



AGENDA

**Ordinary meeting of the
Nelson City Council**

Policy and Planning

**Thursday 14 March 2013
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership:

His Worship the Mayor Aldo Miccio, Councillors Ian Barker, Ali Boswijk (Deputy Mayor), Gail Collingwood, Ruth Copeland, Eric Davy, Kate Fulton (Co-Portfolio Holder), Paul Matheson, Jeff Rackley, Pete Rainey, Rachel Reese, Derek Shaw and Mike Ward (Co-Portfolio Holder)

Apologies

Opening Prayer

1. Interests

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

2. Confirmation of Order of Business

3. Public Forum

3.1 Dallas Woods

Ms Woods will speak about the protection of landscape overlays, and amateur radio aerials.

3.2 Nigel Whinney

7-10

Document number 1460086

Mr Whinney will speak about the Port Nelson Mission to Seafarers.

4. Confirmation of Minutes – 13 December 2012

11-21

Document number 1430971

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Policy and Planning, held on 13 December 2012, be confirmed as a true and correct record.

5. Mayor's Report

6. Status Report – Policy and Planning **22-24**

Document number 1034725 v8

Recommendation

THAT the Status Report – Policy and Planning (1034725 v8) be received.

7. Portfolio Holder’s Report

During this part of the meeting the Mayor will be joined by the Policy and Planning Portfolio Holder, Councillor Ward.

8. Nelson Resource Management Plan: Draft Efficiency and Effectiveness Review **25-54**

Document number 1370161

Recommendation

THAT the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan be received;

AND THAT targeted feedback be sought from plan users and iwi;

AND THAT the Chief Executive be delegated authority to make minor amendments to the Draft Efficiency and Effectiveness Review, prior to release;

AND THAT the Nelson Landscape Study prepared by Boffa Miskell Ltd in November 2005 be received and be incorporated into the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan as outlined in Attachment 3 to report 1370161.

Note: Attachment 2 to this report, the Nelson Landscape Study (515751) is circulated as a separate document.

9. Issues and Options: National Policy Statement on Electricity Transmission 2008 **55-101**

Document number 1352206

Recommendation

THAT Council adopt a "status quo" position accepting that operative Nelson Resource Management Plan provisions are sufficient to give effect to the National Policy Statement on Electricity Transmission 2008.

REPORTS FROM COMMITTEES

10. Resource Management Act Procedures Committee - 13 December 2012 **102-104**

Document number 1424583

Recommendation

THAT the minutes of the meeting of the Resource Management Act Procedures Committee, held on 13 December 2012, be received.

PUBLIC EXCLUDED BUSINESS

11. Exclusion of the Public

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
<p>1</p>	<p>Public Excluded Council - Policy and Planning minutes, 13 December 2012</p> <p>These minutes contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>The classifications of certain heritage precincts, including references to specific addresses.</p>		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons
	<p>Details of a proposal for a lease on Council land.</p>		<ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(i) To carry out negotiations • Section 7(2)(j) To prevent improper gain or advantage
<p>2</p>	<p>Public Excluded Policy and Planning Status Report – 14 March 2013</p> <p>This report contains information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>A decision to withdraw and re-draft a Statement of Proposal, including an update that this decision has now been released to the public.</p>		<ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege
	<p>The classifications of certain heritage precincts, including references to specific addresses.</p>		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons

	A proposal for a lease on Council land		<ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(i) To carry out negotiations • Section 7(2)(j) To prevent improper gain or advantage
3	<p>Contract with Cawthron Institute: City Water Supply Resource Consents</p> <p>This report contains information regarding the negotiation of a contract.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
4	<p>Public Excluded Resource Management Act Procedure Committee minutes, 13 December 2012</p> <p>These minutes contain information regarding discussions with appellants with regards to a Plan Change 14 Appeal.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations

12. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.

Note:

- **Nelson Youth Councillors, Moorea Smithline and Carla Lindley, will be in attendance.**

PRESENTATION TO NELSON CITY COUNCIL

Mr Mayor, Councillors.

Thank you for giving me the opportunity to tell you about the plight of the Port Nelson Mission to Seafarers.

Last year 733 ships visited Port Nelson which is one of the largest fishing ports in Australasia. As well as the fishing vessels that are based here, there are container ships, log carriers, fruit and dairy exporters and car transporters. 95% of all goods imported into New Zealand come by sea, and a similar amount are exported this way. Some 2.65 million tons of cargo, 88,178 containers and many more logs are involved. Thus Port Nelson plays a vital role in the economics of this country, and this region in particular. So the crews that man these ships play an important role in our lives - but despite that, the expression 'out of sight out of mind' can easily be applied.

Each vessel has on average 25 crew members of which 90% are Philipinos; this includes the officers. Their time here varies between 12 hours and 3 days. The life of these seafarers is very demanding. Isolation is the biggest problem with crews away from home for months at a time with little or no contact with families. They miss key community and family events such as birthdays, weddings, funerals, religious festivals and they are constantly on the move from one port to the next.

These ships have such small crews despite their size. The work has to be done by fewer people who therefore have to work longer hours. Sometimes the crews are multinational and have no common language. Working conditions are dangerous; the sea is a very unpredictable and frightening place to be and those who have been caught in a storm can testify. Some 2,000 seafarers lose their lives worldwide each year. Basic human rights are often abused and conditions vary from ship to ship. The Maritime Charities Funding Commission has reported that the provision of leisure, recreation, religious services and communication facilities are often better in prisons than in ships. The Mission seeks to remedy some of these effects and acts as a first point of contact in case of trouble. Witness the situation of Korean flagged fishing vessels in Port

1460086

Lyttleton recently and here in the death at sea of a crew member which we were involved in providing support.

In Port Nelson, the Mission operates from a building currently below the new earthquake standards within the secure port zone. The aim is to provide a safe, comfortable and welcoming environment for all seafarers regardless of nationality or religious faith. Internet access, telephones, reading materials, television and recreational facilities are provided in a comfortable lounge with free coffee and biscuits. Volunteers are on hand to help with any problems and to be a friendly presence to talk to. There is also a quiet room for personal reading or prayer. Recently we have installed a port wide WiFi access for visiting ships.

All this activity needs funding and unfortunately we have to sell internet and telephone access cards to users. We would like to make internet access free but the terminals are available 24/7. Traditionally funding has come through contributions mainly from sympathetic parishes and church assemblies. We are very grateful to the Port Company for providing the accommodation rent free but there is still a large gap in making ends meet. They have previously given us grants but these are locked in a Trust. Port Nelson Ltd is owned jointly by Nelson City Council and Tasman District Council and some \$12.2 million was paid last year to you in dividends.

Funding these Mission is done on a port by port basis and until now the Port Nelson branch has survived on a shoe string with contributions from local parishes and the Diocese. These funds are rapidly drying up and the Mission is facing the real possibility of closure. If that were to happen, crew members would invade the streets of Nelson with the possibility of increased petty crime, drunkenness, prostitution and nuisance to citizens. Council officials and the police would incur further expenditure as a result. The Mission needs \$15,000 each year to keep going and in these times of financial difficulty, traditional charitable trusts and other such avenues are drying up. As the joint owners of the port facility, we are looking to you for urgently needed support to ease the lives of seafarers who risk their lives to bring in the things that we rely on in our daily lives. We have approached a significant number of charitable funding providers without success and we now need to approach the Council in an attempt to ensure that the Mission can continue to operate. Closure is almost inevitable without a predictable and reliable source of funding. We can provide

the volunteer base but not the funding. I am submitting a formal submission for consideration in your forthcoming budgetary discussions.

Thank you for listening.

NELSON CITY COUNCIL PUBLIC CONSULTATION SUBMISSION FORM

PORT NELSON MISSION TO SEAFARERS

- In 2012, 733 ships visited Port Nelson, including fishing vessels.
- Merchant ships include log carriers, container ships and car transporters.
- 2.64 million tons of cargo and 88, 178 containers involved.
- 95% of New Zealand exports and imports transported by sea.
- Each vessel has an average of 25 crew members, 90% are Philipinos.
- Time in port varies between 12 hours and 3 days.
- Long periods at sea mean little contact with communities and families.
- Working conditions are dangerous, some crews are multinational with no common language.
- “Provision of leisure, recreation, religious services and communication facilities are often better in prisons than in ships”.
- Mission seeks to provide remedies for some of these effects and acts as first point of contact in case of trouble.
- Current Mission building is below new earthquake standards.
- Internet access, telephones, reading materials, television and recreational facilities provided. Volunteers on hand. Port wide WiFi for visiting ships.
- Funding needed to maintain these facilities. Unfortunately charges for access have to be made.
- Port Nelson Ltd owned jointly by Nelson City Council and Tasman District Council. They received \$12.2 million in dividends last year.
- Predictable and reliable long term funding needed. Other sources of funding are rapidly drying up leaving the Mission in real danger of closure.
- Crew members would then be forced on to the streets of Nelson with possibility of increases in petty crime, drunkenness, prostitution and nuisance to citizens. Council officials and police would incur further expenditure as a result.
- Mission needs \$15,000 per year to survive. This would allow seafarers who at least contribute vastly to the prosperity of this region, access to the facilities they need without affecting the peace of Nelson.

Minutes of a meeting of the Nelson City Council - Policy and Planning

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Thursday 13 December 2012, commencing at 9.00am

Present: His Worship the Mayor, A Miccio, Councillors I Barker, A Boswijk, G Collingwood, R Copeland, E Davy, K Fulton, P Rainey, R Reese, D Shaw, and M Ward

In Attendance: Acting Chief Executive (R Johnson), Executive Manager Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Acting Executive Manager Regulatory (M Bishop), Acting Executive Manager Community Services (R Ball), Chief Financial Officer (N Harrison), Executive Manager Support Services (H Kettlewell), Manager Community Relations (A Ricker), Manager Parking (K Robinson), Manager Monitoring and Research (M Workman), Planning Adviser (D Bradley), Manager Environmental Inspections Limited (S Lawrence), Policy Adviser (P Harrington), and Administration Adviser (L Canton)

Apologies: Councillor A Boswijk for lateness, and Councillor J Rackley

Opening Prayer

Councillor Davy gave the opening prayer.

1. Conflicts of Interest

There were no updates to the Interests Register and no conflicts of interest were identified.

2. Confirmation of Minutes

2.1 Council – Policy and Planning – 1 November 2012

Document number 1403703, agenda pages 1-10 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Policy and Planning, held on 1 November 2012, be confirmed as a true and correct record.

Davy/Ward

Carried

- 2.2 Council – Policy and Planning – Public Excluded Minutes – 1 November 2012

It was noted that these minutes could be approved in the public meeting as they contained no public excluded information.

Document number 1405057, agenda pages 11-12 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Policy and Planning, held with the public excluded on 1 November 2012, be confirmed as a true and correct record.

Davy/Ward

Carried

- 2.3 Council – Consideration of Submissions to the draft Parking Policy and Amendment to Parking and Vehicle control Bylaw 2011 (No 207) – 1 November 2012

Document number 1403708, agenda pages 13-15 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council to Consider Submissions to the draft Parking Policy and Amendment to Parking and Vehicle control Bylaw 2011 (No 207), held on 1 November 2012, be confirmed as a true and correct record.

Collingwood/Shaw

3. Mayor's Report

There was no Mayor's Report.

4. Status Report – Policy and Planning

Document number 1034725 v7, agenda pages 16-17 refer.

Resolved

THAT the Status Report – Policy and Planning (1034725 v7) be received.

Mayor/Copeland

Carried

5. Portfolio Holder’s Report

Policy and Planning Co-Portfolio Holder, Councillor Fulton, gave an overview of the Sustainable Sydney masterclass she had attended in Wellington. She outlined a presentation by the Chief Executive of the City of Sydney on the renewal of the city centre as a series of integrated networks and policies, and said it was an inspiring presentation on making the city a better space for its people.

Councillor Fulton added that a report would come to Council in early 2013 from the Heritage Working Group, which would outline policy options for the protection of Nelson’s heritage as a whole.

The Acting Chief Executive advised that the Working Group would have to report back to the Council to declare and explain their position, and once the Council had made a decision on the matter, a public announcement could be made.

6. Morrison Street Pedestrian Mall

Document number 1387050, agenda pages 18-31 refer.

Resolved

THAT the Statement of Proposal – Morrison Street Pedestrian Mall (1384182) be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act 2002);

AND THAT a Hearing Panel of three Councillors (Councillors Davy, Collingwood, and Copeland) be established to hear submissions in April 2013;

AND THAT the Hearing Panel make decisions on submissions and make recommendations on a Pedestrian Mall Declaration for Morrison Street to Council for adoption.

Davy/Ward

Carried

7. Nelson Stock Effluent Disposal Facility

Document number 1409798, agenda pages 32-36 refer.

Councillors noted that the recommendation in the staff report was a good outcome for a matter that had taken some time to resolve.

Resolved

THAT Council reconfirms its support for the provision of a Stock Effluent Disposal Facility for the Nelson region and informs New Zealand Transport Agency of its support for a site in the Tasman District Council area;

AND THAT the Chief Executive be delegated authority to commence discussions with private landowners regarding the construction and operating cost options for establishing the facility and report back to Council.

Barker/Collingwood

Carried

8. Deliberations on the Dog Control Policy and Bylaw 2012

Document number 1404798, agenda pages 37-78 refer.

Attendance: Councillor Collingwood declared a conflict and left the room.

Planning Adviser, Debra Bradley, and Manager Environmental Inspections Limited, Stephen Lawrence, joined the meeting.

The Acting Chief Executive explained that the meeting to deliberate on the Policy and Bylaw had been held as a workshop due to a lack of quorum and this had not allowed any decisions to be made. Accordingly, this part of the meeting formed a part of the consideration portion of the special consultation procedure for the Dog Control Policy and Bylaw 2012.

Attendance: Councillor Reese sat back from the table on the grounds that she had not attended the deliberations workshop.

The meeting considered the recommendation in the staff report in parts.

8.1 Railway Reserve

It was noted that there was strong opinion from all parts of the community, both dog owners and non-dog owners, about whether dogs should be on a lead on shared paths and high-use parts of the City. It was suggested that establishing on lead restrictions during specified hours was therefore an acceptable compromise and the most reasonable approach to ensuring the safety of other users.

