

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2025] NZEnvC 18

IN THE MATTER

of the Resource Management Act 1991

AND

appeals under clause 14 of the First
Schedule of the Act

BETWEEN

CHORUS NEW ZEALAND
LIMITED, ONE NEW ZEALAND
GROUP LIMITED, SPARK NEW
ZEALAND TRADING LIMITED

(ENV-2023-CHC-092)

HORTICULTURE NEW
ZEALAND

(ENV-2023-CHC-102)

TRANSPower NEW
ZEALAND LIMITED

(ENV-2023-CHC-109)

ORION NEW ZEALAND
LIMITED

(ENV-2023-CHC-119)

Appellants

AND

SELWYN DISTRICT COUNCIL

Respondent



Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 21 January 2025

CONSENT ORDER

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

- (1) the appeals are allowed to the extent that Selwyn District Council is to amend the proposed Selwyn District Plan as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeal by Chorus New Zealand Limited, One New Zealand Group Limited, and Spark New Zealand Trading Limited is resolved in its entirety. The parties to the Telcos appeal agree that costs should lie where they fall in respect of the appeal; and
- (3) the appeals by Horticulture New Zealand Limited, Transpower New Zealand Limited, and Orion New Zealand Limited are resolved in part, and otherwise remain extant. Costs are reserved in respect of the appeals.

REASONS

Introduction

[1] This proceeding concerns appeals by Chorus New Zealand Limited, One New Zealand Group Limited, and Spark New Zealand Trading Limited (“Telcos”), Horticulture New Zealand Limited (“HortNZ”), Transpower New Zealand Limited (“Transpower”), and Orion New Zealand Limited (“Orion”) against decisions of the Selwyn District Council (“the Council”) to accept the Hearing Panel’s recommendations in respect of the Proposed Selwyn District Plan (“PDP”).

[2] The appellants' appeal points that were specific to the Energy and Infrastructure chapter of the Proposed Plan were assigned to Topic 12: National Grid and Significant Electricity Lines corridor protection rules, and telecommunications infrastructure. Topic 12 issues were discussed in a court-assisted mediation on 6 and 7 June 2024.

[3] I have read and considered the consent memorandum of the parties dated 5 December 2024, which proposes to resolve the appeal points assigned to Topic 12. The agreement reached involves:

- (a) EI-R9, EI-R10, and EI-R19: the amendments clarify that these rules only apply to activities that are not regulated by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 ('NESTF');
- (b) EI-REQ8: the amendments provide for a permitted activity status for a telecommunication connection that is not fixed to the exterior of the heritage item, and a controlled activity status where a connection is fixed to the exterior of the heritage item;
- (c) an update to the ePlan, such that where an electricity transmission and distribution line crosses a property, a link is provided direct to the EI chapter;
- (d) changes to the way the PDP refers to the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 34:2001 ('NZECP');
- (e) EI-R2, which addresses structures in the National Grid Yard: the amendments provide for crop protection structures where Transpower has given written approval or where structures meet the requirements of the NZECP. The amendments also incorporate an advice note, indicating that guidance on activities around the National Grid can be obtained from Transpower;
- (f) EI-R2A, which addresses earthworks in the National Grid Yard: the amendments clarify the nature of permitted activities and seek to align

these with the NZECP. The amendment also includes the same advice note as EI-R2;

- (g) EI-R4, EI-R4A and EI-R4B, which address structures and earthworks near Significant Electricity Distribution Lines ('SEDL'): the amendments seek to resolve an unintended consequence of the Council's decision which attempted to simplify provisions, and the PDP, by making reference to rule requirements related to the National Grid Yard;
- (h) EI-R11, which addresses upgrading or expansion of existing above ground network utilities: the amendment provides for the installation of a new mid-span electricity pole where it is necessary to address ground clearance distances identified in a new provision EI-REQ[x];
- (i) EI-REQ2A: this rule requirement directly incorporating NZECP is to be deleted;
- (j) EI-REQ[x]: this new provision, with accompanying EI-TABLE2, ensures that activities do not reduce clearance distances of conductors from the ground;
- (k) EI-MAT4, which is a matter of discretion that applies to subdivision within the National Grid Yard in close proximity to SEDLs (refer to the restricted discretionary activity rule SUB-R16); and
- (l) EI-MAT5, which is a matter of discretion applied specifically to earthworks in the National Grid Yard: as a consequence of the amendments to EI-R2A, this is to be deleted.

