

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First
Schedule of the Act

BETWEEN TRANSPOWER NEW ZEALAND
LIMITED

(ENV-2018-CHC-114)

... (continued on separate page)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 2 February 2022

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that:

(1) the appeal is allowed, and Queenstown Lakes District Council is
directed to:

(a) amend the provisions of Chapters 2 (Definitions), 7 (Lower
Density Suburb Residential), 8 (Medium Density Residential),



- 9 (High Density Residential), 11 (Large Lot Residential), 12 (Queenstown Town Centre), 16 (Business Mixed Use Zone), 21 (Rural Zone), 22 (Rural Residential and Lifestyle), 23 (Gibbston Character Zone), 24 (Wakatipu Basin), 25 (Earthworks), 27 (Subdivision and Development), 30 (Energy and Utilities), 38 (Open Space and Recreation Zones) and 43 (Millbrook) of the Proposed Queenstown Lakes District Plan as set out in Appendix 1 attached to and forming part of this consent order;
- (b) make any consequential amendments to the numbering of provisions and relevant planning maps resulting from (a) above.
- (2) the appeals otherwise remain extant dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns appeals by Transpower New Zealand Limited¹ ("Transpower"), Aurora Energy Limited² ("Aurora"), Queenstown Airport Corporation Limited³ ("QAC"), Te Anau Developments Limited,⁴ Cardrona Alpine Resort Limited⁵ and Queenstown Park Limited.⁶ The appeals were filed against parts of the decision of the Queenstown Lakes District Council regarding provisions in a number of chapters of the proposed Queenstown Lakes District

¹ ENV-2018-CHC-114.

² ENV-2018-CHC-108.

³ ENV-2018-CHC-93.

⁴ ENV-2018-CHC-106.

⁵ ENV-2018-CHC-117.

⁶ ENV-2018-CHC-127.

Plan – Stage 1.⁷ The appeals were allocated to Topic 17 – Energy and Utilities.

[2] Specifically, this order concerns appeal points raised by Transpower, Aurora and Queenstown Park Limited.

Background

[3] Following court-facilitated mediations, the parties filed a joint memorandum dated 23 September 2019 seeking the determination of appeal points allocated to Topic 17. The parties requested it be considered alongside the accompanying consent memoranda filed for Topic 1, subtopic 4 and Topic 2, subtopic 11 – Regionally Significant Infrastructure (‘RSI’) as the agreed provisions work together as a package.

[4] As this topic is closely related to Topic 2 ‘Landscape and Rural Character’ the court placed the consent documentation on hold pending the issue of all relevant Topic 2 decisions so that the RSI provisions could be reviewed against the final Ch 3 and Ch 6 provisions. Following those decisions being released, the court issued a Minute dated 3 November 2021 identifying a list of Topic 17 provisions it considered suitable to be progressed by consent order, with the remaining provisions to be resolved at a later date.

[5] The parties filed a further consent memorandum dated 18 November 2021. I have read and considered that memorandum which sets out the agreement reached on the provisions the court agreed to determine, as well as some additional appeal points that the court did not identify, but that can be resolved at this time.

⁷ Specifically Chapters 2 (Definitions), 7 (Lower Density Suburb Residential), 8 (Medium Density Residential), 9 (High Density Residential), 11 (Large Lot Residential), 12 (Queenstown Town Centre), 16 (Business Mixed Use Zone), 21 (Rural Zone), 22 (Rural Residential and Lifestyle), 23 (Gibbston Character Zone), 24 (Wakatipu Basin), 25 (Earthworks), 27 (Subdivision and Development), 30 (Energy and Utilities), 38 (Open Space and Recreation Zones) and 43 (Millbrook).

Other relevant matters

[6] All relevant s274 parties have signed the 18 November 2021 memorandum setting out the relief sought by this order.