It was noted that this would allow owners who preferred to use the Railway Reserve to exercise their dogs to do so with dogs off lead at other times. A view was expressed that this could contribute to a culture of dog owners reinforcing good dog behaviour and maintaining a high awareness of other users.

Councillor Fulton, seconded by Councillor Copeland, moved

THAT dogs be on a lead between 7.30am and 9.00am, and between 2.30pm and 6.00pm on the Railway Reserve.

Those speaking for the motion said that the use of commuter links such as cycle tracks needed to be encouraged, and that a self-regulating approach may not be prudent if the City was to grow.

Those speaking against the motion said that specific time restrictions were difficult to enforce, that it was preferable to encourage a culture of reasonable behaviour, cooperation and tolerance among all users, and that many users already avoided using the Railway Reserve during peak times, indicating that a public practice such as that represented by the time restriction had already developed.

The motion was put and was lost.

It was noted that, should there be no on lead restrictions, strong messaging about desired behaviour would be required. Councillor Rainey, seconded by His Worship the Mayor moved a motion to reflect this.

The motion was put and was carried.

THAT dogs are allowed to be off lead at all times on the Railway Reserve, and that dog owners are encouraged to avoid taking their dogs into the Railway Reserve during commuter hours.

Rainey/His Worship the Mayor

Carried

Councillor Davy requested that his vote against the motion be recorded.

8.2 Atawhai Shared Pathway

A view was expressed that it was in the interests of dog owners to ensure their dogs were under control on the Atawhai Shared Pathway, given its proximity to the State Highway. It was also noted that Council's approach for the Atawhai Shared Pathway should be consistent with that for the Railway Reserve.

Resolved

THAT dogs are allowed to be off lead at all times on the Atawhai Shared Pathway, and that dog owners are encouraged to avoid taking their dogs onto the Atawhai Shared Pathway during commuter hours.

Rainey/Fulton

Carried

8.3 Maitai Walkway

In response to a question, Ms Bradley explained that the proposal for the Maitai walkway was for dogs to be on a lead between the river mouth and the Nile Street bridge from 8am until 6pm on weekdays. She said that this proposal arose from 13 submissions asking that dogs be on a lead close to central business district, because it was a relatively busy pedestrian area, including for children travelling to and from school.

Councillors discussed the proposal. A view was expressed that Council plans to develop the area between the sea and the Collingwood Street Bridge meant it would be a shared space of high use by both dog owners and other users, and it should therefore be considered to be the same as a horticultural park or sports field. It was noted that submissions had indicated a strong desire from other users for dogs to be on a lead during peak use times.

Another view was expressed that as a high use space, it may be better to let dogs be off lead at all times in this area, and that it was important to be consistent with the approach for the Railway Reserve and the Atawhai Shared Path.

Attendance: Councillor Davy left the meeting at 10.15pm.

In response to a question, Mr Lawrence advised that consistency and simplicity of rules was important to enable enforcement.

A compromise was suggested that dogs be on lead on the walkway from the river mouth to the Collingwood Street Bridge, and off lead from that bridge to Nile Street, but with clear signage encouraging members of the public to have their dogs on a lead.

Councillor Rainey, seconded by His Worship the Mayor, moved a motion incorporating these points. The motion was put and was carried.

Resolved

THAT dogs on the Maitai Walkway be on a lead at all times between the sea and the Collingwood Street bridge;

AND THAT dog owners are encouraged to have their dogs on a lead on the Maitai Walkway between the Collingwood Street bridge and Nile Street.

Rainey/His Worship the Mayor

Carried

Attendance: The meeting adjourned for morning tea from 10.35am to 10.50am. During morning tea, Councillors Boswijk, Reese and Davy joined the meeting.

8.4 Isel Park

Ms Bradley tabled a map of Isel Park (1431481).

A view was expressed that the ability for dog owners to run their dogs off lead in Isel Park was highly valued. It was suggested that the current allowance in the draft Policy for dogs to be off lead from the park entrance on Main Road Stoke to the park gateway be extended to the south side of the access road running along the entire southern edge of Isel Park. There was agreement that the other provisions of the draft decision remain the same.

Councillor Barker, seconded by Councillor Fulton moved a motion to reflect the extended off lead area.

The motion was put and was carried.

Resolved

THAT dogs are allowed to be off lead in Isel Park, between Main Road Stoke and the Isel Park entrance gate, and along the south side of the access road running along the southern edge of the Park, except when there are events being held in the Park.

Barker/Fulton

Carried

Councillor Davy asked that his abstention be recorded.

8.5 Adoption of the draft decisions and reasons

Resolved

THAT the draft decisions and reasons outlined in this report (1404798) are adopted with amendments noted.

His Worship the Mayor/Fulton

Carried

9. Adoption of the Parking Policy and Amendment to the Parking and Vehicle Control Bylaw 2011 (No 207)

Document number 1396154, agenda pages 79-94 refer.

Policy Adviser, Paul Harrington, joined the meeting.

In response to questions, Mr Harrington explained that the inner city exclusion zone map had been amended as requested through submissions. He said that the amendment comprised a minor boundary correction to clarify that the southern footpath on Nile Street West remained excluded. Mr Harrington added that under the pre-existing Bylaw, skate boards, in-line skates, roller skates and similar devices were excluded from that part of Nile Street. He explained that this consultation had referred to the Rutherford and Collingwood Street boundaries only.

Resolved

THAT Council adopts the amended Inner City Zone Prohibited Area map (1335106) for Schedule 2 of the Parking and Vehicle Control Bylaw 2011 (No 207) and revokes the existing Inner City Zone Prohibited Area map;

AND THAT Council adopts the Nelson City Council Parking Policy (1079202);

AND THAT Council reserves, under Clause 7.1 of the Parking and Vehicle Control Bylaw 2011 (No 207), provision (by application) for all day parking for Mobility Permit holders who work in the City.

Reese/Davy

Carried

REPORTS FROM COMMITTEES

10. Framing our Future Committee – 26 October 2012

Document number 1395964, agenda pages 95-97 refer.

Resolved

THAT the minutes of a meeting of the Framing our Future committee, held on 26 October 2012, be received.

Shaw/Ward

Carried

11. Retirement

His Worship the Mayor said that Velma Blocksage was retiring after 17 years as Service Assistant. Councillors said that Velma would be missed, as she had always done what was asked of her without complaint, and had always been very pleasant to work with.

His Worship the Mayor, seconded by Councillor Collingwood, moved a motion of thanks.

Resolved

THAT the Council expresses its thanks to Velma Blocksage for 17 years of service in managing the service to the Chamber and meeting rooms for the Council.

His Worship the Mayor/Collingwood

Carried

12. Acting Chief Executive

On behalf of Council, His Worship the Mayor paid tribute to Acting Chief Executive, Richard Johnson, for his work during his time in the role.

He noted that during Mr Johnson's time as Acting Chief Executive, Nelson City Council had received recognition in a number of areas, including the New Zealand Planning Institute Best Practice Award for the Port Nelson Noise project, as runner up in the Association of Local Government Information Management Ultimate Local Government Customer Service Centre, two Ministry for the Environment Green Ribbon awards for improving air quality, and as a finalist in the Kenexa Best Workplaces Award 2012.

Councillors added that Mr Johnson had stepped up to the challenge of the Acting Chief Executive role without hesitation, and had created positive changes.

Resolved

THAT the Council expresses its thanks to Richard Johnson for his contribution, and notes its appreciation for the excellent support and advice he has provided the Council in the role of Acting Chief Executive.

His Worship the Mayor/Fulton

Carried

His Worship the Mayor declared that the resolution had been passed unanimously.

In reply, Mr Johnson thanked the Council for the opportunity to serve the City and the Council as Acting Chief Executive. He said he had enjoyed

his time in the role as it had given him a chance to offer leadership during an unsettling period, and to develop his senior management skills. Mr Johnson thanked the Executive Team for their contribution, and said he was confident that the incoming Chief Executive would receive excellent support from the Executive Team and would inherit a loyal staff group who were highly committed to making Nelson a better place.

13. Exclusion of the Public

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Public Excluded Status Report – Policy and Planning – 13 December 2012 This report contains information regarding:	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:
	Negotiations with a landowner to secure long-term public access along the Maitai Walkway.		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
	Negotiations for the purchase of a strategic piece of land.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	A decision to withdraw and re-draft a Statement		<ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional

	of Proposal		privilege
2	<p>Historic Heritage Review</p> <p>This report contains information about the classifications of certain heritage precincts, including references to specific addresses.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons
3	<p>Tahunanui Fun Park Lease</p> <p>This report contains the details of a proposal for a lease on Council land</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person Section 7(2)(i) To carry out negotiations Section 7(2)(j) To prevent improper gain or advantage

His Worship the Mayor/Collingwood

Carried

The meeting went into public excluded session at 11.22am and resumed in public session at 12.24pm.

14. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Davy/Boswijk

Carried

There being no further business the meeting ended at 12.25pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

POLICY AND PLANNING STATUS REPORT – 14 MARCH 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	22/9/2011	1144640	Pedestrian Malls	Debra Bradley	<p><u>THAT</u> a pedestrian mall declaration for Morrison Street be developed in 2011/12, to allow street closure every Wednesday of the year;</p> <p><u>AND THAT</u> the road closure provisions in schedule 10 of the Local Government Act 1974 continue to be applied for street closures in Upper Trafalgar Street in 2011/12;</p> <p><u>AND THAT</u> a community engagement plan including pedestrian mall options be prepared to enhance the Council relationship with Upper Trafalgar Street businesses over the 2011/12 year and to improve understanding of the impacts of different events on foot traffic and local businesses;</p> <p><u>AND THAT</u> staff work with the affected parties to make suitable alternative arrangements for the Christmas Carols and the New Year's Eve celebrations if required.</p>	<p>14/3/13 A special consultative process is being carried out on a draft pedestrian mall declaration for Morrison Street. Submissions closed on 26 February, with a hearing scheduled for 11 April.</p> <p>Feedback is being sought from Upper Trafalgar Street businesses following each street closure in this area over 2013.</p>
2	1/11/2012	1403703	Rocks Road Shared Path	Rhys Palmer	<p><u>THAT</u> Council approves the Terms of Reference (1375150) and Multi-party funding agreement (1375750) for the Rocks Road Shared Path investigation phase;</p> <p><u>AND THAT</u> New Zealand Transport Agency is advised that Nelson City Council will not consider clearways on, or three-laning of, Rocks Road as part of the options in its Terms of Reference for the Rocks Road Shared Path investigation phase, as decided in the Council resolution of 11 August 2011;</p>	<p>14/3/13 Discussions between NZTA and Council staff on the Terms of Reference for the project are ongoing.</p>

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					<u>AND THAT</u> the Council confirm the resolution dated 11 August 2011 declaring that this Council does not support clearways as referred to in 4.3 of the report (1374486) and inform the New Zealand Transport Agency.	
3	13/12/2012	1430971	Nelson Stock Effluent Disposal Facility	Sue McAuley	<p><u>THAT</u> Council reconfirms its support for the provision of a Stock Effluent Disposal Facility for the Nelson region and informs New Zealand Transport Agency of its support for a site in the Tasman District Council area;</p> <p><u>AND THAT</u> the Chief Executive be delegated authority to commence discussions with private landowners regarding the construction and operating cost options for establishing the facility and report back to Council.</p>	14/3/13 Awaiting response from NZTA
4	19/02/2013	1439024	Local Alcohol Policy	Jenny Hawes	<p><u>THAT</u> a draft Local Alcohol Policy be developed on the basis of the significant benefits, including:</p> <ul style="list-style-type: none"> • communities having a greater say on local alcohol licensing policy • guidance and greater certainty for all those involved in the liquor licensing process • a fit for purpose policy on the sale and supply of alcohol <p><u>AND THAT</u> the scope of the draft Local Alcohol Policy should cover all of the matters permitted under s77 of the Sale and Supply of Alcohol Act 2012;</p> <p><u>AND THAT</u> Nelson City Council indicates a desire to work with other Councils on the development of local alcohol policy(ies) and the Mayor be requested</p>	14/3/13 Letters have been sent from Mayor to Mayors of TDC and MDC seeking their agreement to work collaboratively on the development of a local alcohol policy(ies). Staff will set up meeting with relevant staff in other Councils to begin the process once other two Councils confirm their wish to work together.

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					to seek agreement from the Mayors of Tasman District Council and Marlborough District Council to work collaboratively to develop local alcohol policy(ies) for the Top of the South Councils.	
5	19/02/2013	1439006	Council Submissions on 'Towards Better Regulation' and 'Buildings Seismic Performance'	Richard Johnson	<u>THAT</u> the submission on Towards Better Regulation (1445682) is confirmed after review by Councillors Reese, Fulton, Ward, and Copeland, and subject to the amendments made by them;	14/3/13 Council decision 19 February 2013 to not submit on 'Buildings Seismic Performance'; Draft submission on 'Towards Better Regulation' reviewed by Councillors on 4 March 2013; final submission in preparation.

Nelson Resource Management Plan: Draft Efficiency and Effectiveness Review

1. Purpose of Report

- 1.1 To present the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan (NRMP) for Council approval and release to plan users and iwi for feedback. In particular this report will focus on the Landscape Values and Natural Features chapter of the review and reference to the Nelson Landscape Study prepared by Boffa Miskell Ltd in November 2005.

2. Recommendation

THAT the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan be received;

AND THAT targeted feedback be sought from plan users and iwi;

AND THAT the Chief Executive be delegated authority to make minor amendments to the Draft Efficiency and Effectiveness Review, prior to release;

AND THAT the Nelson Landscape Study prepared by Boffa Miskell Ltd in November 2005 be received and be incorporated into the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan as outlined in Attachment 3 to report 1370161.

3. Background

- 3.1 The Draft Efficiency and Effectiveness Review of the NRMP was first presented to Council at the 9 August 2012 Council meeting (refer Attachment 1). At that meeting the council resolved:

"THAT the report be left to lie on the table, and that it be brought back to the next appropriate Council meeting, with a recommendation as to how to proceed with regards to the Boffa Miskell report and the Efficiency and Effectiveness Review."

