

**In the Environment Court of New Zealand
Christchurch Registry**

**I Te Kooti Taiao O Aotearoa
Ōtautahi Rohe**

ENV-2018-CHC-114

Under the Resource Management Act 1991 ('the Act')

and in the matter of an appeal under clause 14(1) of the First Schedule of the Act

Between **Transpower New Zealand Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

**Memorandum of counsel for Transpower New Zealand Limited
specifying further particulars of relief**

Dated 27 July 2018

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MAY IT PLEASE THE COURT

- 1 The purpose of this memorandum is to respond to a Minute of the Court dated 4 July 2018, which directed Transpower New Zealand Limited (**'Transpower'**) to file further particulars of its appeal against the decisions of the Queenstown Lakes District Council on the Queenstown Lakes District Council Proposed District Plan (the **'Proposed Plan'**).¹
- 2 The Minute directed that such particulars be "*sufficient to fairly inform the Court and parties of the substance of what is sought by way of changes to the provisions of the Proposed Plan (whether as tracked changes or narrative descriptions in respect of relief for particular provisions)*".
- 3 Accordingly, Transpower has prepared a set of amendments to the provisions of the Proposed Plan, shown as tracked changes and attached as **Appendix A** to this memorandum. These amendments would address Transpower's concerns with the Proposed Plan provisions identified in its notice of appeal.
- 4 The amendments in **Appendix A** do not seek to change all of the provisions identified in Transpower's notice of appeal. This is because there are a number of possible solutions to Transpower's concerns. Amendments to the remaining identified provisions will not be required if the amendments in **Appendix A** are accepted.
- 5 Transpower therefore confirms that it seeks the following relief:
 - a The amendments to the Proposed Plan provisions contained in **Appendix A**; and
 - b Amendments to any related provisions (including provisions in respect of which Transpower has joined other appeals as a section 274 party) in order to address the reasons for appeal set out in Transpower's notice of appeal dated 19 June 2018; or

¹ Notice of Appeal by Transpower New Zealand Limited, dated 19 June 2018.

- c Any additional or alternative relief in respect of those provisions that gives effect to the National Policy Statement on Electricity Transmission; and
- d Any consequential or ancillary changes in relation to the above.

Dated 27 July 2018

A handwritten signature in blue ink, appearing to read 'Nicola McIndoe', written over a horizontal line.

Nicola McIndoe/Ezekiel Hudspith

Counsel for Transpower New Zealand Limited

Appendix A Proposed Plan amendments sought

Transpower New Zealand Limited: Queenstown Lakes District Plan (Stage One) – Relief Sought

The relief sought by Transpower New Zealand Limited ('Transpower') in its notice of appeal is detailed below with amendments to the decision version of the Queenstown Lakes District Plan ('Proposed Plan') Proposed Plan shown in [blue](#).

Notes:

- This document does not include amendments to a number of provisions of the Proposed Plan that were identified in Transpower's notice of appeal (identified in footnotes below). This is on the basis that amendments to these provisions are not required, provided that the amendments set out below are made (in particular, but without limitation, the amendments to Chapter 30).

Chapter 2 – Definitions

Amend the definitions of 'National Grid', 'National Grid Corridor' and 'National Grid Sensitive Activities' as follows:

<p><i>"National Grid</i></p>	<p><i>Means the network that transmits high-voltage electricity in New Zealand and that, at the notification of this Plan, was is owned and operated by Transpower New Zealand Limited, including:</i></p> <p><i>a. transmission lines; and</i></p> <p><i>b. electricity substations¹³.</i></p>
<p><i>National Grid Corridor</i></p>	<p><i>Means the area measured <u>32 metres</u> either side of the centreline of <u>an</u> above ground <u>110kV</u> national grid <u>transmission line</u>, <u>but as follows</u>:</i></p> <p><i>a. 16m for the 110kV lines on pi poles</i></p> <p><i>b. 32m of 110kV lines on towers</i></p> <p><i>c. 37m for the 220kV transmission lines.</i></p> <p><i><u>Excludes any transmission lines (or sections of line) that are designated.</u></i></p>
<p><i>National Grid Sensitive Activities</i></p>	<p><i>Means those activities within the national grid corridor that are particularly sensitive to risks associated with electricity <u>National Grid</u> transmission lines because of either the potential for prolonged exposed to the risk, or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</i></p> <p><i>a. <u>hospital child day care activity</u>;</i></p> <p><i>b. day care facility activity;</i></p> <p><i>c. educational activity;</i></p> <p><i>d. home stay;</i></p> <p><i>e. healthcare facility;</i></p> <p><i>f. papakāinga;</i></p> <p><i>g. any residential activity;</i></p> <p><i>h. visitor accommodation.</i></p>

¹³Adapted from the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulation 2009."