Outcome

[7] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan
Environment Judge



List of appellants

ENV-2018-CHC-114	Transpower Limited
ENV-2018-CHC-108	Aurora Energy Limited
ENV-2018-CHC-93	Queenstown Airport Corporation
ENV-2018-CHC-106	Te Anau Developments Limited
ENV-2018-CHC-117	Cardrona Alpine Resort Limited
ENV-2018-CHC-127	Queenstown Park Limited

APPENDIX 1

(amendments shown in underline and ~~strikethrough~~ text)

2 DEFINITIONS

Minor Upgrading

Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of similar character, intensity and scale and includes the following:

- a. addition of lines, circuits and conductors;
 - b. reconducting of the line with higher capacity conductors;
 - c. re-sagging of conductors;
 - d. bonding of conductors;
 - e. addition or replacement of longer or more efficient insulators;
 - f. addition of electrical fittings or ancillary telecommunications equipment;
 - g. addition of earth-wires which may contain lightning rods, and earth-peaks;
 - h. support structure replacement within the same location as the support structure that is to be replaced;
 - i. addition or replacement of existing cross-arms with cross-arms of an alternative design;
 - j. replacement of existing support structures ~~poles~~ provided they are less the same or similar in height, diameter and are located within 2.5 metres of the base of the support ~~pole~~ structure being replaced;
 - k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;
 - l. the addition of up to ~~three~~ four new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five-year period.
- (m) An increase in support structure height required to comply with NZECP34:2001 by not more than 3 metres provided that the support structure has not been replaced within the preceding 10-year period.

National Grid Subdivision Corridor

Means the area measured either side of the centreline of above ground ~~national~~ Grid transmission line as follows:

- a. 16m for the 110kV lines on pi poles
- b. 32m of 110kV lines on towers or mono poles
- c. 37m for the 220kV transmission lines.

Excludes any transmission lines (or sections of line) that are designated.

National Grid Sensitive Activities

Means those activities ~~within the national grid corridor~~ that are particularly sensitive to risks ~~associated with electricity~~ National Grid transmission lines ~~because of either the potential for prolonged exposure 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:

- a. ~~hospital child day care activity;~~
- b. ~~day care facility activity;~~
- c. ~~educational activity;~~
- d. home stay;
- e. healthcare facility;
- f. papakāinga;
- g. any residential activity;
- h. visitor accommodation.

30 Energy and Utilities

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.

30.1.1 Energy

....

30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

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. The need to operate, maintain, develop and upgrade the National Grid is a matter of national significance established by the National Policy Statement on Electricity Transmission 2008. In addition, some utilities have specific ~~location~~ functional needs that ~~have 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.

30.2 Objectives and Policies

30.2.3.7 Consider non-renewable energy resources including standby power generation and Stand Alone Power systems, with particular regard to servicing activities in remote locations, and where adverse effects can be mitigated.

30.2.6 Objective - ~~The establishment, continued operation and maintenance operation, maintenance, development and upgrading~~ of utilities supports the well-being of the community.

30.2.6.1 Provide for the operation, need for maintenance or upgrading of utilities ~~including regionally significant infrastructure to ensure its their~~ on-going viability and efficiency ~~subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.~~

30.2.7.2 Require the undergrounding of new utilities servicing services in new areas of development, other than the National Grid, 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 the existing overhead services, where technically feasible.

30.3.2 Information on National Environmental Standards and Regulations

- a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

- i. cabinets in and outside of road reserve;
- ii. antennas on existing and new poles in the road reserve;
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
- iv. new poles and antennas in rural areas;
- v. antennas on buildings;
- vi. small-cell units on existing structures;
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
- viii. associated earthworks.

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

The provisions of the NESTF 2016 prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

- c. New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34(2001) (such as buildings, earthworks and conductive fences), including any activities that are otherwise permitted by the District Plan must comply with this legislation.

Advice Note: To assist plan users in complying with NZECP 34:2001 ~~these regulations~~, the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.