- 3.2 A presentation of the Nelson Landscape Study was given by Boffa Miskell as part of the 29 November 2012 Council workshop. This provided an opportunity for the Councillors to gain a better understanding of the Nelson Landscape Study and to form a view on the need for future landscape work. The overall conclusion of the workshop was that further landscape work, in conjunction with Council and community consultation, was required to guide Council's future planning. Given the feedback from the workshop, it is now considered appropriate to bring a report back with a recommendation as to how to proceed with regards to the Boffa Miskell report (the Nelson Landscape Study) and the Efficiency and Effectiveness Review.

4. Discussion

The Nelson Landscape Study

- 4.1 The Nelson Landscape Study (refer Attachment 2) more clearly defines landscape overlays than those currently provided in the NRMP and identifies how landscape management provisions could be improved. The study establishes 18 landscapes/features that are grouped into five landscape overlays (refer pages 25-27 of Attachment 2).
- 4.2 The Nelson Landscape Study describes and assesses the 18 identified landscape features in terms of landscape values, sensitivity to change, and development considerations. Recommendations are made for each landscape feature to better achieve the management of landscape change.
- 4.3 The recommendations include replacing the NRMP Landscape Overlay with the five more detailed overlays outlined above (Outstanding Natural Features and Landscapes, Ridgelines and Hilltops, Lower Foothills, Coastal Margins, Amenity Landscapes) to better recognise their distinctive character and different management needs. Changes to the NRMP provisions are also recommended for the 18 different landscapes/features.

Why Reference the Nelson Landscape Study in the Draft Efficiency and Effectiveness Review?

- 4.4 While the Nelson Landscape Study is now seven years old and has not been fully considered by Council (until now) or the public, the study still has value in terms of the Draft Efficiency and Effectiveness Review.
- 4.5 Without reference to the Nelson Landscape Study the Draft Efficiency and Effectiveness Review is left with limited qualitative analysis and relies solely on the NRMP Landscape Overlays and a broad assessment of the number of building consents issued within those areas. The Nelson Landscape Study provides a snapshot in time of the qualitative landscape issues as at 2005 that is useful for helping inform the future plan change and monitoring work programme. The study also makes recommendations about how the NRMP could be made more effective at addressing landscape management. Consequently, it is considered that

the inclusion of the Nelson Landscape Study in the Draft Efficiency and Effectiveness review is helpful in determining the efficiency and effectiveness of the NRMP.

- 4.6 Some concern has been expressed that the Nelson Landscape Study was not consulted on and therefore lacks credibility and the inclusion in the Draft Efficiency and Effectiveness Review will be, in some cases, the first time that plan users and landowners will see the report. How the Nelson Landscape Study is described in the Draft Efficiency and Effectiveness Review (in particular in the Recommendations for Further Work) will be important in addressing these concerns. It is therefore considered that reference to the Nelson Landscape Study makes clear that the report has not been consulted on or formally adopted by Council but will be utilised as a monitoring tool and that further landscape analysis is needed. It is therefore considered that the Key Recommendations for Further Work section of the Draft Efficiency and Effectiveness Review (pages 31 and 203 of the review) be altered as follows:

Seek public feedback on the 2005 Boffa Miskell Landscape Assessment Undertake further landscape analysis in consultation with the community as part of the Nelson Development Strategy to guide Council's future planning and to inform a response to the New Zealand Coastal Policy Statement.

- 4.7 This approach, of undertaking further landscape analysis rather than relying solely on the Nelson Landscape Study, would be consistent with the outcome of the 29 November 2012 Council workshop where the Nelson Landscape Study was presented and a way forward on the broader landscape work-stream was discussed. A further presentation on landscape will be provided at a Council workshop on 5 March 2013 to inform Council's policy position on landscape prior to planned community engagement.
- 4.8 A number of other changes are also recommended to the Landscape and Natural Features chapter of the Draft Efficiency and Effectiveness Review. These changes, along with those outlined above, are included in Attachment 3. These changes put landscape in the broader context of the purpose of the Resource Management Act, remove the detailed maps that indicate the location of the Landscape Overlays proposed by Boffa Miskell in the Nelson Landscape Study, and seek to place more emphasis on the provisions of the NRMP and other landscape studies rather than the Nelson Landscape Study.

5. Conclusion

- 5.1 Overall the NRMP can be made more efficient and effective. Provision has been made in the 2012-2022 Long Term Plan to improve the efficiency and effectiveness of the NRMP as part of the rolling review. Feedback from plan users and iwi will be useful in ensuring that the Draft Efficiency and Effectiveness review is as comprehensive as possible. It is

recommended that feedback is received on the content of the review prior to its finalisation.

- 5.2 It is considered that the Nelson Landscape Study should be referenced in the Draft Efficiency and Effectiveness Review to the extent that the study is useful as a monitoring tool but that further landscape analysis is necessary.

Matt Heale

Principal Adviser Resource Management Planning

Attachments

Attachment 1: Copy of the 9 August 2012 agenda item Nelson Resource Management Plan: Draft Efficiency and Effectiveness Review 1331808

Attachment 2: Nelson Landscape Study prepared by Boffa Miskell Ltd in November 2005 515751

This attachment is circulated as a separate document.

Attachment 3: Landscape Values and Natural Features chapter of the March 2013 version of the Draft Efficiency and Effectiveness Review (pages 30-31 and 191-203) 1436031

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The Draft Efficiency and Effectiveness Review is a regulatory function required by the Resource Management Act 1991.

2. Fit with Community Outcomes and Council Priorities

Ensuring the Nelson Resource Management Plan is efficient and effective and contributes to Councils outcomes, particularly Healthy Land, Sea, Air, and Water, People Friendly Places, A Strong Economy, and Kind and Healthy People. The Nelson Resource Management Plan also makes a significant contribution to achieving Councils priorities by making Nelson an outstanding place to live (A Leading Lifestyle), connecting people to the fabric of the city (A Rich Diverse Community), enhancing urban design, influencing how the City is planned and developed (Community Hubs), strengthening links to the natural environment (Active Lifestyle), protecting the City's environment (The Nelson Edge and The Natural Environment) and heritage (A creative City).

3. Fit with Strategic Documents

The Draft Efficiency and Effectiveness Review has considered the need to "give effect to" the Nelson Regional Policy Statement.

4. Sustainability

The Draft Efficiency and Effectiveness Review has been assessed against the sustainable management purpose of the Resource Management Act.

5. Consistency with other Council policies

No consequential inconsistencies with other Council policies.

6. Long Term Plan/Annual Plan reference and financial impact

The recommendations of the Draft Efficiency and Effectiveness Review have been considered in formulating the funding requirements in the Nelson Long Term Plan 2012-2022.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

It is proposed to seek feedback from plan users and iwi prior to finalisation of the Draft Efficiency and Effectiveness Review.

9. Inclusion of Māori in the decision making process

A presentation of the key findings of the Draft Efficiency and Effectiveness Review was given at the 17 August meeting of Kotahitanga. It is proposed that further feedback is sought from Iwi once Council has received the Draft Efficiency and Effectiveness Review.

10. Delegation register reference

Not applicable.

Nelson Resource Management Plan: Draft Efficiency and Effectiveness Review

1. Purpose of Report

- 1.1 To present the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan for Council approval and release for feedback from plan users and iwi.

2. Recommendation

THAT the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan be adopted:

AND THAT targeted feedback be sought from Plan users and iwi;

AND THAT the Chief Executive be delegated authority to make minor amendments to the Draft Efficiency and Effectiveness Review, prior to release.

3. Background

- 3.1 The Nelson Resource Management Plan became generally operative in May 2006, apart from the Port Noise provisions.
- 3.2 Since this time the Council has decided to undertake a rolling review of the Nelson Resource Management Plan. To date this has involved consideration of plan changes covering topics such as freshwater, new growth areas, retail, heritage and a range of technical fixes.
- 3.3 Section 35 of the Resource Management Act requires that the efficiency and effectiveness of Councils' resource management plans are reviewed every five years, and that appropriate action is taken where this is shown to be necessary.
- 3.4 The technical work associated with the Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan commenced in 2011, five years after the plan became generally operative. A Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan has now been developed (RAD1333055). This has been circulated to

Councillors in advance of the agenda for this meeting due to the size of the document, to allow more time for consideration.

4. Discussion

- 4.1 The Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan measures the efficiency and effectiveness of the key policies and rules of the Nelson Resource Management Plan against the objectives. For the purpose of the review, effectiveness is determined by assessing whether the rules achieve the key objectives and performance measures identified in the Nelson Resource Management Plan and the Nelson Regional Policy Statement i.e. are the anticipated outcomes being achieved. Efficiency is measured by assessing whether the rules enable the efficient administration of resource management plans to achieve anticipated outcomes.
- 4.2 The Draft Efficiency and Effectiveness Review of the Nelson Resource Management Plan also considers national and regional resource management policy direction to determine whether the plan is still current and statutorily compliant. This review provides an opportunity to consider whether the rolling review is focussing in the right direction, and is useful to inform the future work programme.
- 4.3 Given the scale of this task, this assessment is largely based on available data with gaps and uncertainty in data acknowledged in the Draft Efficiency and Effectiveness Review. This assessment is evidence based where possible.
- 4.4 The Draft Efficiency and Effectiveness Review is broken into two main parts. The Executive Summary, the Introduction, and the Key Findings chapters provide a high level overview. The second part of the review, the Efficiency and Effectiveness Research Report, provides a greater depth of assessment of the objectives and the efficiency of the Nelson Resource Management Plan.
- 4.5 A summary of national, regional, and district objectives is provided along with a summary of relevant Nelson Resource Management Plan rules. A review of monitoring information is then provided to ascertain whether the rules have been effective at achieving the outcomes (key objectives and performance indicators) sought in the relevant topic area. An assessment is also provided in relation to whether the rules are efficient at achieving the relevant objectives by reviewing resource consent, plan user surveys, and plan change data. Recommendations are also provided relating to on-going monitoring needs and required changes to the Nelson Resource Management Plan.
- 4.6 The Draft Efficiency and Effectiveness Review will be used to refine the future resource management plan work programme to ensure that the Nelson Resource Management Plan remains current and statutory compliant.

- 4.7 A significant body of work has been compiled through the development of the Draft Efficiency and Effectiveness Review. This information will be retained as a baseline for future monitoring work.

Key Findings

- 4.8 Overall it is clear that air quality is improving and solid waste volumes are reducing. Accordingly these resource management plan objectives are being effectively achieved. All other objectives are only being partially achieved as summarised below:
- 4.8.1 Growth is generally occurring in the areas anticipated (urban areas) apart from retail/commercial activities in Industrial zones and residential development around the urban periphery and in some sensitive environments (landscapes, heritage, and natural hazard areas).
- 4.8.2 Amenity objectives are largely being met apart from Inner City noise issues, the quality of buildings in the Inner City ring route, and a representative range of heritage not being protected.
- 4.8.3 Transport objectives are partially achieved with residential densities slowly increasing along public transport routes and close to services although CO₂ emissions, traffic volumes, and the use of private cars have all increased and are projected to increase further.
- 4.8.4 National and resource management plan contamination objectives are not being achieved as water quality monitoring shows that contaminants are still entering Nelson's waterways and the management of hazardous substances focuses on future sites rather than historic sites.
- 4.8.5 Heritage provisions are generally working well although a need has been identified to protect a wider representative range of Nelson's heritage.
- 4.8.6 Maori objectives are generally being achieved although there is an ongoing need to engage with iwi on upcoming plan changes and better protect a wider range of heritage sites of interest to iwi.
- 4.8.7 Natural Hazards objectives anticipate a reduction in threats to human life but there are still an increasing number of buildings locating in hazard areas.
- 4.8.8 Freshwater national and resource management plan objectives are not being achieved as water quality is not meeting plan standards.
- 4.8.9 Coastal Environment national and resource management plan objectives are not being met due to a lack of planning for coastal hazard risks and aquaculture, and the need to better identify and protect Outstanding Natural Features and Landscapes in the coastal environment.

- 4.8.10 Riparian and Coastal Margins objectives are partially being met – while there is a high level of public ownership of coastal margins, only 50% of rivers and streams margins are in public ownership and there are water quality issues across Nelson.
- 4.8.11 Beds of Rivers and Lakes objectives are hard to measure as there is a lack of information about in-stream impacts. While limited gravel extraction data suggests that river levels are appropriate water quality issues are still arising.
- 4.8.12 While Significant Vegetation and Fauna objectives and policies in the resource management plans acknowledge that further work is necessary to identify significant natural areas, this work has not yet been completed and monitoring work suggests that these areas are being impacted.
- 4.8.13 Landscape Values and Natural Features objectives are not being achieved as further work is required to better identify and protect landscapes in the Coastal and Conservation zones, and for outstanding and significant landscapes and natural features generally.
- 4.8.14 Energy national and resource management plan objectives are not being achieved as it would appear that greenhouse gas emissions are increasing and there is a need to further consider renewable energy options in response to the National Policy Statement for Renewable Electricity Generation.
- 4.8.15 Soil objectives are not being achieved as the protection of the life supporting capacity of soil has been compromised with high quality soils in Nelson being largely urbanised. Based on water quality monitoring information and the need for further analysis to determine soil contamination and erosion risk, it would appear that resource management plan and national objectives that promote soil management are also not being met.
- 4.9 A review of Nelson Resource Management Plan consent and plan change data suggests that the current plan rules are generally efficient (apart from possibly earthworks and bulk and location requirements) but if the plan objectives were more outcome focused and up to date with national policy changes the plan would be more efficient and effectiveness would be easier to gauge.

4.10 Based on the above assessment it is clear further work is required to ensure that national policy and resource management plan objectives are effectively and efficiently achieved. A review of recommendations for further work sections of the Draft Efficiency and Effectiveness Review highlights that the implementation of the planned work programme will address these issues and make the plan more efficient and effective. The Planned work programme includes plan changes in the following areas:

- New Zealand Coastal Policy Statement;
- National Policy Statement Freshwater Management;
- National Policy Statement Renewable Electricity Generation;
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- Nelson Development Strategy;
- Heritage;
- Inner City Noise;
- Heart of Nelson;
- Hazard management;
- Landscape (including outstanding natural features and landscapes); and
- Significant Natural Areas (areas of significant indigenous vegetation and significant habitats of indigenous fauna).