Chapter 3 – Strategic Direction

Amend Strategic Objective 3.2.2.1 as follows:

- "3.2.2.1 *Urban development occurs in a logical manner so as to:*
- a. *promote a compact, well designed and integrated urban form;*
 - b. *build on historical urban settlement patterns;*
 - c. *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
 - d. *minimise the natural hazard risk, taking into account the predicted effects of climate change;*
 - e. *protect the District’s rural landscapes from sporadic and sprawling development;*
 - f. *ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*
 - g. *contain a high quality network of open spaces and community facilities; and.*
 - h. *be integrated with existing, and planned future, infrastructure.*
 - i. *protect the on-going operation, maintenance, upgrading and development of the National Grid.*
- (also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)"*

Amend Strategic Objectives 3.2.5.1 and 3.2.5.2 as follows:

- "3.2.5.1 *The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of inappropriate subdivision, use and development that are more than minor and/or not temporary in duration.*
- 3.2.5.2 *The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values, except in circumstances where the functional, technical or operational needs of the National Grid require a certain location or constrain the ability for change to be absorbed."¹*

Amend Strategic Policy 3.3.18 as follows:

- "3.3.18 *Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied or, in the case of the National Grid, seek to avoid adverse effects of the National Grid on the values and attributes of these areas. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)"*

¹ Drafting note: 'functional needs' are defined by the Otago Regional Policy Statement as "the locational, operational, practical or technical needs of an activity, including development and upgrades" while the draft National Planning Standards confines its definition of 'functional need' as "... the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment". The draft National Planning Standard definition does not give effect to Policy 3 of the National Policy Statement on Electricity Transmission, which refers to "technical and operational requirements".

Amend Strategic Policy 3.3.25 as follows:

“3.3.25 Provide for non-residential development with a functional, technical or operational need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational, technical or operational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)”

Amend Strategic Policy 3.3.30 as follows:

“3.3.30 Avoid adverse effects on the landscape and visual amenity values and natural character of the District’s Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration or, in the case of the National Grid, seek to avoid adverse effects of the National Grid on the values and attributes of these areas. (relevant to S.O.3.2.5.1)”

Amend Strategic Policy 3.3.32 as follows:

“3.3.32 Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded, except in circumstances where the functional, technical or operational needs of the National Grid require a certain location or constrain the ability for change to be absorbed. (relevant to S.O. 3.2.19 and 3.2.5.2)”

Chapter 4 – Urban Development

Amend Objective 4.2.2A as follows:

“4.2.2A **Objective** - A compact and integrated urban form within the urban Growth boundaries that is coordinated with the efficient provision of, protection of, and operation of infrastructure and services.”

Amend Policy 4.2.2.1 as follows:

“4.2.2.1 Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded, and:
a. reverse sensitivity effects on regionally significant infrastructure are minimised;
b. to the extent possible, reverse sensitivity effects on the National Grid are avoided, and the operation, maintenance, development and upgrading of the National Grid is not compromised.”

Chapter 6 – Landscapes²

Amend Policy 6.3.10 as follows:

“6.3.10 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s), except where location constraints and/or the nature of the infrastructure mean that this is not possible in all cases. (3.2.5.1, 3.3.30).”

² Drafting note: No change to Policy 6.3.19 is considered necessary, subject to the amendments sought elsewhere being made.

Amend Policy 6.3.12 as follows:

- “6.3.12 Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where:
- a. the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application; or
 - b. measures to avoid such locations are constrained by functional, technical or operational needs of the National Grid (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).”

Amend Policy 6.3.18 as follows:

- “6.3.18 In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, seek to avoid significant adverse effects and ~~minimise-remedy or mitigate~~ other adverse effects on those landscapes and features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).”