For the balance of Aurora’s network plan users are advised to consult with Aurora’s network maps at www.auroraenergy.co.nz or contact Aurora directly for advice.

Compliance with this District Plan does not ensure compliance with NZECP 34:2001.

- d. Advice Note: Electricity (Hazards from Trees) Regulations 2003. Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

30.5 Utility Rules

30.5.1	General Utility Activities	Non-compliance Status Activity Status
30.5.1.4	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings in:</p> <ol style="list-style-type: none"> any Significant Natural Areas; the Arrowtown Residential Historic Management Zone. <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures, <u>and associated electricity cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation).</u> 	D
30.5.1.5	Flood Protection Works not otherwise provided for in Rule 30.4.5.1.2 <u>30.5.1.2</u>	D

30.5.3	National Grid Activities	Non-compliance Status Activity Status
30.5.3.2	<p>Buildings, structures and activities that are not National Grid s<u>Sensitive a</u>Activities within the National Grid <u>Yard Corridor</u></p> <p>Subject to compliance with Rules 30.5.4.1 and 30.5.4.2.</p>	P
<u>30.5.3A</u>	<p><u>Underground electricity cables</u></p> <p><u>The placement of underground electricity transmission cables provided the ground surface is reinstated to the state it was prior to works commencing.</u></p>	<u>P</u>
30.5.3.4	<p>Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation</p> <p>Any building, structure or National Grid sensitive activity <u>or storage or use of explosive or flammable Hazardous Substances*</u> within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> 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; 	C

30.5.3	National Grid Activities	Non-compliance- Status Activity Status
	<p>b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and</p> <p>c. measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects.</p> <p>* <u>Excludes storage or use of Hazardous Substances ancillary to Residential Activity.</u></p>	
30.5.3.6	<u>National Grid Sensitive Activities in the National Grid Yard</u>	<u>NC</u>

30.5.4	National Grid Standards	Non-compliance Status
30.5.4.1	<p>Buildings and Structures permitted within the National Grid Yard:</p> <p>30.5.4.1.X <u>Buildings and structures that meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001);</u></p> <p>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.</p> <p>30.5.4.1.2 A network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the 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 <u>transmission line</u> Support <u>structure</u>.</p> <p>30.5.4.1.4 Any non-habitable building or structure used for agricultural <u>or horticultural</u> 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 <u>transmission line</u> Support <u>structure</u>; not a <u>wintering barn, produce packing facility, milking shed/dairy shed</u> (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 <u>or horticultural</u> structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p>	NC

30.5.4	National Grid Standards	Non-compliance Status
	Note: Refer to the Definitions for illustration of the National Grid Yard.	
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 Transmission <u>line</u> <u>Support</u> <u>Structure</u> 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 Transmission <u>line</u> <u>Support</u> <u>Structure</u> 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 <u>National Grid transmission line</u> 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 <u>or</u> <u>horticultural</u> 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>30.5.4.3.1 <u>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>	NC

30.5.5	Electricity Distribution Activities	Non-compliance- Status Activity Status
30.5.5.4	<p>Lines and Supporting Structures</p> <p>Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below 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 equal to or less than <u>110kV</u> at a capacity equal to or less than 100MV).</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. location; b. route; c. height; d. appearance, scale and visual effects. 	C

30.6 Rules - Non-Notification of Applications

30.6.2 Rules – Notification

30.6.2.1 For any application for resource consent made under Rules 30.5.3.4, and 30.5.4, when deciding who is an affected person for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to Transpower New Zealand Limited.

CHAPTER 7 – LOWER DENSITY SUBURBAN RESIDENTIAL

- Include advice note in section 7.3.2 'Interpreting and Applying the Rules' as follows:

7.3.2.9A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Add matter of discretion to Rule 7.4.8 as follows:

(i) Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps

is located within the adjacent road, any adverse effects on that infrastructure.