[4] This consent order resolves the Telcos appeal in its entirety. The parties to the Telcos appeal agree that costs should lie where they fall in respect of the appeal. Other elements of the HortNZ, Transpower and Orion appeals are being addressed through other mediation topics; those appeals are not entirely resolved through this consent order.

[5] I have also read and considered the affidavit of Jocelyn Margaret Lewes affirmed 7 November 2024. The affidavit explains the scope to make the changes

sought and the rational for the agreed changes in terms of s32AA RMA. Ms Lewes has satisfied me that the agreed amendments are the most appropriate way to achieve the relevant objectives in the PDP, will result in better alignment with NESTF and NZECP, and ensure that an unnecessary regulatory burden is not placed on telecommunication providers or landowners. I also find that the agreed amendments will provide greater clarity to plan users and will assist in the efficient administration of the PDP.

Other relevant matters

[6] The following parties are signatories to the consent memorandum, but did not attend mediation:

- (a) Royal Forest and Bird Protection Society of New Zealand Incorporated advised that it would abide the outcome of mediation; and
- (b) the Director-General of Conservation, Fonterra Co-operative Group Limited, and the New Zealand Defence Force joined the Transpower appeal, in relation to points Transpower indicated prior to mediation that it would not be pursuing. On that basis, these parties did not attend mediation.

[7] Further parties joined the appeals under s274 RMA, but did not have a relevant interest in the matters being addressed in this consent order.¹

[8] At the Topic 12 mediation, the parties agreed amendments to EI-P6 relating to the National Grid and SEDLs infrastructure. EI-P6 was first discussed at mediation for Topic 7: Policy framework for important infrastructure and reverse sensitivity. Parts of EI-P6 were deferred for discussion at other topic-specific mediations and are still being discussed by relevant parties. Accordingly,

¹ Christchurch International Airport Limited, Cockram Premises Limited, Environmental Defence Society Incorporated, Lyttleton Port Company Limited.

the agreed amendments to EI-P6 are not included in this consent order.

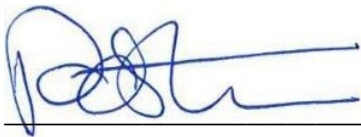
[9] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

Outcome

[10] The court is making this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297.

[11] The court understands for the present purposes that all relevant parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.

[12] Costs are reserved, although applications are discouraged.



P A Steven
Environment Judge

Appendix 1

The additional text is shown in **bold underlined text** and deletions are shown in ~~strikethrough~~.

New abbreviation (to be added to Part 1)

NZEC34:2001: New Zealand Electrical Code of Practice for Electrical Safe Distances, approved December 2001.

EI-R2 Structures in the National Grid Yard		
All Zones	<p>Activity Status: PER</p> <p>1. The establishment of a new, or expansion of an existing structure within the National Grid Yard.</p> <p>Where:</p> <p>a. The structure is:</p> <ol style="list-style-type: none"> <u>is</u> a network utility; or <u>is</u> not used for habitation; or <u>is</u> used for agricultural or horticultural activities, excluding: <ol style="list-style-type: none"> produce packing; a milking shed (other than stock yards and ancillary platforms); a wintering barn; intensive primary production; or commercial greenhouse; <u>does not result in the</u> The expansion of any existing structure does not occur to a structure listed in <u>EI-R2.1.a.ii and EI-R.2.1.a.iii(1) – (5); or</u> <u>is</u> located at least 12<u>m metres</u> from the outer visible edge of a foundation of a National Grid transmission support structure, excluding: <ol style="list-style-type: none"> a fence <u>not exceeding 2.5m in height</u> consisting of non-conductive materials; or 	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of EI-R2.1 is not achieved: NC</p> <p>3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</p> <p>Notification:</p> <p>4. Any application arising from EI-R2.2 shall not be subject to public notification and shall be limited notified to the following parties: Transpower, unless their written approval is provided.</p>

