
Under	the Fast-track Approvals Act 2024 ('the Act ')
In the matter of	A substantive application under the Act for approvals for resource consents and a wildlife permit to develop residential allotments at 169-171 Peka Peka Road, Waikanae.
By	Transpower New Zealand Limited Section 53 Invited Party

Memorandum of Counsel for Transpower in response to Panel Minute 16

Dated 14 October 2026

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To the Expert Panel:

- 1 This memorandum is filed on behalf of Transpower New Zealand Limited ('**Transpower**') in relation to an application for approvals under the Fast-track Approvals Act 2024 ('**FTAA**') for the Waikanae North Development Project (collectively, 'the **Application**').
- 2 This memorandum responds to the request at paragraph 11 of Minute 16 of the Expert Panel, dated 9 October 2026. The Panel asked that parties comment on the updated conditions dated 6 October 2026 ('**Proposed Conditions**'), and their overall position, in terms of the matters at a. to e. of paragraph 11. Corresponding headings are adopted below.
- 3 Counsel are aware that the Applicant has subsequently uploaded a further set of proposed conditions, dated 12 October. For clarity, this memorandum responds to the version dated 6 October (as requested in the Minute), as Transpower does not understand there to have been any changes between these two versions of the conditions that relate to its interests.

a. Adequacy of the proposed conditions

- 4 Transpower considers that the Proposed Conditions are a substantial improvement on earlier iterations, and address most of the concerns or requested amendments detailed in Transpower's comments provided to the Applicant's planner on 14 September 2026.

b. Recommended amendments to Proposed Conditions

- 5 Transpower consider that a number of further amendments are required to the Proposed Conditions in order to fully address Transpower's concerns. These are identified in a marked-up version of the conditions prepared by Transpower's external expert planner, Ms Rachel Purdy, filed in conjunction with this as memorandum as **Annexure A**.
- 6 In summary, Ms Purdy recommends that:
 - a Condition G9 is updated to reflect additional plans / documents to be provided to Transpower for review, as per Condition SUB112 and LUC75.
 - b The scope of Condition R72(n) is broadened to recognise that stormwater devices, and associated earthworks, changes to hydrological and drainage patterns located beyond 23m from the centreline of the transmission lines

have the potential to impact on the integrity of the National Grid support structures located on the site.

- c Landlink drawing 2911-P0-100 Rev B (Transpower Coordination Plans, 4 August 2026) referred to in Conditions SUB178 – 180 and LUC17-17 is updated as per the comments provided against Condition SUB178.
 - d Conditions SUB.181(c) and LUC.19(c) are amended to refer to a 5m minimum clear opening gate width to provide access to the National Grid support structures located on the site.
 - e Condition LU27 is subject to minor drafting amendments to reflect Transpower's requested condition provided to the Applicant post expert conferencing. Transpower also request separating the last part of clause(c) as it relates to physical works to National Grid support structures.
 - f Condition LU76 is amended to refer to Drawing 'Transpower Assets and Access Plan' (LA90.50-53), provided by the Applicant in response to Transpower's request for a Drawing showing the National Grid assets and access routes to the National Grid support structures, during expert conferencing. A comment is provided against this condition regarding showing the proposed planting on this drawing set.
- 7 Of these points, the most substantive issue from Transpower's perspective is that the Applicant is only proposing for gate width for access tracks to be 4m wide, when Transpower had sought that this be 5m.
- 8 The increase in the gate width to 5m is important to allow for the unimpeded access of large mobile plant, such as a crane, to access the National Grid support structures for operation and maintenance activities. A gate that is of insufficient width to provide access to the support structures, would require Transpower to remove the gate and adjacent fencing to enable access. This would result in additional costs and inefficiencies for Transpower, potentially delay maintenance activities and temporarily compromise the function of the gate and fencing, potentially affecting use of reserve land. As such this matter is of concern to Transpower.
- 9 Transpower has a right to access its existing assets under s23 of the Electricity Act 1992. All future buildings and structures (including fencing) must ensure vehicle access is maintained to the National Grid transmission lines and National Grid support structures, for maintenance at all reasonable times, and emergency works at all times. Transpower requests Conditions SUB.181(c) and LUC.19(c),

in the 6 October condition set, are amended to refer to a 5m minimum clear opening gate width.

- 10 Transpower would be happy set these concerns out in more detail by way of a memorandum prepared by its relevant in-house expert, if that would assist the Panel.
- 11 In addition to the above, Proposed Conditions SUB181(e) and LUC19(e) state that access routes to National Grid support structures shall be constructed with an all weather surface and maintained in a trafficable condition at all times. Transpower supports this wording, which reflects the discussions in expert conferencing.
- 12 However, Transpower is concerned by the notation in new drawings LA9.50-53 (Transpower assets and access plan), which suggests that access tracks shall be trafficable in all weather conditions “and shall have finished levels set above the 10% AEP flood level”. That wording is concerning, as it suggests that the access tracks may not in fact be trafficable at all times. Transpower does not understand (and the Applicant has not advised) how that would compare to the current levels of the access tracks (relative to a 10% AEP flood event), or how this will impact on its practical access to the National Grid support structures.
- 13 Accordingly, Transpower considers that further information is needed in order for the Expert Panel to understand the impact on Transpower’s access to the National Grid – and would be willing to participate in further conferencing in that regard.

c. Implementation and effectiveness of the Proposed Conditions

- 14 Transpower does not have any comments in this regard, aside from the comments elsewhere in this memorandum.

d. Outstanding matters

- 15 There are no outstanding matters, from Transpower’s perspective, beyond those identified above.

e. Overall view and position

- 16 Transpower regrets that it has taken until this late stage for the Applicant’s proposed conditions to address its concerns to the extent that they do, when they had been well-signalled in Transpower’s formal comment and early communications with the Applicant.

- 17 That said, the changes now address most (though still not all) of the concerns raised.
- 18 Transpower considers that the further requested changes to the Proposed Conditions outlined above, are, however:
- a Necessary to manage the impacts of the Project on the National Grid;
 - b Able to be accommodated relatively easily by the Project; and
 - c Not 'more onerous than necessary' to address the reason for imposing them, in terms of section 83 of the FTAA.

Dated 14 October 2026



Ezekiel Hudspith / Liam Pearce
Counsel for Transpower New Zealand Limited