4.11 There is also a need for ongoing commitments to involve iwi in decision making, carrying out ongoing monitoring and undertaking catchment management planning as anticipated in the Long Term Plan 2012-2022.

Proposed Feedback Process

4.12 Following input from staff and Councillors it is proposed that feedback is sought from Nelson Resource Management Plan users and iwi. Section 35 of the Resource Management Act only requires that the Efficiency and Effectiveness review is "compiled and made available to the public". Consequently there is no requirement for formal consultation on the Draft Efficiency and Effectiveness Review. However the Maori objectives in the resource management plans are focused on the extent to which Iwi are involved in decision making. Nelson Resource Management Plan users provide a wide range of expertise across Nelson and may, along with iwi, be able to identify gaps in the data that has been gathered to inform a more thorough assessment of the Nelson Resource Management Plans efficiency and effectiveness. It is therefore recommended that this feedback is sought from iwi and Nelson Resource Management Plan users.

5. Conclusion

- 5.1 Overall the Nelson Resource Management Plan can be made more efficient and effective. Provision has been made in the 2012-2022 Long Term Plan to improve the efficiency and effectiveness of the Nelson Resource Management Plan as part of the rolling review. Feedback from plan users and iwi will be useful in ensuring that the Draft Efficiency and Effectiveness review is as comprehensive as possible. It is recommended that feedback is received on the content of the review prior to its finalisation.

Contact officer: Matt Heale, Principal Adviser Resource Management Plan

Richard Johnson
Acting Chief Executive

Attachments

None.

Supporting information follows.

PREVIOUS REPORT

Supporting Information	
1. Fit with Community Outcomes and Council Priorities	Ensuring the Nelson Resource Management Plan is efficient and effective contributes to Councils outcomes, particularly Healthy Land, Sea, Air, and Water, People Friendly Places, A Strong Economy, and Kind and Healthy People. The Nelson Resource Management Plan also makes a significant contribution to achieving Councils priorities by making Nelson an outstanding place to live (A Leading Lifestyle), connecting people to the fabric of the city(A Rich Diverse Community), enhancing urban design, influencing how the City is planned and developed(Community Hubs), strengthening links to the natural environment (Active Lifestyle), protecting the City's environment (The Nelson Edge and The Natural Environment) and heritage(A creative City).
2. Fit with Strategic Documents	The Draft Efficiency and Effectiveness Review has considered the need to "give effect to" the Nelson Regional Policy Statement.
3. Sustainability	The Draft Efficiency and Effectiveness Review has been assessed against the sustainable management purpose of the Resource Management Act.
4. Consistency with other Council policies	No consequential inconsistencies with other Council policies.
5. Long Term Plan/Annual Plan reference and financial impact	The recommendations of the Draft Efficiency and Effectiveness Review have been considered in formulating the funding requirements in the Nelson Long Term Plan 2012-2022.
6. Decision-making significance	This is not a significant decision in terms of the Council's Significance Policy.
7. Consultation	It is proposed to seek feedback from Plan Users and iwi prior to finalisation of the Draft Efficiency and Effectiveness Review.
8. Inclusion of Māori in the decision making process	It is proposed to seek feedback from iwi at the 17 August meeting of Kotahitanga
9. Delegation register reference	N/A.

Key Findings - Landscape Values and Natural Features (p30-31)

Policy Direction

The purpose of the Resource Management Act includes the preservation of the natural character of protection of outstanding natural features and landscapes and the preservation of the natural character of the coastal environment.

A key focus to the New Zealand Coastal Policy Statement 2010 (NZCPS) is on preserving the natural character of the coastal environment and protecting natural features and landscape values through identifying these features and protecting them from inappropriate subdivision, use, and development and encouraging restoration of the coastal environment

NRMP policies DO9.1.1-DO9.1.4 of the seek the protection of significant landscape and coastal features (particularly ridgelines, the coastal environment, and riparian margins) and the management of development to achieve this (particularly when viewed from primary road routes).

The Conservation, Coastal, and Landscape Overlays along with the Open Space and Recreation and Conservation zones cover over half the Nelson land area (25 305ha out of 42 275ha), even when allowing for some overlap in zonings. These zones all aid in maintaining a natural open backdrop and foreground to the city and play a key role in landscape protection. Subdivision in these areas is generally a discretionary activity, apart from the Rural Zone where it is structures and earthworks (rather than subdivision) that generally require a discretionary activity consent.

Key Findings

NRMP landscape controls do not meet the intent of the NRMP objectives in that landscape matters are identified as important considerations in the Coastal Marine Area and Conservation zone objectives but there is little or no reference to landscape matters in the relevant rules.

Provisions in the NRMP do not meet the intent of national and regional policy direction as outstanding natural features and landscapes, and natural coastal character areas, have not been appropriately identified and protected.

A review of the available quantitative data suggests that the plan is effective at achieving the general objectives of the plan by limiting the extent of development in significant landscapes as currently identified but has less effect at controlling development in other important landscapes ~~identified in the Boffa Miskell Nelson Landscape Study.~~

Recent plan changes (PC13, 17, and 18) will result in an increased density of development in the Lower Foothills areas ~~identified in the Boffa Miskell report.~~ Existing Council forestry operations are also located within significant landscape areas. Accordingly, there is a need for further qualitative analysis due to the limitations of the quantitative analysis undertaken as part of this s35 report, and given that the last landscape assessment (the Nelson Landscape Study Boffa Miskell report) is over five seven years old and has not been considered by the public or Council.

Key Recommendations for Further work

- Contact Forestry companies and landowners with forestry blocks to ascertain when and where forestry areas are planned to be logged to help determine potential future landscape impacts
- ~~Undertake further landscape analysis, in consultation with the community. Seek public feedback on the 2005 Beffa-Miskell Landscape assessment as part of the Nelson Development Strategy and to inform a response to the NZCPS.~~
- ~~Following further landscape analysis, review the Progress towards a Plan Change to ensure that landscape provisions in Resource Management Plans to ensure that they meet national and regional policy direction and reflect the current state of the environment.~~

Landscape Values and Natural Features Chapter

(p 191-203)

National Policy Direction

~~In achieving the purpose of The purpose of the Resource Management Act includes the preservation of the natural character of outstanding natural features and landscapes and the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development shall be recognised and provided for as a matter of national importance. Accordingly all decisions made under the Resource Management Act need to recognise and provide for these matters.~~

A key focus to the New Zealand Coastal Policy Statement 2010 (NZCPS) is on preserving the natural character of the coastal environment and protecting natural features and landscape values through identifying these features and protecting them from inappropriate subdivision, use, and development and encouraging restoration of the coastal environment. Policy 13 provides further guidance on what elements are included in natural character and Policy 15 provides further guidance on identifying natural features and natural landscapes.

Policy 8 of the National Policy Statement for Electricity Transmission requires that the transmission system should avoid adverse effects on outstanding natural landscapes and areas of high natural character indicates that:

~~“In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.”~~

Resource Management Plans Policy Direction

The Nelson Regional Policy Statement (NRPS) objective relating to landscape (NA2.2) states that the aim is to have a landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected.

Policies NA2.3.1-NA2.3.4 seek:

- the preservation of the natural landscape character and vegetation cover of the backdrop to Nelson,
- the encouragement of landuse practices in rural areas that manage impacts on landscape values, and

- the avoidance of development which detracts from the amenity afforded by dominant ridgelines and viewshafts within the urban area and gateways between urban and rural areas and between landscape units.

Policies NA2.3.5 -NA2.3.7 state a desire to identify and protect significant landscape and natural features throughout the city and provide criteria for identification. Policies NA2.3.8 and NA2.3.9 seek the management of activities on or adjacent to any significant landscape or natural feature and the preservation of the natural character of the coastal environment respectively. DH1.3 indicates that outstanding landscapes and features should be identified and protected.

The Draft 2008 NRPS landscape objectives are consistent with ~~comes from~~ the NRMP objective DO9.1 and seeks a landscape that preserves and enhances the character and quality of Nelson's setting, and in which outstanding natural features and landscapes are protected.

The Nelson Resource Management Plan (NRMP) objectives relevant to landscape include DO9.1, CM2, and CO2. DO9.1 states that a landscape that preserves and enhances the character and quality of the setting of the city and in which its landscape components and significant natural features are protected, is desirable. Policies DO9.1.1-DO9.1.4 seek the protection of significant landscape and coastal features (particularly ridgelines, the coastal environment, and riparian margins) and the management of development to achieve this (particularly when viewed from primary road routes). It is also noted that aquaculture should be avoided adjacent to headlands for visual safety or navigation reasons. Objective CM2 requires the preservation of the natural character of the coastal environment and objective CO2 requires the maintenance and enhancement of the natural values contained within the Conservation Zone, including natural features.

The administration section of the plan (Chapter 3) outlines that the Conservation Overlay (749ha of a total land area of 42 275ha) covers Areas of Significant Conservation Value (ASCV), outside the Conservation Zone (14 164ha), to, in part, protect outstanding natural features and landscapes from inappropriate subdivision, use, and development. The Marine ASCV overlay relates to the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development within the Coastal Marine Area.

The Coastal Environment Overlay (6 710ha) has both ecological and landscape significance and extends to follow the line of the nearest dominant ridge inland from the sea in the northern rural areas of the city but has been drawn to generally exclude urban built areas. The exceptions in the Urban area are the port and the state highway due to potential impacts on the coastal environment, and the Nelson Airport and Golf Course and Tahunanui Beach due to their public ownership, conservation value and coastal erosion issues.

The Landscape Overlay (2 959 ha) includes all areas adjacent to the city, coast and main traffic routes which are highly sensitive to development and comprise mainly the ridge tops together with the most sensitive shoulder slopes.

The Open Space and Recreation zone covers approximately 723 ha and is intended to recognise and protect land already used for open space and recreation purposes. The majority of land in this zone is reserve land vested in, and administered by, Council under management plans prepared under the Reserves Act 1977.

The purpose of the Conservation zone, as described in Chapter 14, is to maintain the area in its natural state with the majority of land being under some form of protection being forest park and other reserve land administered by the Department of Conservation (including the Nelson Boulder Bank, other areas of coastal reserve, and the Nelson Mineral Belt), and the waterworks reserves areas and other reserves administered by Nelson City Council. The Conservation Zone covers 14 164 ha and includes the most distant series of ranges in Nelson (the Bryant Range), running along the backbone

of the City from the catchment boundary of the Roding river to Cape Soucis in the north. The land is generally unmodified or regenerating vegetation and often has high conservation values.

When taken collectively the Conservation, Coastal, and Landscape Overlays along with the Open Space and Recreation and Conservation zones (25 305ha out of 42 275ha) cover over half the Nelson land area, even when allowing for some overlap in zonings. These zones all aid in maintaining a natural open backdrop and foreground to the city.

NRPS performance indicators NA2.8 highlight the need for positive protection and development that preserves significant landscape and natural features. NRMP indicators include the retention of unobstructed views of significant features (including ridgelines/skylines, seaward facing slopes, estuaries, shorelines and riparian margins, coastal headlands/promontories and adjacent sea, and relatively unmodified parts of the coastal environment) and buildings that are unobtrusive, as measured by observation, photographic records, Council records, and media reports. Similar measures apply to development in the Coastal Marine Area and Conservation areas.

NRMP Rules

Landscape is generally managed through the NRMP via the Landscape Overlay controls and, to some degree, by the Coastal Environment Overlay and the large tracts of land that are identified as Conservation and Open Space and Recreation zone.

In the Residential zone subdivision in the Landscape Overlay is a discretionary activity where a landscape assessment is provided (Plan Change 14 ~~seeks to~~ has amended this to restricted discretionary). The only controls on structures relate to above ground network utility structures and transmission lines. Minor alterations are provided for above ground utility structures and electricity lines and support structures, otherwise discretionary activity consent is required.

In the Open Space and Recreation Zone limited earthworks are provided in the Landscape Overlay where areas do not exceed 1.2m in height, width, or depth and where no road formation is required. Otherwise earthworks require consent as a discretionary activity. All subdivision is a discretionary activity and not anticipated within the zone, however, assessment criteria do not specifically mention landscape matters. The Coastal Environment Overlay rule states that in the case of discretionary applications consideration will be given to the nature of the activity and its effect on the natural character of the coastal environment.

In the Rural zone portion of the Landscape Overlay, structures (other than fencing) require a controlled activity consent where they are a residential unit or farm structure, otherwise discretionary activity consent is required. Earthworks are generally discretionary in the Landscape Overlay area unless they are for maintaining roads. Minor upgrading of electricity transmission lines is permitted. Subdivision is a controlled activity if accompanied by a landscape assessment.

In the Rural zone portion of the Coastal Environment Overlay subdivision is discretionary. Limited additions to buildings and structures are provided for where set backs from mean high water springs are achieved generally, and on the site located between Cable Bay Road and Delaware Inlet specifically, as well as areas outside an Archaeological Overlay. Limited earthworks are also provided for in these areas as long as they are outside the Land Management Overlay area.

Subdivision in the Coastal Marine Area is generally non-complying other than where the subdivision is for protecting an Area of Significant Conservation Value. Again landscape matters are not specifically identified as a matter of assessment.

All subdivision in the Conservation zone is discretionary and the impact on existing character is a matter of assessment. The overlay control notes that any relevant overlay control will be taken into account when assessing resource consents.

Monitoring information

Landscape Assessments

A number of landscape assessments have been undertaken to inform the establishment and ongoing development of the NRMP. These include:

- April 1994:** Nelson City Council, Recreation, Conservation and Landscape Study
Appendix 3: Landscape Survey and Assessment
Works Consultancy Services Limited [1176380](#)
- March 1995:** Supporting material to Landscape Study, provided by William Hansen Works Consultancy Services. Includes Objectives and Policies [1175966](#)
- November 2003:** Stoke Foothills and South Nelson Landscape Assessment
Boffa Miskell Limited [527005](#)
- November 2005:** Nelson Landscape Study
Identification of outstanding natural features and landscapes and other landscape sensitive areas for Nelson City Council
Boffa Miskell Limited [515751](#)
[543780](#) contains photos from the flyover for this study.