	<p>2. a fence <u>not exceeding 2.5m in height</u> consisting of conductive materials located at least 5m from a National Grid transmission support structure; or</p> <p>3. an artificial crop protection structure or crop support structure not exceeding <u>2.5m metres</u> in height and located at least <u>8m meters</u> from a National Grid transmission <u>pole support structure</u> that:</p> <p>i. is removable or temporary to allow a clear working space of <u>12m metres</u> from the <u>pole support structure</u> for maintenance; and</p> <p>ii. allows all weather access to the <u>pole support structure</u> and a sufficient area for maintenance equipment, including a crane;</p> <p><u>or</u></p> <p>vi. <u>is an artificial crop protection structure or crop support structure for which Transpower has given written approval; and</u></p> <p>b. <u>the structure meets the requirements of NZECP 34:2001.</u></p> <p>And this activity complies with the following rule requirements:</p> <p>EI-REQ1 Access to a National Grid Support Structure</p> <p>EI-REQ2A New Zealand Code of Practice for Electrical Safe Distances</p> <p><u>Note:</u></p> <p><u>Pātai; Transpower's Land Development and Use Enquiry Portal is available to submit enquiries relating to land development and use around the National Grid and to</u></p>	
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	<u>have Transpower to provide assistance regarding the safe separation required between an activity and the transmission lines and their support structures (https://transpower.patai.co.nz/).</u>	
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EI-R2A Earthworks in the National Grid Yard		
All Zones	<p>Activity Status: PER</p> <p>1. Earthworks in the National Grid Yard</p> <p>Where:</p> <p>a. the eEarthworks:</p> <ul style="list-style-type: none"> i do not exceed 500mm in diameter and are greater than 1.5m are no deeper than 300mm within 6m from the outer visible edge of a foundation of a National Grid <u>support structure pole or stay wire</u>; or ii are less than 300mm deep within 6m are no deeper than 3 metres between 6m and 12m from the outer visible edge of a foundation of a National Grid <u>support structure transmission line tower or pole</u>; and iii. <u>b. the earthworks do not compromise the stability of a National Grid support structure.</u> <p>b. The earthworks do not compromise the stability of a National Grid transmission line tower or pole; and</p> <p><u>The restrictions in EI-R2A.1.a and EI-R2A.1.b EI-R2A.1.a.i, ii, and iii do not apply to:</u></p> <ul style="list-style-type: none"> c. Any earthworks for fence posts are located more than 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower or pole. i. <u>excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission pole or stay wire; or</u> 	<p>Activity status when compliance not achieved:</p> <p>A. 2. When compliance with any of EI-R2A.1.a and EI-R2A.1.b is not achieved: RDIS-NC</p> <p>2. When compliance with EI-R2A.1.b or EI-R2A.1.c is not achieved: NC</p> <p>3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</p> <p>Matters for discretion:</p> <p>B. The exercise of discretion in relation to Rule EI-R2A.A is restricted to the following matters:</p> <ul style="list-style-type: none"> a. EI-MAT5 Earthworks in the National Grid Yard. <p>Notification:</p> <p>C 4. Any application arising from EI-R2A.A shall not be subject to public notification and shall be limited notified to the following parties: Transpower, unless their written approval is provided.</p>