- Amend Part 7.6 Rules - Non-Notification of applications as follows:

7.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified:

7.6.1.1 Residential units pursuant to Rule 7.4.7, except where:

a. vehicle crossing or right of way access on or off a State Highway is sought;

b. in relation to the electricity distribution network and where Rule 7.4.7(j) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 8 – MEDIUM DENSITY RESIDENTIAL

- Include advice note in section 8.3.2 'Interpreting and Applying the Rules' as follows:

8.3.2.9A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Delete Rule 8.5.13

8.5.13	Setbacks from electricity transmission infrastructure National Grid Sensitive Activities are located outside of the National Grid yard.	NC
--------	--	----

- Add matter of discretion to Rules 8.5.6 and 8.5.8 as follows:

e. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

CHAPTER 9 – HIGH DENSITY RESIDENTIAL

- Include advice note in section 9.3.2 'Interpreting and Applying the Rules' as follows:

9.3.2.6A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Add matter of discretion to Rules 9.4.5, 9.5.6 and 9.5.9

30.6.2.1.1 Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road and any proposed building is located within 9.5 meters of that road boundary, any adverse effects on that infrastructure.

- Include a new notification Rule 9.6.2.4 as follows:

9.6.2.4 Where the matters of discretion include effects on the Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure, Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 11 – LARGE LOT RESIDENTIAL

- Include advice note in section 11.3.2 'Interpreting and Applying the Rules' as follows:

11.3.2.7A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

CHAPTER 12 – QUEENSTOWN TOWN CENTRE ZONE

- Include advice note in section 12.3.2 'Interpreting and Applying the Rules' as follows:

12.3.2.5A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Add matter of discretion to Rule 12.4.7(j) as follows:

(j) Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- Add new Rule to Part 12.6 Rules – Non-Notification of Applications, Rule 12.6.3.2

12.6.3.2 In relation to the electricity distribution network and where Rule 12.4.6(j) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 16 – BUSINESS MIXED USE

- Include advice note in section 16.3.2 'Interpreting and Applying the Rules' as follows:

16.3.2.5A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Add matter of discretion to Rule 16.4.4 (k) as follows:

(k) Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road and any proposed building is

located within 9.5m of that road boundary, any adverse effects on that infrastructure.

- **Add new Part 16.6 Rules – Non-Notification of Applications.**

16.6.3.2 In relation to the electricity distribution network and where Rule 16.4.4(k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 21 – RURAL ZONE

- **Add advice note at 21.3.3.4 as follows:**

21.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rules 21.5.2 and 21.7.1 as follows:**

d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- **Add standard and matter of discretion to Rule 21.8.1 as follows:**

Standard:

21.8.1.8 Farm Buildings must be located a minimum distance of 10m either side from Electricity Sub-transmission Infrastructure lines or 5m from Significant Electricity Distribution Infrastructure lines as shown on the Plan maps. The setback distance shall be measured from the centre of the support structure.

Matter of discretion (Non-compliance status):

v. Where non-compliance is pursuant to Rule 21.8.1.8, maintaining access to the infrastructure for operation, maintenance and minor upgrading.

CHAPTER 22 – RURAL RESIDENTIAL AND RURAL LIFESTYLE

- Include advice note in section 22.3.2 'Interpreting and Applying the Rules' as follows:

22.3.2.11A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

Chapter 23 Gibbston Character Zone

Amend 23.2.1.9:

Policy 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 minimised remedied or mitigated.

CHAPTER 24 – WAKATIPU BASIN

- Add advice note at 24.3.3.4:

24.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Add new matter of discretion to Rules 24.4.6, 24.4.18, 24.5.3, 24.5.9 and 24.5.15:

Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- Amend Notification Rules at 24.6 by adding a new i.:

h Rules 24.4.6, 24.4.18, 24.5.3, 24.5.9 and 24.5.15 in relation to the electricity distribution network, where the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

- Add Assessment Matter to 24.7.6(e):

e. Where Electricity Sub-transmission infrastructure or Significant Electricity Distribution Infrastructure is located in road adjacent to the subject site or within the subject site, consideration shall be had to:

- The effects on the operation, maintenance or minor upgrading of that infrastructure.
- Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.