The 1994 and 1995 Works Consultancy reports appear to have informed the landscape provisions in the NRMP today, in particular the location of the Landscape Overlay. The Stoke Foothills and South Nelson Landscape Assessments in 2003 were undertaken by Boffa Miskell to review landscape issues relative to urban growth pressure in the Stoke Hills area and provided a conceptual structure plan to guide future development in the area. The key features of this plan were:

- The creation of a greenbelt separating Stoke and Richmond
- The containment of the eastern edge of stoke urban area
- Protecting the rural and open character of the foothills
- Expanding development opportunities in Ngawhatu Valley, Marsden Valley, and Champion Road

This report applied the existing NRMP landscape framework rather than testing it.

By contrast, the purpose of the 2005 Nelson Landscape Boffa-Miskell Study was to identify and recommend actions for better defining the landscape overlays and improving the landscape management provisions in the plan. While the Nelson Landscape Study was made public in 2007, the study, unlike earlier landscape assessments, was not received by Council or consulted on with relevant landowners. Nevertheless, the study provides a useful monitoring tool to gauge the degree of change between 2005 and the future and as a record of the landscape issues at the time.

The ~~report-study~~ also provided a good synopsis of the landscape issues in 2005:

~~"In more recent years more intensive development has occurred and is occurring in the Valleys behind Nelson (The Maitai, Bishopdale, Ngawhatu, Brook, and Marsden Valleys) and~~

in rural areas to the north and east of the city at Hira and the adjoining Lud and Teal Valleys, and the small rural settlements of the Glen and Cable Bay. In addition subdivision consent approvals have allowed incremental urban growth into the rural backdrop along the coastal strip from Brooklands to Teal Valley and the lower Stoke Foothills. This is pushing out the boundaries of the urban residential area in what appears to be ad hoc and uncoordinated pattern.

In addition the remote rural part of the district has also become more vulnerable to development pressure since the notification of the RMP in 1996. This is partly due to the expansion of the region's population, and the property boom that has dramatically increased demand for rural lifestyle subdivision. Further land uses, such as marine farms – now able to be developed in coastal waters – represent new potential threats to the relatively unmodified natural character of the northern coastal environment.

Despite this growth, large areas of the district's landscape resource remain in public ownership, and to some degree this lessens the threats and development pressures on considerable parts of the District. In particular considerable portions of the town belt hills and coastal escarpments in the northern part of the district have the good fortune of being largely in public ownership.

However, the effect of the new pressures and changes on the remaining parts of the district's landscape have shown the current landscape provisions within the plan are ineffective in that they lack clear protection and management guidance for the district's landscape values".

- The boundary of the urban residential area is being pushed out in what appears to be ad hoc and uncoordinated pattern and more intensive development is occurring in rural areas
- The remote rural part of the district has become more vulnerable to development pressure as a result of population expansion and the property boom
- Marine farms represent potential threats to the natural coastal character of the northern coastal environment
- Despite growth pressures, large areas of the landscape resource remains protected due to public ownership

The 2005 Boffa Miskell Nelson Landscape Study was critical of the NRMP Landscape Overlay provisions and earlier studies as:

- The existing overlay boundaries are not clearly defined in the NRMP with respect to what appears on the ground, and The current landscape overlays and the associated provisions do not extend to the remote and extensive rural hinterland to the north of the urban area,
- The existing provisions in the NRMP need to be revised and more focussed on managing the effects of change and do not currently identify no outstanding natural features and landscapes recognised with the NRMP, and
- the 1994 Works Consultancy Services report was considerably more comprehensive than the final areas included in the Landscape Overlay. However it tended to focus on a broad classification based on aesthetic criteria. This results in two shortcomings; firstly the purely visual approach taken, analysing the landscape in terms of lines, textures and colours, does not reflect current landscape planning practice that understands the landscape more as the by addressing the cumulative effects of a wide range of scientific and socio-cultural factors – the value of which needs to be considered in preparing a landscape assessment; and

secondly having categorised the districts landscape the study does not take the next step of or considering the relative importance of these landscape areas in terms of the requirements of section 6(b) and 7(c) of the RMA.

- The plan also identifies some notable landscape areas such as the Boulder Bank, have not been included in the landscape overlay as they are covered in the Conservation zone – but they should be in landscape overlay too in order to recognise their dual role. The Coastal overlay in the northern rural area from Glenduan to Cape Soucis is consistent with a landscape understanding that the extent of the coastal environment extends to the top of the first dominant ridge and in the urban and peri-urban areas are more narrowly focussed on the immediate coastal margins, and the remnant conservation and ecological values in these locations rather than emphasising their landscape values.

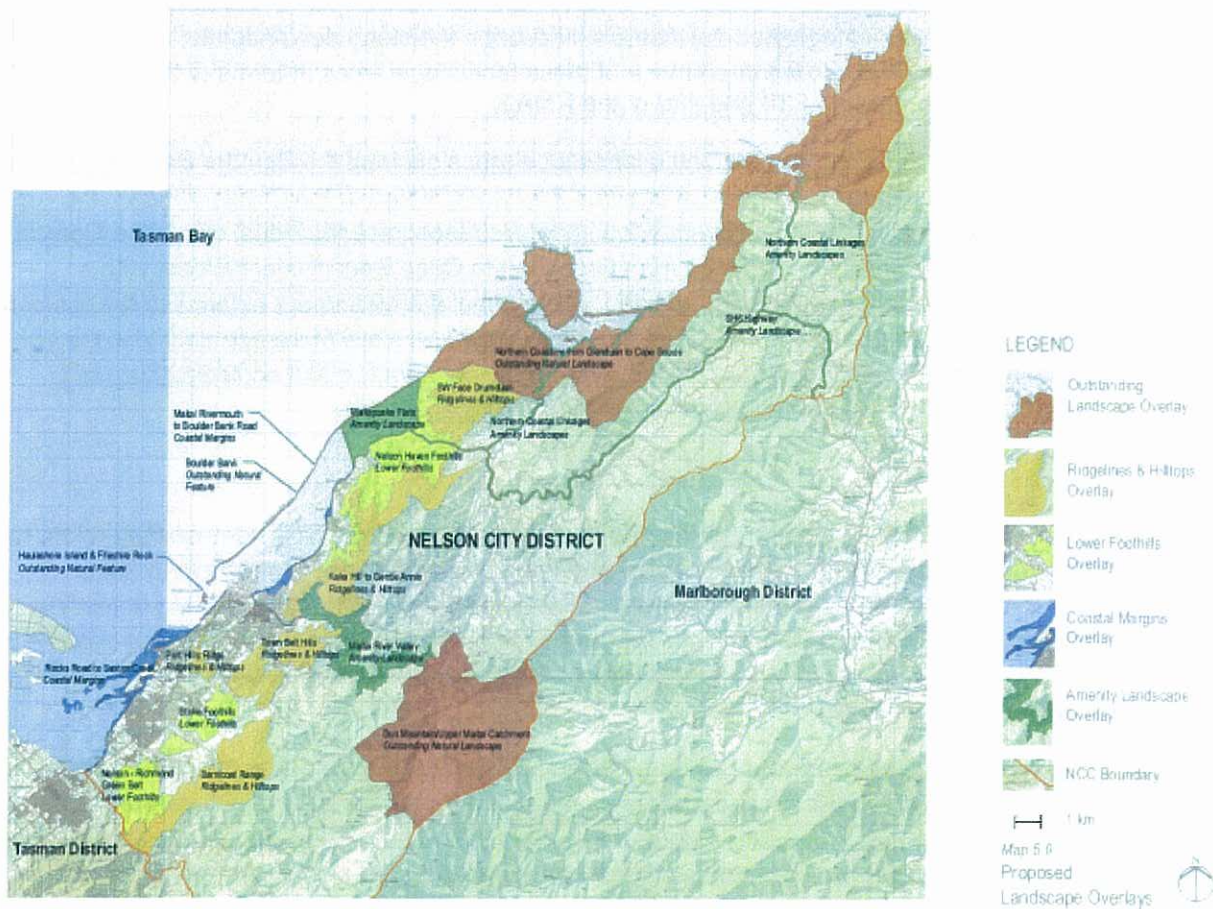
~~The report then went on the comment on the effectiveness of the NRMP provisions as they relate to landscape. In summary, District wide objectives provide a comprehensive high level planning framework for landscape management in Nelson. However nowhere within the existing objectives and policies of the NRMP does Council address the need to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development in accordance with section 6(b) of the RMA.~~

~~There is also a lack of specific reference to the visual amenity of remote rural areas not considered to be part of the 'setting of the city' but nevertheless important in their own right and under increasing pressure from development. Appendix 7 guidelines need to include specific values that are sought to be protected from inappropriate subdivision, use and development, and how such development can impact upon those values. Appendix 9 identifies and describes landscapes that contribute to the city's identity and sense of place but does not currently identify or provide for the management of any section 6(b) Outstanding Natural Features or Landscapes.~~

~~The plan also identifies some notable landscape areas such as the boulder bank, have not been included in the landscape overlay as they are covered in the Conservation zone – but they should be in landscape overlay too in order to recognise their dual role. The Coastal overlay in the northern rural area from Glenduan to Cape Soucis is consistent with a landscape understanding that the extent of the coastal environment extends to the top of the first dominant ridge and in the urban and peri-urban areas are more narrowly focussed on the immediate coastal margins, and the remnant conservation and ecological values in these locations.~~

~~The study then goes on to recommend replacing the existing landscape overlay with five new overlays (shown below) and associated provisions that better provide for the particular landscape values within the Nelson City Council boundaries.~~

DELETE MAP



The overlays identified in the Nelson Landscape Study Boffa Miskell report are:

Outstanding Features and Landscapes:

- Boulder Bank (feature)
- Haulashore Island and Fifeshire rock (feature)
- Northern Coastline from Glenduan to Cape Soucis (Landscape)
- Dun Mountain and Upper Maitai Catchment (Landscape)

Ridgelines and Hilltops Landscape Overlay

- Barnicoat Range
- Nelson-Richmond Town Belt
- Town Belt Hills – Grampians, Sharland Hill, Botanical Hill
- Port Hills Ridge
- Kaka Hill to Gentle Annie
- SW face of Drumduan

Lower Foothills Landscape Overlay

- Stoke foothills
- Nelson Haven Foothills to Wakapuaka

Coastal Margins Landscape Overlay

- Nelson Haven from Maitai river mouth to Boulder Bank Road
- Saxton Creek to Rocks Road

Amenity Landscapes Overlay - Note s7(c)

- Maitai River Valley
- SH6 Highway Amenity Landscape
- Northern Coastal Linkages
- Wakapuaka Flats

~~The Boulder Bank, Haulshore Island, and Fifeshire Rock~~ have been identified as Outstanding Natural Features in the Boffa Miskell report due to their geological significance, undeveloped nature, historical significance, landmark status and visual prominence. They are particularly sensitive to landform modifications, in particular vertical structures given their horizontal nature and wide-viewing audience. Amendments to assessment criteria in the Conservation and Open Space Recreation Zones respectively are recommended to recognise their landscape value.

~~The northern coastline from Glenduan to Cape Soucis~~ has been identified as an outstanding natural landscape due to the unmodified coastal environment, significant landforms and features, high natural coastal character, estuarine environments with significant conservation values (wide range of coastal vegetation), historical associations, and high amenity values. This area is particularly sensitive to forestry, aquaculture, subdivision, buildings and structures. It is recommended that all subdivision in the area, and earthworks and vegetation clearance be classed as a discretionary activity to more closely align with the Coastal Environment Overlay.

~~The Dun Mountain and Upper Maitai Catchment~~ has also been identified as Outstanding Natural Landscape Areas. This is largely due to the area having Internationally important geological values of the Ophiolite mineral belt, a distinctive lack of vegetation due to ultramafic mineralite ground conditions that make hilltop areas a distinctive landmark feature, and an invaluable inland recreational and historical mining link. The Upper Maitai also has high natural character due to lack of human activity. The wider area is generally sensitive to large scale forestry. It is recommended that vegetation clearance and earthworks controls are strengthened, a vegetation management plan is developed and the landscape values are better recognised in the NRMP.

The coastal areas of the ~~Nelson Haven from Maitai river mouth to Boulder Bank Road and Saxton Creek to Rocks Road~~ are identified as Coastal Margins Landscape Overlay. This classification is largely due to the areas having national and international ecological values (Haven, Tahunanui Back Beach, and Waimea inlet), natural and visual values, a high profile and visibility, recreational and amenity values and a dynamic shoreline and seascape. Visual amenity with vast horizontal surface and foreground views to Tasman Bay means visual sensitivity to all vertical structures as well as sensitivity to reclamation and modification of the shoreline due to the presence of industrial and infrastructure activities. The report indicates that the current NRMP are sufficient to control development in these areas generally although amendments should be made to recognise the landscape values of these areas.

As noted above, performance indicators highlight the need for development to preserve significant landscape and natural features. One measure for this is to determine The extent of building consents issued between 1996 and 2011 within the Landscape and Coastal Overlay areas identified in the NRMP along with the Landscape areas identified in the 2005 Boffa Miskell Landscape Study.

Analysis of this data indicates that, of the 3852 building consents issued between 1996 and 2011, 297 were located within a Landscape Overlay identified in the NRMP (257 in the Residential zone where buildings are not restricted and 40 in the rural area where buildings are restricted) and 568 were located within a Landscape area identified in the Boffa Miskell report. Of the 568 located within the Boffa Miskell landscape areas, 249 were located on sites within Lower Foothills, 179 were located within Ridgeline and Hilltops areas, 89 were in Coastal Margins, 28 in Amenity Landscape areas, and 28 in Outstanding Landscape areas. Some of the NRMP Landscape Overlay areas correspond with the landscape areas identified in the Boffa Miskell Report.

Interestingly, an An additional 179(5%) building consents were granted for sites in the NRMP Coastal Environment Overlay. Some of these areas would correspond to areas identified in the Boffa Miskell study.