Amend Policy 6.3.25 as follows:

- “6.3.25 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be remedied or mitigated to the extent practicable ~~minimised~~. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).”

Amend Policy 6.3.26 as follows:

- “6.3.26 Avoid, or seek to avoid in the case of the National Grid, adverse effects on visual amenity from subdivision, use and development that:
- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or
 - b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).”

Chapter 7 – Lower Density Suburban Residential^{3 4}

Amend Objective 7.2.6 as follows:

- “7.2.6 **Objective** - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure transport networks.”

³ Drafting note: Amending ‘infrastructure’ to ‘transport’ in Objectives 7.2.6, 8.2.5 and 9.2.6 remains consistent with the Policies that implement these Objectives.

⁴ Drafting note: Amending Rules 7.6.1, 9.6.1 and 9.6.2 is not necessary subject to the amendments sought (regulating National Grid sensitive activities in Chapter 30) being made.

Chapter 8 – Medium Density Residential

Amend Objective 8.2.5 as follows:

“8.2.5 **Objective** - Development efficiently utilises existing infrastructure and minimises impacts on ~~infrastructure~~ transport networks.”

Delete Standard 8.5.13 in its entirety as follows:

“8.5.13	Setback from electricity transmission infrastructure National Grid Sensitive Activities are located outside of the National Grid Yard	NC”
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Chapter 9 High Density Residential

Amend Objective 9.2.6 as follows:

“9.2.6 **Objective** - High density residential development will efficiently utilise existing infrastructure and minimise impacts on ~~infrastructure and~~ transport networks.”

Chapter 21 – Rural

Amend the ‘Zone Purpose’ (21.1) as follows:

“ ... In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities. It is also important to recognise that infrastructure is an established activity in the Rural Zone and has a functional, technical or operational need to be located in the rural area. It is important that such infrastructure is enabled to be operated, maintained, upgraded and developed safely, effectively and efficiently.”

Amend Objective 21.2.4 as follows:

“21.2.4 **Objective** - Situations where sensitive activities conflict with existing and anticipated rural activities are managed to minimise conflict between incompatible land uses.”

as a consequence, **amend** Policy 21.2.4.2 as follows:

“21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established rural activities and those that may not be compatible with such activities.”

Amend Objective 21.2.13 as follows:

“21.2.13 **Objective** - Rural industrial activities and servicing infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.”

Chapter 23 Gibbston Character Zone

As a consequence of amendments to Policy 6.3.25, **amend** Policy 23.2.1.9 as follows:

“23.2.1.9 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be remedied or mitigated to the extent practicable minimised.”

Chapter 27 – Subdivision and Development

Amend Policy 27.2.2.8 and insert new Policy 27.2.2.8A as follows:

“27.2.2.8 Manage subdivision ~~within the National Grid Corridor or~~ near to electricity distribution lines to facilitate good amenity and urban design outcomes, while ~~minimising potential adverse effects (including reverse sensitivity effects) on the National Grid and~~ avoiding, remedying or mitigating potential adverse effects (including reverse sensitivity effects) on electricity distribution lines.

27.2.2.8A Identify a National Grid Subdivision Corridor within which subdivision is managed, to the extent reasonably possible, to avoid reverse sensitivity effects and to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised.”

As a consequence, **amend** the Assessment Matter 27.9.5.1(f) as follows:

“f. the extent to which Policy 27.2.2.8A is achieved.”

Amend Rule 27.5.10 as follows:

<p>“27.5.10</p>	<p>Subdivision of land in any zone within the National Grid Corridor except where any allotment identifies a building platform to be located within the National Grid Yard.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. impacts on the operation, maintenance, upgrade and development of the National Grid; b. the ability of future development to comply with NZECP34:2001; c. the location, design and use of any proposed building platform as it relates to the National Grid transmission line. <u>d. the risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u> <u>e. whether the subdivision would result in the planting of trees or shrubs in the vicinity of the National Grid transmission lines and the potential for effects on the operation and security of the transmission lines.”</u> 	<p>RD</p>
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Chapter 30 – Energy and Utilities

Amend the ‘Purpose’ (30.1) as follows:

“30.1 Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation and transmission of electricity and the provision of essential infrastructure throughout the District.

...

30.1.2 Utilities

...

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised and provided for. In addition, some utilities have specific locational, functional, technical and operational needs that need to be

accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to adverse effects including reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.”