	<p>ii. <u>earthworks that otherwise comply with Clause 2.2 of NZECP34:2001.</u></p> <p>And this activity complies with the following rule requirements:</p> <p>EI-REQ1 Access to a National Grid Support Structure</p> <p>EI-REQ2A New Zealand Code of Practice for Electrical Safe Distances</p> <p><u>EI-REQ[x] Ground Clearance Distances</u></p> <p><u>Note:</u></p> <p><u>Pātai: Transpower's Land Development and Use Enquiry Portal is available to submit enquiries relating to land development and use around the National Grid and to have Transpower to provide assistance regarding the safe separation required between an activity and the transmission lines and their support structures (https://transpower.patai.co.nz/).</u></p>	
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EI-R4 Structures near Significant Electricity Distribution Line		
LLRZ LRZ GRZ MRZ SETZ GRUZ CMUZ GIZ SPZ	<p>Activity Status: PER</p> <p>1. The establishment of a new, or expansion of an existing fence.</p> <p>Where:</p> <p>a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of:</p> <p>i. 5m from the foundation of a support structure for any Significant Electricity Distribution Line</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with EI-R4.1 is not achieved: NC</p> <p>Notification:</p> <p>3. Any application arising from EI-R4.2 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>
LLRZ LRZ GRZ MRZ SETZ GRUZ CMUZ GIZ SPZ	<p>Activity Status: PER</p> <p>4. The establishment of a new, or expansion of an existing structure</p> <p>Where:</p> <p>a. The structure is not within 10m of the centreline and/or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) or within 5m of the centreline and/or foundation of a support structure of any other Significant Electricity Distribution Line; unless the structure is:</p> <p>i. a network utility; or</p> <p>ii. a structure not used for habitation; or</p> <p>iii. a structure used for agricultural or horticultural activities, excluding produce packing, a milking shed (other than stock yards and ancillary platforms), a wintering barn, intensive primary production, and commercial greenhouse; <u>or</u></p>	<p>Activity status when compliance not achieved:</p> <p>5. When compliance with any of EI-R4.4 is not achieved: NC</p> <p>Notification:</p> <p>6. Any application arising from EI-R4.5 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>

	b. <u>the structure is not within 5m of the centreline and/or foundation of a support structure of any other Significant Electricity Distribution Line.</u>	
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EI-R4A Network Utilities near Significant Electricity Distribution Lines

<p>All Zone</p>	<p>Activity Status: PER</p> <p>1. Any network utilities <u>utility</u> within 10m of any Significant Electricity Distribution Line.</p> <p>Where:</p> <p>a. <u>the network utility does not result in vehicular access to any Significant Electricity Distribution Line being permanently obstructed; and</u></p> <p>b. <u>The structure meets the requirements of the NZECP34:2001.</u></p> <p>Where And this activity complies with the following rule requirement:</p> <p>EI-REQ1 Access to a National Grid Support Structure</p> <p>EI-REQ2 New Zealand Code of Practice for Electrical Safe Distances</p>	<p>Activity Status when compliance not achieved:</p> <p><u>2. When compliance with any of EI-R4A.1 is not achieved: NC</u></p> <p>3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</p> <p>Notification:</p> <p>4. <u>3.</u> Any application arising from EI-R4A shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</p>
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EI-R4B Earthworks Near Significant Electricity Distribution Lines		
All Zones	<p>Activity Status: PER</p> <p>1. Earthworks within 10m of the centreline and/or foundation of a support structure of any Significant Electricity Distribution Line.</p> <p>Where:</p> <ul style="list-style-type: none"> a. Earthworks are for cultivation or the repair, sealing or resealing of the existing surface of any road, footpath, driveway or farm track; or b. The earthworks are for any network utility and meet EI-R2A Earthworks in the National Grid Yard. 	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of EI-R4B.1.a. is not achieved: Refer to EI-R4B.4. or EI-R4B.6.</p> <p>3. When compliance with any of EI-R4B.1.b. is not achieved: NC</p> <p>Notification:</p> <p>A. Any application arising from EI-R4B.3. shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</p>
All Zones	<p>Activity Status: PER</p> <p>4. Earthworks within 10m of the centreline and/or foundation of a support structure of <u>the</u> Significant Electricity Distribution Line (Islington to Springston), the purpose of which is not covered by EI-R4B.1.</p> <p>Where:</p> <ul style="list-style-type: none"> a. Earthworks are less than 300mm deep within 6m from the outer visible edge of a foundation of a Significant Electricity Distribution Line (Islington to Springston) support structure; and b. Earthworks are less than 3m deep between 6 and 10 metres from the outer visible edge of a foundation of the Significant Electricity Distribution Line (Islington to Springston) support structure; and c. The work does not compromise the stability of the Significant Electricity Distribution Line support structure; and 	<p>Activity status when compliance not achieved:</p> <p>5. When compliance with any of EI-R4B.4 is not achieved: NC</p> <p>Notification:</p> <p>B. Any application arising from EI-R4B.4 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</p>