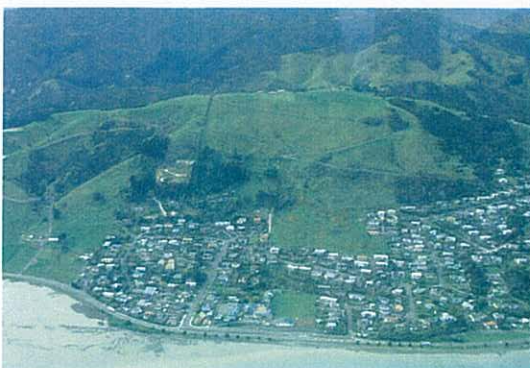
While this information is purely quantitative and is limited by the fact that it does not identify the exact location of the buildings, it is a useful snapshot to compare future monitoring against. It also highlights that there has been only 8% of development within Landscape Overlay areas since the NRMP was notified in 1996 but nearly double this (15%) 13% when the Coastal Environment Overlay is considered as well in areas identified as significant landscape areas by Boffa Miskell in 2005.

No significant development has occurred in areas currently identified in the NRMP as features of international and national significance such as the Boulder Bank, Nelson Mineral Belt or on the potential outstanding natural features identified in the Nelson Landscape Study Boffa Miskell report (which are in public ownership), although there is currently a draft proposal to establish a sculpture on Haulashore Island.

Portions of Plan Change 13 (Marsden Valley), 17 (Enner Glynn and Upper Brook Valley Structure Plan) and 18 (Nelson South) are identified as Lower Foothills area in the Boffa Miskell Report Nelson Landscape Study.

Photographic Records

Aerial Photos in combination with the flyover photos taken for the Boffa Miskell Nelson Landscape Study in 2005 provide a snapshot of the qualitative impacts of development . A later snapshot would provide an opportunity to show the degree of change and provide the basis for a qualitative analysis of the effectiveness of the NRMP at achieving the objectives of the District Plan, the Regional Policy Statement, national policy, and the RMA.



Harris Hill – Atawahi

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Bay View

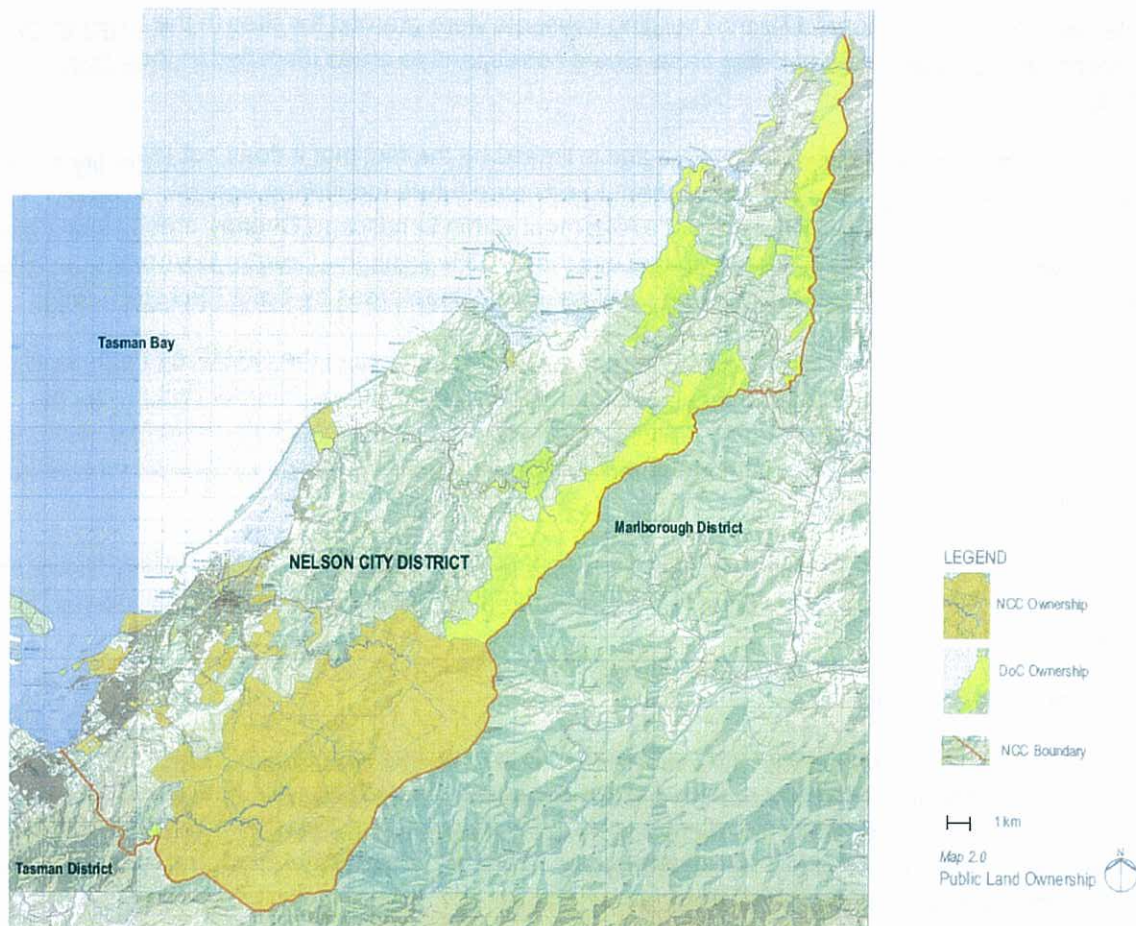
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Resident Surveys

The Nelson Residents Survey asked questions relating to development of the hillsides around Nelson City. The 2010 survey (RAD 968281) found that 76% of respondents would prefer if Council prevented or limited further development of the backdrop hills. The figure in the 2004 survey (RAD 648971) was 73%.

Public Ownership

As noted in the Nelson Landscape Study Boffa Miskell report “a considerable portion of the town belt hills and coastal escarpment in the northern part of the district have the good fortune of being largely in public ownership”. This is depicted in the Map below:



The majority of this land is zoned, Coastal Environment Overlay, Conservation Zone, or Open Space Recreation which are zones with some of the most restrictive development controls. A break-down of the various zone land areas across the city is detailed in the tables below:

Zone	Area ha
Commercial Leisure	1 540
Conservation	14 164

Inner City Centre	19
Inner City Fringe	26
Inner City - Intense Development	4
Industrial	294
Industrial Nayland South	52
Open Space Recreation	723
Residential	1 966
Residential Higher Density	102
Residential Lower Density	179
Residential Lower Density (Stoke)	7
Rural	21 959
Rural Higher Density Small Holdings	143
Rural Lower Density Small Holdings	1 644
Suburban Commercial	31
Road/Hydro	956
Ocean	81 167
Grand Total	123 444

Overlay	Area	% Land Area
Landscape	2 959	7.00%
Coastal Environment	6 710	15.87%
Conservation	749	1.77%

Plan Changes

In a recent hearing for Plan Change 13 the hearings panel criticised the NRMP Landscape objectives and policies as being unhelpful in assessing the merit of the Landscape Overlay proposed on the ridgeline between Enner Glynn and Marsden valleys. This was partly due to the change in landscape that had occurred between when the landscape provisions were drafted and the date of the hearing – some 15 years. The Committee decision was therefore based on an assessment of the existing

environment. The committee “respectfully requested that a review of the Nelson Resource Management Plan’s landscape provisions should be undertaken as a district-wide exercise given the extent of rezoning and development that has occurred since the Plan was notified in 1996.”

More recently plan change 17 has also utilised the landscape provisions in the NRMP to help distinguish the boundary between residential and rural areas.

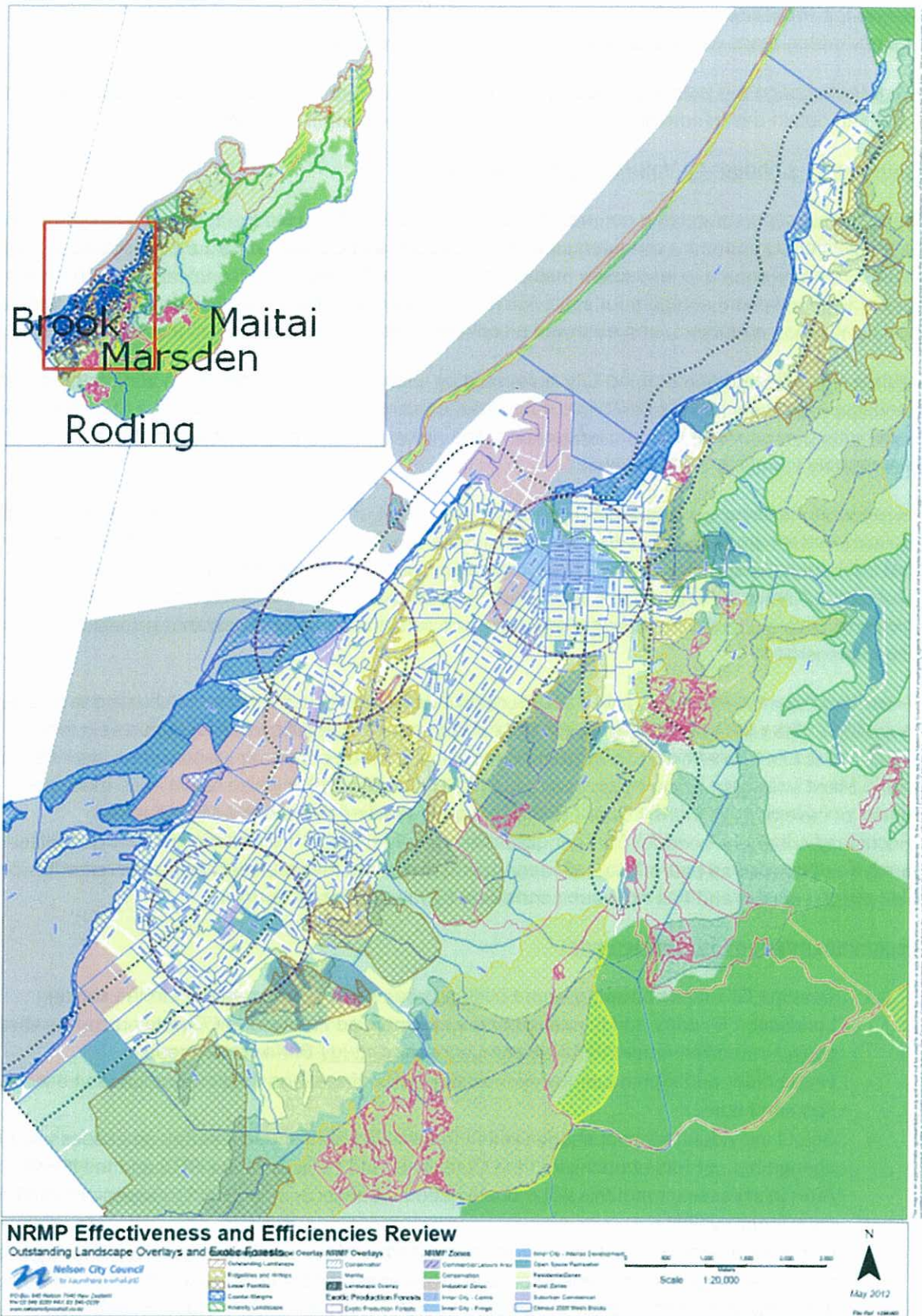
Council Forestry Plans

As noted earlier, forestry has the potential to create landscape impacts and is not currently controlled for landscape matters. The table below shows Councils 10 year harvest plan with a focus in the Marsden, Maitai, Roding, and Brook Valleys.

Year	Location	Age (oldest)	Cut area (total ha)
2012	Marsden (42.03, 42.03A, 42.04, 42.04A)	27	26
	Maitai (1.01, 2.02)	31	9
2015	Maitai (3.03)	27	6
2016	Roding (53.01)	27	25
	Maitai (3.02, 4.05)	30	30
	Brook (21.04)	30	19
2017	Maitai (9.03, 10.03, 9.02)	30	27
	Brook (22.05, 22.06, 26.02)	30	11
2018	Roding (51.01, 51.02, 52.02, 55.02, 55.06)	30	79
2019	Roding (52.01)	30	24
	Maitai (1.02, 1.03, 1.04)	34	16
2020	Roding (51.03, 55.01)	28	11
2021	Maitai (8.02)	30	4
2012-2021			Total – 287ha

The map below indicates where these sites are (refer purple hatching).

REMOVE NELSON LANDSCAPE STUDY LAYER FROM THE FOLLOWING MAP



The Maitai forest covers some Outstanding and Amenity Landscape areas as identified in the Boffa Miskell Study but is not currently classified as Landscape Overlay in the NRMP.

~~Of note the Brook and Marsden Valley forest are currently located within NRMP Landscape Overlay and in the Ridgeline and Hilltops areas identified in the Boffa Miskell report. The Roding Forest is located within areas that Boffa Miskell has identified as an Amenity Landscape.~~

In order to gauge the potential landscape impacts of wider forestry operations in the city it would be useful to obtain this information from other forestry operators within Nelson.

Summary – Landscape Values and Natural Features

NRMP landscape controls do not meet the intent of the NRMP objectives in that landscape matters are identified as important considerations in the Coastal and Conservation zone objectives but there is little or no reference to landscape matters in the relevant rules. It is also unclear why there is a distinction in consent category for subdivision (discretionary in the residential zone and controlled in the rural zone), structures, and earthworks controls in the Landscape Overlay between the zones.

While a significant portion of the City is covered by a landscape or conservation zoning the current landscape provisions in the NRMP do not meet the intent of national and regional policy direction as outstanding natural features and landscapes, and natural coastal character areas, have not been appropriately identified and protected.

A review of landscape assessments undertaken to inform and develop the NRMP suggests that the policies and methods need review in order to better achieve the purpose of the RMA, and the key national, regional and district objectives, particularly in relation to identifying and protecting Outstanding Natural Features and Landscapes. In particular the NRMP rules make no distinction between significant landscapes and landscapes of outstanding quality, warranting protection rather than management.

