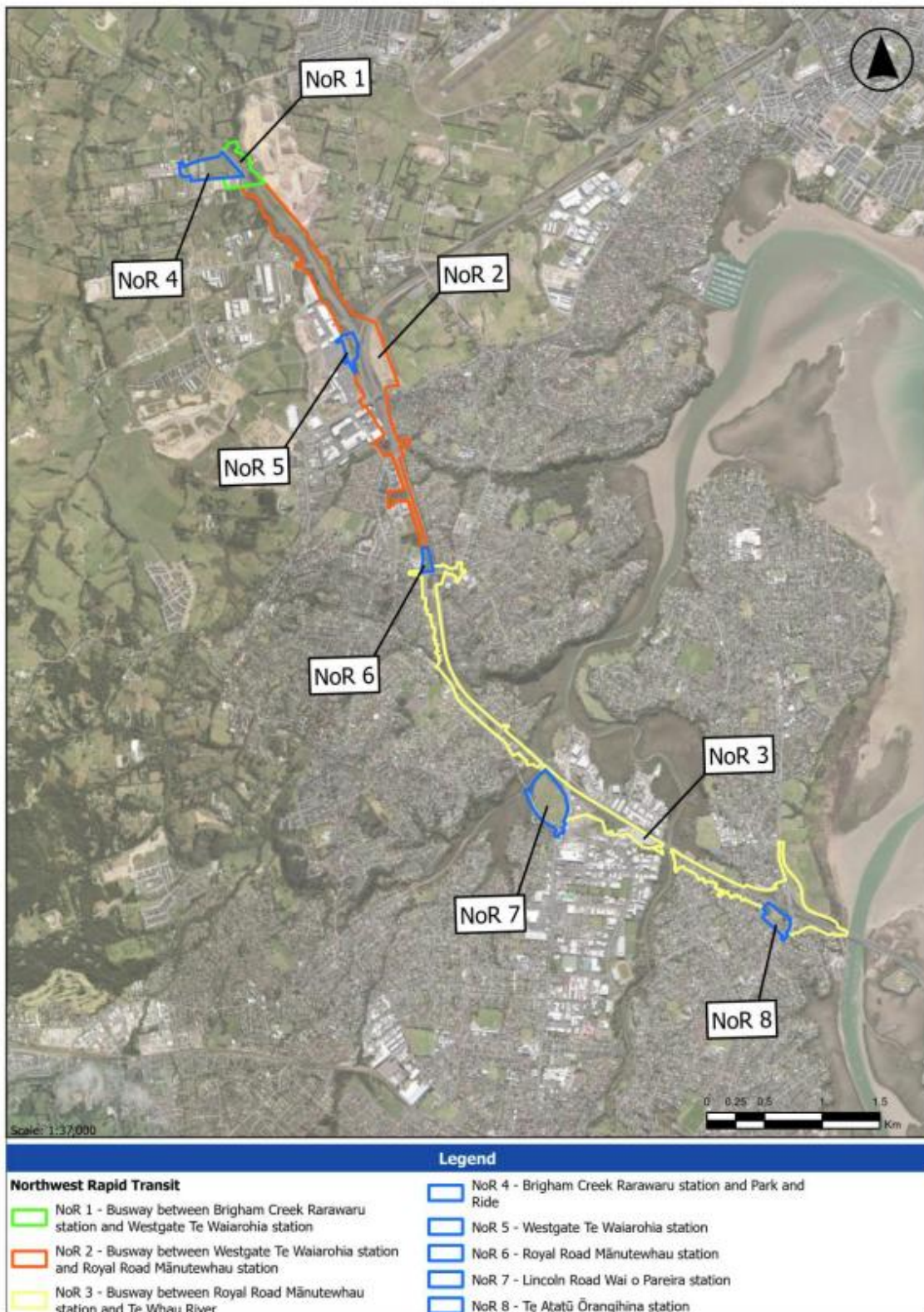


Figure 1-1: Proposed Designations overview – West

NZTA proposed designations, source Substantive Application