	<p>d. Earthworks for fence posts are more than 5m from the outer visible edge of a foundation of a Significant Electricity Distribution Line (Islington to Springston) support structure.</p> <p>Note: That part of the earthworks definition which excludes fence posts does not apply to this clause.</p> <p>e. <u>The restrictions in EI-R4B.4.a to EI-R4B.4.d do not apply to earthworks that otherwise meet the requirements of Clause 2.2 of NZECP34:2001.</u></p> <p>f. <u>The earthworks do not result in a reduction in ground to conductor clearance distances below what is required by Table 4 in NZECP 34:2001.</u></p> <p>And this activity complies with the following rule requirements: <u>EI-REQ2A New Zealand Code of Practice for Electrical Safe Distances</u> <u>EI-REQ[x] Ground Clearance Distances</u></p>	
All Zones	<p>Activity Status: PER</p> <p>6. Earthworks within 5m of the centreline of <u>any o</u>Other Significant Electricity Distribution Lines not covered by EI-R4B.1 or EI-R4B.4.</p> <p>Where:</p> <ul style="list-style-type: none"> a. Earthworks are less than 300mm deep within 2.2m metres of a foundation of the Significant Electricity Distribution Line support structure; and b. Earthworks are less than 0.75m deep between 2.2m and 5m from the foundation of the Significant Electricity Distribution Line support structure; and 	<p>Activity status when compliance not achieved:</p> <p>7. When compliance with any of EI-R4B.6 is not achieved: NC</p> <p>Notification:</p> <p>8. Any application arising from EI-R4B.6 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</p>

	<p>c. The work does not compromise the stability of the Significant Electricity Distribution Line support structure.</p> <p>d. The earthworks do not result in a reduction in ground to conductor clearance distances below what is required by Table 4 in NZECP 34:2001. The restrictions in EI-R4B.6.a to EI-R4B.6.c do not apply to earthworks that otherwise meet the requirements of Clause 2.2 of NZECP34:2001</p> <p>And this activity complies with the following rule requirements: EI-REQ2A New Zealand Code of Practice for Electrical Safe Distances <u>EI-REQ[x] Ground Clearance Distances</u></p>	
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EI-R9 Temporary Network Utilities		
All Zones	<p>Activity Status: PER</p> <p>1. The establishment of a new, or expansion of an existing temporary network utility, excluding mobile electricity generation, <u>that is not regulated by the NESTF.</u></p> <p>Where: The network utility:</p> <ul style="list-style-type: none"> a. operates for a maximum of 12 months; and b. is removed from the site when operation ceases. <p>And this activity complies with the following rule requirements: EI-REQ3 Notable Trees EI-REQ4 Vegetation Clearance EI-REQ5 Earthworks in Special Areas EI-REQ6 Radio Fields EI-REQ7 Electric and Magnetic Fields EI-REQ8 Historic Heritage EI-REQ10 Noise EI-REQ11 Light EI-REQ23 West Melton Aerodrome Height Restriction GRUZ-REQ16 Springfield Airfield Height Restriction NH-REQ5.1 Natural Hazards and Infrastructure ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of EI-R9.1 is not achieved: RDIS. 3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirements.</p> <p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to EI-R9.2 is restricted to the following matters:</p> <ul style="list-style-type: none"> a. EI-MAT1 General Matter b. EI-MAT2 Visual Amenity c. The circumstances requiring a longer timeframe for a temporary utility to be present.

EI-R10 Below Ground Network Utilities Upgrading or Installation

All Zones	<p>Activity Status: PER</p> <p>1. The upgrading or expansion of existing, or installation of new below ground network utilities, <u>that is not regulated by the NESTF.</u></p> <p>Where this activity complies with the following rule requirements:</p> <p>EI-REQ3 Notable Trees EI-REQ4 Vegetation Clearance EI-REQ5 Earthworks in Special Areas EI-REQ6 Radio Fields EI-REQ7 Electric and Magnetic Fields EI-REQ8 Historic Heritage EI-REQ9 Natural Character Setbacks NH-REQ5.1 Natural Hazards and Infrastructure ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirements.</p>
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EI-R11 Upgrading of Existing Above Ground Network Utilities