A review of the available quantitative data suggests that the plan is effective at achieving the general objectives of the plan by limiting the extent of development in significant landscapes as currently identified but has less effect at controlling development in other important landscapes identified in the Boffa Miskell studies. Recent plan changes (PC13, 17, and 18) will also result in an increased density of development in the Lower Foothills areas identified in the Boffa Miskell report. Accordingly, there is a need for further qualitative analysis due to the limitations of the quantitative analysis undertaken as part of this s35 report, and given that the last landscape assessment is over five seven years old and has not been considered by the public or Council.

Recommendations for further work

- Develop GIS maps showing where buildings have been built in relation to the existing Landscape Overlay and in relation to the five proposed Landscape Overlay areas as ~~showing shown~~ in the November 2005 Nelson Landscape Study Boffa Miskell report.
- Drape older aerial photo series over existing GIS information to allow comparison between 'then and now'.
- Select individual areas of change within the existing Landscape Overlay and assess how this change has, or has not achieved the Objectives and Policies of the RPS and the NRMP. After initial assessment this will probably need a Landscape Architect to assess or confirm to give it more validity.
- Carry out a photo series to record the current state of the existing Landscape Overlay (ideally one while the grass and vegetation is at its greenest; and another taken from the same places while the grass and vegetation has browned off). This will ensure that the impact of structures and development can be recorded in both states. Record the points the photos are taken from with GPS and the camera settings/zoom.
- Contact Forestry companies and landowners with forestry blocks to ascertain when and where forestry areas are planned to be logged to help determine potential future landscape impacts

- Undertake further landscape analysis, in consultation with the community. Seek public feedback on the 2005 Boffa Miskell Landscape assessment as part of the Nelson Development Strategy and to inform a response to the NZCPS.
- Following further landscape analysis, review the Progress towards a Plan Change to ensure that landscape provisions in Resource Management Plans to ensure that they meet national and regional policy direction and reflect the current state of the environment.

Issues and Options: National Policy Statement on Electricity Transmission 2008

1. Purpose of Report

- 1.1 To inform Council of the issues regarding giving effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) and to seek guidance on options to develop a draft plan change and consult affected landowners.

2. Recommendation

THAT Council adopt a "status quo" position accepting that operative Nelson Resource Management Plan provisions are sufficient to give effect to the National Policy Statement on Electricity Transmission 2008.

3. Background

The National Policy Statement on Electricity Transmission 2008

- 3.1 In 2008 the NPSET (Attachment 1) came into force, specifying that Local Authorities are to initiate a Plan Change to give effect as appropriate to its provisions within four years of its approval (10 April 2012). Nelson City Council is behind this timeframe, and the Ministry for the Environment has been advised.
- 3.2 In earlier discussions with Transpower it was established that the Nelson Resource Management Plan (NRMP) adequately addressed the majority of the policies in the NPSET, but potentially did not adequately manage third party effects on the transmission network as required by Policies 10 and 11. Policies 10 and 11 (section 8 of the NPSET) are:

8. Managing the adverse effects of third parties on the transmission network

Policy 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the

electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

Policy 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

**Defined as including schools, residential buildings and hospitals.*

Progress to Date

- 3.3 A progress update was included in the Chief Executive Report to the 3 November 2011 Council Policy and Planning meeting. This outlined staff intentions to assess the requirements of the National Policy Statement against existing provisions in the NRMP and develop any required changes in consultation with Transpower (as required by the National Policy Statement). It was anticipated that a draft Plan Change would be ready for consultation with affected landowners by March 2012.
- 3.4 Interim analysis of the NRMP showed that citywide network utility objectives and policies could already be deemed to "give effect" to the NPSET. It was also identified that the establishment of buildings or educational facilities within 20 metres of the transmission lines in Nelson are either controlled by the "building near transmission lines" rules in the Residential and Rural zones or require consents pursuant to other rules generally.
- 3.5 A further item was included in the 5 April 2012 Chief Executive Report to the Council Policy and Planning meeting indicating that as staff were still in discussions with Transpower regarding existing NRMP provisions, and in light of new information relating to easements, Council would not be meeting the April 2012 deadline.
- 3.6 In the meantime Council was progressing a combined approach to provisions with Tasman and Marlborough District Councils. The practicalities of meeting and establishing a common approach with the other Councils created some delay in this process, but significant progress had been made at the time the Western Bay of Plenty plan change decisions were publicly notified (see section 4.6 below). At the

time of writing Tasman and Marlborough Councils are taking a 'watching brief' on events around the country while plan change appeals are being processed.

4. Discussion

Consultation with Transpower

4.1 There has been some shift in Transpower's position over time. Initially a Corridor Management Policy was released which sought a three tier, colour coded buffer system relating to sensitive activities: a red zone, 12 metres from the transmission line where sensitive activities would have a non-complying activity status; an orange zone, 20 metres either side of the red zone, where sensitive activities would have a restricted discretionary activity status; and a green zone, outside of the orange zone, where no restrictions would apply.

4.2 In June 2012 Transpower released an information sheet advising that only two zones were now recommended: a red zone (12 metres, where sensitive activities would be non-complying) and a green zone, 20 meters outside of the red zone, where activities were permitted provided they are compliant with NZECP34:2001 (New Zealand's code of practice for electrical safe distances). On 4 July 2012 Transpower released an 'open letter' to landowners reinforcing their position as being focussed on the red zone only:

We are primarily concerned about the area directly below the wires and immediately next to the tower foundations. We describe this as the red zone: it is typically about 12 metres either side of the transmission line.

We are solely concerned with activities that may be inappropriate in this zone.

4.3 This differs again to another Transpower position recommended to Nelson City Council in December 2011 which required a 20 metre total buffer around 66kV - 110kV lines in the region, and a 32 metre buffer required around the 220kV lines (both seeking non-complying activity status for the first 12 metres).

4.4 Transpower also provided information relating to over 40 easements that have been negotiated with Nelson landowners. These range from 10 metres to 80 metres in width, with the majority at 40 metres. Transpower has advised that the easements on the 'BLN-STK A' line were adequate enough so as to not require further control through the Resource Management Act 1991 (RMA) process. This affects a large section of the Nelson's 110kV line (from the Stoke substation to the boundary with Marlborough District). See Attachment 2 for an overview diagram of Nelson's transmission lines with a capacity of 66kV or more.

- 4.5 Consultation with Transpower also identified no foreseeable plans for alteration or upgrading of Nelson’s conductors. It was also noted that as demand projections had been over-estimated some maintenance dates may be delayed.

Other Councils’ Plan Change Development

- 4.6 Several Councils have been making progress through the First Schedule process in relation to giving effect the National Policy Statement on Electricity Transmission 2008. Below is a brief snapshot of the progress some other Council’s have made following a brief desktop analysis:

- Western Bay of Plenty District Council – decisions released: reject proposed buffer
- Waimate District Council - decisions released: reject proposed buffer
- Rangitikei District Council - awaiting decisions
- Whangarei District Council - awaiting decisions
- Gisborne District Council - awaiting hearing

- 4.7 It is considered relatively significant that both the Waimate and Western Bay of Plenty District Council decisions have rejected proposed ‘buffers’ around transmission lines. In both cases it was considered that controls relating to transmission lines should be limited to the existing safe distances set in NZECP34:2001. The potential for effects on people and property beyond the NZECP34:2001 setbacks (and consequent reverse sensitivity effects) were seen as limited and not justifying greater controls.

- 4.8 Both decisions are subject to appeal by Transpower, who consider the decisions do not adequately give effect to the NPSET.

NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances)

- 4.9 Compliance with NZECP34:2001 (provided as Attachment 3) is mandatory under Regulation 93 of the Electricity Regulations 1997, with enforcement the responsibility of the Ministry of Economic Development. NZECP34:2001 controls activities, including excavation and building, near transmission line support structures and conductors (wires).
- 4.10 For example prior written consent from the tower owner is required for excavation greater than 330 millimetres depth within 6 metres of the outer edge of the visible foundation of the tower. Prior written consent is also required for construction of buildings within 12 metres of an 110kV or 220kV line tower.

- 4.11 Provisions also provide minimum distances for buildings beneath and to the side of conductors, with distances corresponding to the line's voltage and span length (distance between towers). For example the line operator must be consulted for buildings proposed within a distance 14 metres to the side of a 220kV conductor with a 250 metre span (a typical span in Nelson).

Current provisions within the Nelson Resource Management Plan

- 4.12 NRMP district wide objective DO.14.4 is "Network utilities - Efficient use of network utilities infrastructure while avoiding, remedying, or mitigating the adverse effects of utilities on their surrounding environments". Policy DO14.4.2 specifically relates to Transmission lines:

Transmission lines - reduce the potential risks associated with high voltage transmission lines by encouraging the location of these away from urban areas and by ensuring residential development is not located near such lines.

- 4.13 This policy translates into methods including the following operative rule in the Residential and Rural zones:

Residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity greater than or equal to 66kV.

Activities that contravene a permitted condition are discretionary.

- 4.14 The explanation section of this rule includes the text:

All buildings, structures, plant and excavations are also required to comply with NZECP34:2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner.

5. Options

- 5.1 At present Nelson City Council appears to have three broad options.

Option 1

- 5.2 Develop a plan change to incorporate Transpower’s desired position and improve the interpretation and effectiveness of existing NRMP provisions, and initiate consultation with land owners relating to those proposals.
- 5.3 Policy 11 of the NPSET requires local authorities to consult with Transpower to identify a buffer corridor to control sensitive activities (defined as including schools, residential buildings and hospitals).
- 5.4 The NRMP currently requires a resource consent (as a discretionary activity) for residential units or education facilities located within 20 metres of any existing above ground electricity transmission line with a capacity greater than or equal to 66kV. Through consultation Transpower have requested Council initiate a plan change to amend this 20 metre discretionary activity buffer to one where the first 12 metres is non-complying. Transpower also request Council extend the buffer on Nelson’s 220kV lines from 20 metres to 32 metres (and alter the 12 metre – 32 metre activity status to restricted discretionary).
- 5.5 Other NRMP provisions that staff have noted could be improved include an amendment to clarify that the buffer distance is to be measured in plan view (presently this is being interpreted in a sphere around the conductors). A limited notification statement to ensure Transpower is advised of applications and given an opportunity to provide input may also improve outcomes.
- 5.6 The NRMP subdivision provisions could also be amended to control the creation of more developable lots, by ensuring that the “rectangle, measuring 15 metres by 18 metres” in the Residential Zone (or “suitable complying building site” in the Rural Zone) is not located in a position that conflicts with the separation distances outlined in NZECP34:2001.

Option 2

- 5.7 Retain the existing 20 metre buffer but develop a plan change to improve interpretation and effectiveness, and initiate consultation with land owners relating to those proposals.
- 5.8 As noted, NZECP34:2001 is an existing code of practice that sets out mandatory separation distances for (among other things) excavation and buildings near conductors and structures. The requirement for compliance with NZECP34:2001 is currently noted in the explanation section of the relevant Rural and Residential Zone rules.
- 5.9 This option seeks to leave the existing NRMP buffers at 20 metres, but amend some provisions to improve the interpretation and effectiveness of the rule.

- 5.10 NRMP provisions that could be improved are described in paragraphs 5.5 and 5.6 above and include clarification that the buffer is to be measured in plan view, inclusion of a limited notification statement and an amendment to the subdivision provisions.

Option 3

- 5.11 Adopt a "status quo" approach, accepting a position that existing NRMP provisions are sufficient to give effect to the National Policy Statement on Electricity Transmission 2008.
- 5.12 Given the somewhat subjective nature of 'giving effect' to a national policy statement, there is always the potential that a plan may already be considered compliant.
- 5.13 A key requirement of the NPSET is to manage the adverse effects of third parties on the Transmission network by using an appropriate buffer to restrict the development of sensitive activities. The operative provisions of the NRMP already contain objectives and policies that address issues relating to transmission lines and rules that provide a 20 metre discretionary activity buffer for such activities. Compliance with NZECP34:2001 is also noted in the explanation section of those rules. In addition a significant number of easements have been negotiated between Transpower and various landowners.
- 5.14 This option aligns with the approach taken in the decisions on Waimate and Western Bay of Plenty District Councils' plan changes, and would allow Council to adopt a similar position to our neighbouring Councils and maintain a watching brief on developments around the country. It is noted however that it could take some time for the Court to provide any clear direction.
- 5.15 Adoption of this outcome would be communicated to Transpower and the Ministry for the Environment.

Recommended Option

- 5.16 Staff consider that the current provisions of the NRMP and existing easements are sufficient to satisfy the objective and policies of the National Policy Statement on Electricity Transmission 2008, and therefore recommend Option 3: to adopt a "status quo" approach with regard to the NRMP.
- 5.17 The operative NRMP already contains a range of provisions that address reverse sensitivity on the transmission line network, including district wide objectives, policies and zone rules.
- 5.18 Importantly, the NRMP already contains a 20 metre buffer around transmission lines and also directs users to NZECP34:2001 in the explanation section of the rule. Following consultation with Transpower staff consider there to be insufficient evidence to justify in resource

management terms (e.g. through a section 32 analysis) any change to the existing buffer distances in the NRMP.

- 5.19 Staff also have difficulty in justifying the efficiency and effectiveness of developing a plan change principally to change the activity status of a rule from discretionary to non-complying for buildings within 12 metres of a transmission line, particularly when Transpower are likely to be involved in the resource consent process under existing rules.
- 5.20 In addition the potential reduction in adverse effects (including reverse sensitivity effects) that the additional NRMP provisions in Option 1 would create over and above the NZECP34:2001 code is seen, in a practical sense, as too limited to warrant a plan change.
- 5.21 Regardless of buffer distance or activity status in the NRMP, it is noted that the controls contained in NZECP34:2001 are already mandatory and users are directed to this code in the explanation section of the NRMP rules. It is worth noting that conductor span distances (to which many of the NZECP34:2001 provisions relate) are easily obtained and can be made readily available from Council's GIS Department to provide certainty to applicants and staff.
- 5.22 It is also noted that Nelson City Council would, to a certain degree, rely on Transpower to provide expertise to support a plan change process, and as the position of Transpower over time has not been entirely uniform there appears to be a risk that following notification of a plan change this position may again change.
- 5.23 Staff have analysed the potential for subdivision in proximity to the lines and consider this potential to be low. Much of the residential land has already been subdivided or is in Council or Transpower ownership. Of the properties that could be subdivided many are on steep sections so the lot size should be large enough to not require building near the lines. Properties in lower density or rural zones would also have large lot sizes.