Amend Policies 30.2.7.2 and 30.2.7.3 as follows:

“30.2.7.2 Require the undergrounding of services, other than the National Grid, in new areas of development where technically feasible.

30.2.7.3 Encourage the replacement of existing overhead services, other than the National Grid, with underground reticulation or the upgrading of existing overhead services where technically feasible.”

Amend Objective 30.2.8, and accompanying Policy 30.2.8.1, as follows:⁵

“30.2.8 **Objective** - The national significance of the National Grid is recognised by the facilitation of the ongoing operation, maintenance, development and upgrading of the National Grid, while subject to the adverse effects on the environment of the National Grid, and on the National Grid, are appropriately network being managed.”

Policies 30.2.8.1 Recognising the benefits of the National Grid by:

- a. Enabling the operation, maintenance and upgrade of the National Grid;
- b. providing for the development of the National Grid, while managing its adverse effects by:
 - i. seeking to avoid adverse effects on the values and attributes of the following:
 - A. indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8;
 - B. an Outstanding Natural Feature;
 - C. an Outstanding Natural Landscape;
 - D. a Rural Character Landscape.
 - ii. where avoiding adverse effects on the values listed in b(i) above is not practicable, remedying or mitigating the adverse effects on those values;
 - iii. avoiding, remedying or mitigating other adverse effects;
- c. when considering the adverse effects of the development of the National Grid, having regard to:
 - i. the extent to which measures to avoid, remedy or mitigate adverse effects may be constrained by functional, technical or operational needs;

⁵ Drafting note: Amending Objective 30.2.6 (and accompanying policies) and Policies 30.2.7.1 and 30.2.7.4 is not necessary subject to the amendments sought to Objective 30.2.8 and Policy 30 2.8.1 being made.

ii. the extent to which adverse effects have been addressed through site, route or method selection;

iii. opportunities to reduce existing adverse effects;

the use and development of the National Grid by

d. managing ~~its~~ adverse effects on the National Grid by:

ia. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;

ii**h**. avoiding National Grid Sensitive Activities within the National Grid Yard and, to the extent reasonable possible, managing activities to avoid reverse sensitivity effects on the National Grid;

iii**e**. managing potential electrical hazards, and the adverse effects of buildings, structures and National Grid Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;

iv**d**. managing subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects and to ensure that the National Grid is not compromised, so as to facilitate good amenity and urban design outcomes.

Where there is conflict, Policy 30.2.8.1 prevails over other provisions in the District Plan.

Amend the Rules and Standards in 30.5.3 and 30.5.4 as follows:

30.5.3	National Grid Activities	Non-compliance status
30.5.3.1	Minor Upgrading	P
30.5.3.2	Buildings, structures and activities that are not National Grid <u>Ssensitive A</u> ctivities within the National Grid <u>Yard Corridor</u> Subject to compliance with Rules 30.5.4.1 and 30.5.4.2	P
30.5.3.3	Earthworks within the National Grid Yard Subject to compliance with Rule 30.5.4.2	P
30.5.3.4	Buildings, structures and National Grid <u>Ssensitive A</u> ctivities in the vicinity of the Frankton Substation Any building, structure, <u>hazardous facility</u> or National Grid <u>Sensitive A</u> ctivity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to: a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance upgrading and development of the substation; b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and	C

	c. <i>measures proposed to avoid or mitigate potential adverse effects, <u>including reverse sensitivity effects.</u></i>	
30.5.3.5	<i>Erecting any <u>substation, lines, lattice towers or support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones and in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.</u></i> <i><u>Subject to compliance with Rule 30.5.4.3</u></i>	<i>D</i>
<u>30.5.3.6</u>	<i><u>Lines and Supporting Structures</u></i> <i><u>The placement and upgrading of lines, poles and supporting structures, but not lattice towers, within formed legal road</u></i> <i><u>Subject to compliance with Rule 30.5.4.3</u></i>	<i><u>P</u></i>
<u>30.5.3.7</u>	<i><u>Lines and Supporting Structures</u></i> <i><u>Except as otherwise stated in Rules 30.5.3.5, 30.5.3.6 and 30.5.3.8 new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity at a voltage of 110kV or less.</u></i> <i><u>Control is reserved to:</u></i> <i><u>a. location;</u></i> <i><u>b. route;</u></i> <i><u>c. height;</u></i> <i><u>d. appearance, scale and visual effects.</u></i> <i><u>Subject to compliance with Rule 30.5.4.3</u></i>	<i><u>C</u></i>
<u>30.5.3.9</u>	<i><u>Underground Electricity Cables</u></i> <i><u>The placement of underground electricity transmission cables provided the ground surface is reinstated to the state it was prior to works commencing.</u></i> <i><u>Subject to compliance with Rule 30.5.4.3</u></i>	<i><u>P</u></i>
<u>30.5.3.10</u>	<i><u>National Grid Sensitive Activities in the National Grid Yard</u></i>	<i><u>NC</u></i>