<p>All Zones</p>	<p>Activity Status: PER</p> <p>1. Upgrading or expansion of existing above ground network utilities (excluding any access track extension), expect <u>except</u> where provided for under Rule EI-R19.</p> <p>Where:</p> <ul style="list-style-type: none"> a. In specifying the activity in EI-R11.1.b. to EI-R11.1.j. below, the original height, width and scale of the network utility and the type of network utility shall be taken as the network utility existing at 19 August 2023. b. Any realignment, relocation or replacement of a network utility pole, pipe, tower, structure, building, or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure. c. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation. d. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi or H pole, the width of the pi or H pole must not exceed three times that of the replaced pole at its widest point. e. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent. f. The footprint of the structure or building does not increase by more than 30 percent of the existing 	<p>Activity status when compliance not achieved:</p> <ul style="list-style-type: none"> 2. When compliance with any of EI-R11.1.a., EI-R11.1.b, EI-R11.1.c, EI-R11.1.d. or EI-R11.1.e is not achieved: RDIS. 3. When compliance with any of EI-R11.1.f., EI-R11.1.g., EI-R11.1.h. or EI-R11.1.i is not achieved: DIS 4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement. <p>Matters for discretion:</p> <ul style="list-style-type: none"> 5. The exercise of discretion in relation to EI-R11.2 is restricted to the following matters: <ul style="list-style-type: none"> a. EI-MAT1 General Matter b. EI-MAT2 Visual Amenity
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	<p>building or structure, excluding any pole or pi replacement pole provided for in EI-R11.1.d. above.</p> <p>g. The largest face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent.</p> <p>h. There are no additional towers.</p> <p>i. A pole is not replaced with a tower.</p> <p>j. <u>Any new mid-span electricity pole is necessary to address clearances distances in EI-REQ[x] Ground Clearance Distances.</u></p> <p><i>.... [no changes to the remainder of this rule]</i></p>	
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EI-R19 Overhead Telecommunications Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment		
RESZ NCZ LCZ DPZ GRASZ KNOZ MPZ PRZ TEZ	<p>Activity status: PER</p> <p>1. The establishment of a new, or the expansion of an existing overhead telecommunication line, electricity distribution line, and associated support structures and equipment, <u>that is not regulated by the NESTF.</u></p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity does not exceed a maximum height of: <ul style="list-style-type: none"> i. 15m; or ii. 20m within a Neighbourhood Centre or Local Centre. b. The development is a pole mounted transformer, it does not exceed a volume of 2m³. <p>And this activity complies with the following rule requirements:</p> <p>EI-REQ3 Notable Trees EI-REQ4 Vegetation Clearance EI-REQ5 Earthworks in Special Areas EI-REQ6 Radio Fields EI-REQ7 Electric and Magnetic Fields EI-REQ8 Historic Heritage EI-REQ9 Natural Character Setbacks EI-REQ12 Structures in Special Areas EI-REQ14 Reflectivity NH-REQ5.1 Natural Hazards and Infrastructure ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</p> <p>.... [no changes to the remainder of this rule]</p>	<p>Activity status when compliance not achieved:</p> <p>2. Activity status when compliance with any of EI-R19.1 is not achieved: RDIS.</p> <p>3. Activity status when compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</p> <p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to EI-R19.2 is restricted to the following matters:</p> <ul style="list-style-type: none"> a. EI-MAT1 General Matter b. EI-MAT2.2 Visual Amenity c. EI-MAT2.3 Visual Amenity

EI-REQ2A New Zealand Electrical Code of Practice for Electrical Safe Distances		
All Zones	1. The requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) must be met.	Activity status when compliance not achieved: 2. When compliance with of EI-REQ2A.1 is not achieved: NC

<u>EI-REQ[x] Ground Clearance Distance</u>		
<u>All Zones</u>	<u>1. Any activity, structures or earthworks shall not reduce the conductor distance to ground to less than that in EI-TABLE2 Minimum Safe Distances of Conductors from the Ground.</u>	<u>Activity status when compliance not achieved:</u> <u>2. When compliance with EI-REQ[x] is not achieved: NC</u>