CHAPTER 25 - EARTHWORKS

- Include new advice note at 25.3.4.5
25.3.4.5 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- Add new Assessment matter 25.8.4.6

25.8.4.6 Where earthworks are to be carried out within 9.5m of Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall be had to:

- a) The effects of earthworks on the operation, maintenance or minor upgrading of that infrastructure; and
- b) Whether the network operator or suitably qualified engineer has provided confirmation that earthworks proposed comply with the NZECP34:2001.

CHAPTER 27 – SUBDIVISION

- Amend Policy 27.2.2.8 and include new Policy 27.2.2.8A

Policy 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.

Policy 27.2.2.8A Manage subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects on the National Grid and facilitate good amenity and design outcomes, to the extent reasonably possible, and to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised.

- Amend Rule 27.5.10:

27.5.10	<p>27.5.10 Subdivision of land in any zone within the National Grid <u>Subdivision</u> Corridor except where any allotment identifies a building platform to be located within the National Grid Yard. Discretion is restricted to:</p> <ol 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. d. <u>the risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u> e. <u>whether any proposed planting within 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> 	RD
---------	--	----

- Amend Assessment Matters by adding the following:

27.9.3.1 (Urban Subdivision Activities)

- ...
- i. whether effects on electricity and telecommunication networks are appropriately managed. Where the site contains, or is adjacent to road containing Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall also be had to:
 - a. the effects on the operation, maintenance or minor upgrading of that infrastructure;
 - b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.

27.9.3.2 (Rural Residential and Rural Lifestyle Subdivision Activities)

- ...
- i. whether effects on electricity and telecommunication networks are appropriately managed. Where the site contains, or is adjacent to road containing Electricity Sub-transmission Infrastructure or

Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall also be had to:

- a. the effects on the operation, maintenance or minor upgrading of that infrastructure;
- b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001:

- Add new Assessment Matter to 27.9.3.3 as follows:

27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities) by adding the following:

- y. Whether effects on electricity and telecommunication networks are appropriately managed. Where the site contains, or is adjacent to road containing Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall also be had to:
 - a. the effects on the operation, maintenance or minor upgrading of that infrastructure;
 - b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.

- Amend Rule 27.9.4.1(f):

27.9.4.1 Assessment Matters in relation to Rule 27.5.10. (National Grid Subdivision Corridor)

- a. whether the allotments are intended to be used for residential or commercial activity;
- b. the need to identify a building platform to ensure future buildings are located outside the National Grid Yard;
- c. the ability of future development to comply with NZECP34:2001;
- d. potential effects of the location and planting of vegetation on the National Grid;

- e. whether the operation, maintenance and upgrade of the National Grid is restricted;
- f. the extent to which Policy 27.2.2.8A is achieved.

- Amend Advice Note 27.11.3:

27.11.3 **New Zealand Electrical Code of Practice for Electrical Safe Distances**

27.11.3.1 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

To assist plan users in complying with NZECP 34:2001, the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.

For the balance of Aurora’s network plan users are advised to consult with Aurora’s network maps at www.auroraenergy.co.nz or contact Aurora for advice.

CHAPTER 38 – OPEN SPACE ZONE

- Add advice note at 38.3.3.5 as follows:

21.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities in relation to the NZECP34:2001.

CHAPTER 43 - MILLBROOK

- Add matter of discretion to Rule 43.5.2. as follows:

With respect to Rule 43.5.2(b), discretion is limited to the following:

The effects of the proposed building on the Electricity Sub-transmission Infrastructure as shown on the Plan Maps, including whether NZECP34:2001 can be complied with.

- **Add notification rule:**

43.6.2 Notwithstanding Rule 43.6.1 above, any application for resource consent where Rule 43.5.2(b) is relevant, Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.