30.5.4	<i>National Grid Standards</i>	<i>Non-compliance status</i>
30.5.4.1	<i>Buildings and Structures <u>that have a minimum vertical clearance of 10 metres below the lowest point of a conductor or otherwise meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) are permitted within the National Grid Yard provided they are:</u></i> <i>30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.</i> <i>30.5.4.1.2 <u>A nNetwork utility within a transport corridor or any part of electricity infrastructure that connects to the National grid, excluding a building or structure for the</u></i>	<i>NC</i>

	<p>reticulation and storage of water for irrigation purposes.</p> <p>30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid transmission line sSupport sStructure.</p> <p>30.5.4.1.4 Any non-habitable building or structure used for agricultural or horticultural activities provided that they are:</p> <ol style="list-style-type: none"> less than 2.5m high; located at least 12m from a National Grid transmission line sSupport sStructure; not a wintering barn, produce packing facility, milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm. <p>30.5.4.1.5 Alterations to existing buildings that do not alter the building envelope.</p> <p>30.5.4.1.6 An agricultural or horticultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p> <p>30.5.4.1.7 Not a National Grid Sensitive Activity.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	
30.5.4.2	<p>Earthworks permitted within the National Grid Yard</p> <p>30.5.4.2.1 Earthworks within 6 metres of the outer visible edge of a National Grid Ttransmission line Ssupport Sstructure must be no deeper than 300mm.</p> <p>30.5.4.2.2 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Ttransmission line Ssupport Sstructure must be no deeper than 3 metres.</p> <p>30.5.4.2.3 Earthworks must not create an unstable batter that will affect a National Grid transmission line support structure.</p> <p>30.5.4.2.4 Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by the NZECP 34:2001.</p> <p>The following earthworks are exempt from the rules above:</p> <p>30.5.4.2.5 Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.</p> <p>30.5.4.2.6 Earthworks undertaken as part of agricultural or horticultural activities or domestic gardening.</p> <p>30.5.4.2.7 Repair, sealing, resealing of an existing road, footpath, farm track or driveway.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC

30.5.4.3	<p><u>Electric and magnetic fields</u></p> <p><u>30.5.4.3.1 Electric and magnetic fields must not exceed the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).</u></p>	<u>NC</u>
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Chapter 33 – Indigenous Vegetation and Biodiversity

Amend Policy 33.2.1.6 as follows:

- “33.2.1.6 Manage the adverse effects of activities on indigenous biodiversity by:
- a. avoiding adverse effects as far as practicable and, where total avoidance is not practicable, minimising adverse effects;
 - b. requiring remediation where adverse effects cannot be avoided;
 - c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated;
 - d. ~~requiring any~~ considering off-setting for residual adverse effects on significant indigenous vegetation or indigenous fauna ~~to be offset~~ through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values, having particular regard to:
 - i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable; (sic)
 - ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;
 - iii. Schedule 33.8 – Framework for the use of Biodiversity Offsets;
 - e. ~~enabling any~~ considering off-setting for residual adverse effects on other indigenous vegetation or indigenous fauna ~~to be offset~~ through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:
 - i. the ability of a proposed offset to demonstrate it can achieve no net less or preferably a net gain;
 - ii. Schedule 33.8 – Framework for the use of Biodiversity Offsets.”

Amend Policy 33.2.2.1 as follows:

- “33.2.2.1 Avoid the clearance of indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8, that would reduce indigenous biodiversity values or, in the case of the National Grid, seek to avoid adverse effects of the National Grid on the values of these areas.”