EI-TABLE 2 Minimum distance of conductors from the ground

<u>Circuit Voltage</u>	<u>Vertical distance to ground (m)</u>			<u>Radial distance (m)</u>
	<u>Across or along roads or driveways</u>	<u>Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways</u>	<u>Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. steepness or swampiness)</u>	<u>In any direction other than vertical on all land</u>
<u>Exceeding 33 kV but not exceeding 110 kV</u>	<u>6.5</u>	<u>6.5</u>	<u>5.5</u>	<u>3</u>
<u>Exceeding 110 kV but not exceeding 220 kV</u>	<u>7.5</u>	<u>7.5</u>	<u>6.0</u>	<u>4.5</u>
<u>Exceeding 220 kV a.c. or d.c.</u>	<u>8.0</u>	<u>8.0</u>	<u>6.5</u>	<u>5</u>

EI-REQ8 Historic Heritage		
All Zones	<p>1. All activities that involves a heritage item or <u>are</u> within the setting of a heritage item listed in HH-SCHED2 – <u>Heritage Buildings, Structures and Items</u> are limited to:</p> <p><u>A. the installation of a new, or repair or maintenance to an existing, telecommunication connection that is not fixed to the exterior of a heritage item;</u></p> <ul style="list-style-type: none"> a. earthworks for a customer connection, or repairs and maintenance of an existing customer connection; b. replacement or mending in-situ decayed or damaged heritage fabric, using materials which resemble the form, appearance, and profile of the heritage fabric as closely as possible; c. repainting of existing painted surfaces; and d. cleaning or washing of the exterior of a heritage item provided this does not involve the use of abrasive materials or techniques, such as sandblasting; <u>or</u> e. The use of any temporary scaffolding that: <ul style="list-style-type: none"> i. is not fixed to the heritage item; and ii. would not be used in a way that would cause damage to the heritage item. 	<p>Activity status when compliance not achieved:</p> <p><u>2. When compliance with any of EI-REQ8.1.A is not achieved: CON</u></p> <p>3. When compliance with any of EI-REQ8.1 <u>a, EI-REQ8.1.b, EI-REQ8.1.c, EI-REQ8.1.d, or EI-REQ8.1.e</u> is not achieved: refer to:</p> <ul style="list-style-type: none"> a. HH-R2 Earthquake Strengthening b. HH-R3 Alterations and Additions c. HH-R4 Works within a Heritage Setting d. HH-R5 Relocation of a Heritage Item Within its Setting e. HH-R6 Relocation of a Heritage Item Outside its Setting f. HH-R7 Partial Demolition g. HH-R8 Demolition <p><u>Matters for control:</u></p> <p><u>3A. The exercise of control in relation to EI-REQ8.2 is reserved over the following matters:</u></p> <ul style="list-style-type: none"> <u>a. HH-MAT3.1. 2, 3, 6, 7 and 8 Alterations and Additions, Maintenance and Repairs</u> <u>b. the design and placement of the connection to minimise impacts on the values and attributes of the listed area, façade or item.</u> <p>Notification:</p> <p>4. Any application arising from EI-REQ8.3. shall not be subject to public notification and shall be notified to the following parties: Heritage New Zealand, unless their written approval is provided.</p>

El-MAT4 Subdivision and Energy and Infrastructure

All Zones

1. The nature of the consent notice or other mechanism proposed to ensure that sensitive activities are established at a distance or in a position that does not adversely affect the existing electricity lines
2. The degree to which the subdivision design, **construction and related earthworks** including the location of roads and reserves, recognises and provides for the ongoing efficient operation, maintenance, development and upgrade of electricity transmission lines and electricity distribution lines, including the ability for continued reasonable access for maintenance, inspection and upgrading.
3. The extent to which potential adverse effects (including visual, **health and safety**, and reverse sensitivity effects) are mitigated through **subdivision design** and the location of building platforms.
4. The nature and location of any proposed vegetation to be planted in the vicinity of the electricity transmission line or electricity distribution line.
5. The outcome of any consultation with the owner of the electricity transmission line or electricity distribution line

El-MAT5 Earthworks in the National Grid Yard

All Zones

1. The effects on the operation, maintenance, upgrade and development of the National Grid, including risks associated with temporary activities such as the use of mobile machinery
2. The risks to the structural integrity of the National Grid
3. The risk of electrical hazards affecting public or individual safety, and the risk of property damage
4. The volume, area and location of the works, including temporary activities such as stockpiles
5. Duration of works
6. The site remediation proposed
7. The outcome of any consultation with Transpower New Zealand limited.