6. Conclusion

- 6.1 Councils were to ensure their RMA planning documents give effect to the NPSET by April 2012. Staff have advised the Ministry for the Environment that Council is undertaking further work and maintaining a watching brief.
- 6.2 Consultation with Transpower, an evaluation of the relevant operative provisions in the NRMP against the NPSET and research into the position of other councils has been undertaken. Accordingly, staff recommend retaining the status quo because it is considered that the Council adequately manages third party effects on the transmission network.

- 6.3 The recommended approach considers that the operative NRMP provisions are sufficient to give effect to the National Policy Statement on Electricity Transmission 2008. A buffer zone is already in place and users are directed to the existing separation distances set out in NZECP34:2001, which are mandatory under Regulation 93 of the Electricity Regulations 1997. Any increase in controls over and above these provisions is seen as unnecessary.

Paul Harrington
Policy Adviser

Attachments

- Attachment 1: The National Policy Statement on Electricity Transmission 2008 [1136724](#)
- Attachment 2: Overview diagram of the transmission lines in Nelson with a capacity of 66kV or more [1455975](#)
- Attachment 3: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) [1136722](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Staff consider that the existing NRMP buffer provisions together with the mandatory separation distances specified in NZECP34:2001 provide a regulatory function sufficient to effectively manage the adverse effects of third parties on transmission network infrastructure.

The recommended option provides a cost effective solution to households and businesses within the Nelson region. This is because the status quo is considered to adequately give effect to the NPSET, meaning maintenance access to transmission infrastructure is not considered to be adversely affected, and no increase in planning control is proposed.

Because existing NRMP and NZECP34:2001 provisions are considered to be sufficient to satisfy the requirements of the NPSET, this option should also provide a cost effective policy stance within which Transpower may operate.

2. Fit with Community Outcomes and Council Priorities

Improving the security of the electricity transmission network contributes to a strong economy and consequent lifestyle.

3. Fit with Strategic Documents

Responding to the NPSET is a mandatory requirement under the RMA.

4. Sustainability

The majority of New Zealand's electricity is generated from renewable resources. Improving the security of the electricity transmission network contributes to efficient energy use as alternative energy generation generally comes from non-renewable resources.

5. Consistency with other Council policies

Responding to the NPSET is a mandatory requirement under the RMA.

6. Long Term Plan/Annual Plan reference and financial impact

No financial impact as a result of the decisions in this report.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

No public consultation has been carried out to date. Transpower has been consulted and staff have worked with Tasman and Marlborough Councils.

9. Inclusion of Māori in the decision making process

Māori have not been involved to date.

10. Delegation register reference

n/a

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

CONTENTS

Preamble

1. Title
2. Commencement
3. Interpretation
4. Matter of national significance
5. Objective
6. Recognition of the national benefits of transmission
7. Managing the environment effects of transmission
8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

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Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government's objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act's statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:
Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

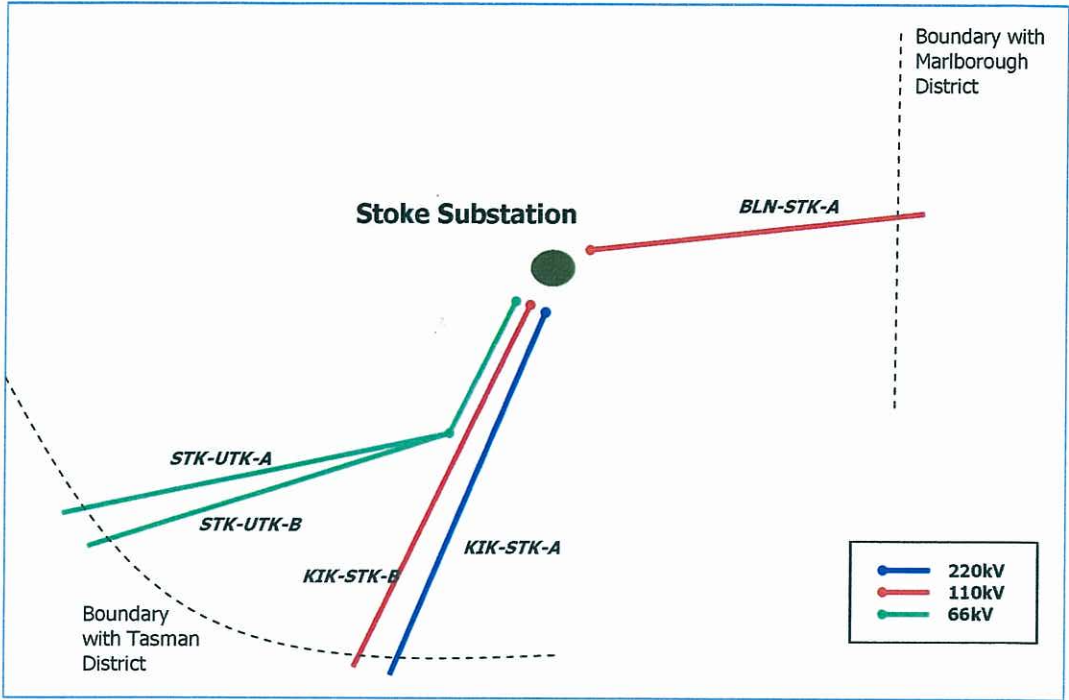
Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

Overview diagram of the transmission lines in Nelson with a capacity of 66kV or more



NZEC 34:2001

ISSN 0114-0663

NEW ZEALAND ELECTRICAL
CODE OF PRACTICE
for
ELECTRICAL SAFE DISTANCES

1136722

NZECP 34:2001

NEW ZEALAND ELECTRICAL CODE OF PRACTICE

for

ELECTRICAL SAFE DISTANCES

Issued by:
Manager, Standards and Safety,
Ministry of Consumer Affairs,
Wellington, New Zealand

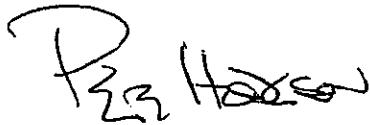
THE ELECTRICITY ACT 1992

Approval of the New Zealand Electrical Code for Practice for Electrical Safe Distances 2001 (*NZEC 34:2001*) and the revocation of the New Zealand Electrical Code of Practice for Electrical Safety Distances 1993 (*NZEC 34:1993*)

Pursuant to section 38 of the Electricity Act 1992, I hereby revoke the New Zealand Electrical Code of Practice for Electrical Safety Distances 1993 (*NZEC 34:1993*) and approve the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (*NZEC 34:2001*).

The New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (*NZEC 34:2001*) was published by the Manager, Standards and Safety, Ministry of Consumer Affairs, acting under delegated authority (*pursuant to section 41 of the State Sector Act 1988*) from the Chief Executive, Ministry of Economic Development on the 3rd day of August 2001.

Dated this 21st day of December 2001.



Minister of Energy

COMMITTEE REPRESENTATION

This Code of Practice was prepared by the Ministry of Consumer Affairs, in consultation with the following:

The Building Industry Authority
Transpower New Zealand Ltd
Electricity Engineers' Association of NZ (Inc)
Institution of Professional Engineers NZ
Tranz Rail Ltd
Telecom NZ Ltd
Telstra Saturn

REVIEW

This Code of Practice will be revised as occasions arise. Suggestions for improvements of this Code are welcome. They should be sent to the Manager, Standards and Safety, Ministry of Consumer Affairs, PO Box 1473, Wellington.

CONTENTS

	Page
INTRODUCTION	1
SECTION 1	2
SCOPE, INTERPRETATION, GLOSSARY AND GENERAL	2
1.1. SCOPE.....	2
1.2. INTERPRETATION	2
1.3. GLOSSARY OF ABBREVIATIONS USED IN THIS CODE.....	3
SECTION 2	4
MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR OVERHEAD ELECTRIC LINE SUPPORTS	4
2.1 GENERAL	4
2.2 EXCAVATION NEAR OVERHEAD ELECTRIC LINE SUPPORTS	4
2.3 INSTALLATION OF CONDUCTIVE FENCES NEAR OVERHEAD ELECTRIC LINE SUPPORTS	4
2.4 CONSTRUCTION OF BUILDINGS AND SIMILAR STRUCTURES NEAR OVERHEAD ELECTRIC LINE SUPPORTS	5
SECTION 3	8
SAFE DISTANCE REQUIREMENTS BETWEEN CONDUCTORS AND BUILDINGS (AND OTHER STRUCTURES)	8
3.1 GENERAL	8
3.2 PROCESS FOR ESTABLISHING SAFE DISTANCES	8
3.3 SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE.....	9
3.4 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WITH SPECIFIC ENGINEERING ADVICE	10
SECTION 4	12
SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND WATER	12
4.1 GENERAL	12
4.2 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND POOLS.....	12
4.3 MATERIAL DEPOSITED UNDER OR NEAR OVERHEAD ELECTRIC LINES.....	12
4.4 SAFE DISTANCES OF CONDUCTORS OVER NAVIGABLE WATERWAYS AND BOAT RAMPS.....	14
4.5 SAFE DISTANCES OF CONDUCTORS OVER RAILWAY TRACKS	14
SECTION 5	15
SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS	15
5.1 GENERAL	15
5.2 MINIMUM APPROACH DISTANCE	15
5.3 WORKING ABOVE OVERHEAD ELECTRIC LINES	15
5.4 CONSENT FOR REDUCED MINIMUM APPROACH DISTANCES	15
5.5 REDUCED MINIMUM APPROACH DISTANCES FOR COMPETENT EMPLOYEES	16
5.6 OTHER REQUIREMENTS	16

SECTION 6	18
MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS OF DIFFERENT CIRCUITS, TELECOMMUNICATION LINES AND STAY WIRES	18
6.1 GENERAL	18
6.2 CONDUCTORS OF DIFFERENT CIRCUITS ON DIFFERENT SUPPORTS (UNATTACHED CROSSINGS)	18
6.3 CONDUCTORS (SAME OR DIFFERENT CIRCUITS) ON THE SAME SUPPORT (ATTACHED CROSSINGS) INCLUDING SHARED SPANS	19
6.4 TELECOMMUNICATION LINES NEAR CONDUCTORS AND STAY WIRES	19
SECTION 7	21
DESIGN AND INSTALLATION REQUIREMENTS FOR SUPPORTS AND STAY WIRES OF OVERHEAD ELECTRIC LINES, AND CONTROL OF ACCESS	21
7.1 SUPPORTS	21
7.2 STAY WIRES	21
7.3 CONTROL OF ACCESS	21
SECTION 8	22
SAFE DISTANCES FOR THE DESIGN OF SUBSTATIONS, GENERATING STATIONS, SWITCHYARDS AND SWITCHROOMS	22
8.1 GENERAL	22
8.2 METALCLAD SWITCHGEAR	22
8.3 BARE CONDUCTORS WITHIN EARTHED ENCLOSURES	22
8.4 BARE CONDUCTORS IN SUBSTATIONS, SWITCHYARDS, GENERATING STATION BUILDINGS AND OTHER LOCATIONS	22
SECTION 9	23
MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS WORKING NEAR EXPOSED LIVE PARTS	23
9.1 GENERAL	23
9.2 MINIMUM APPROACH DISTANCE LIMITS FOR NON COMPETENT PERSONS WORKING NEAR EXPOSED LIVE PARTS	23
9.3 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS	24
SECTION 10	25
REQUIREMENTS FOR INSPECTION AND RECORDS	25
10.1 INSPECTION	25
10.2 RECORDS	25

TABLES

TABLE 1	MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES	5
TABLE 2	SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE	9
TABLE 3	MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WHERE SPECIFIC CALCULATION OF CONDUCTOR MOVEMENT HAS BEEN CARRIED OUT	11
TABLE 4	MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND ..	13
TABLE 5	MINIMUM DISTANCES VERTICALLY ABOVE RAILWAY TRACKS	14
TABLE 6	REDUCED MINIMUM APPROACH DISTANCES <i>(where written consent has been obtained)</i>	16
TABLE 7	MINIMUM VERTICAL DISTANCES BETWEEN CONDUCTORS <i>(unattached crossings)</i>	18
TABLE 8	MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS <i>(attached crossings)</i>	19
TABLE 9	MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS FROM EXPOSED LIVE PARTS <i>(Where consent from the owner of the live parts has been obtained)</i>	23
TABLE 10	MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS	24

FIGURES

FIGURE 1	MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR POLES OR STAY WIRES.....	6
FIGURE 2	MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR TOWERS.....	7
FIGURES 3 AND 4	BUILDING ELEVATION AND BALCONY SECTION.....	10
FIGURE 5	MINIMUM SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS	17
FIGURE 6	MEASUREMENT OF MINIMUM SAFE APPROACH DISTANCES.....	24

INTRODUCTION

This Electrical Code of Practice (Code) sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users.

The minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. The minimum distances are also a guide for the design of electrical works within substations, generating stations or similar areas where electrical equipment and fittings have to be operated and maintained.

The Code has been designed to include, in its various sections, requirements that were previously contained in the Electricity Regulations 1997 (the Regulations). Compliance with this Code is mandatory.

- **Section 1** is a general section, including this Code's scope, interpretation and glossary.
- **Sections 2 and 3** cover the safe distance requirements for building works and excavation near overhead electric line support structures. It also covers the construction of buildings and other structures near conductors and the installation of conductors near existing buildings and similar structures.
- **Section 4** covers the requirements for maintaining safe distances between conductors and the ground and water, including restrictions on material being deposited under or near conductors.
- **Section 5** covers the responsibilities of parties who work or operate mobile plant near overhead electric lines and other electrical works.
- **Sections 6 – 8** cover the requirements for safe design and installation of overhead electric and telecommunications systems and other electrical works and controls on access to conductors.
- **Section 9** covers minimum safe approach distance requirements for persons working near exposed live parts.
- **Section 10** covers the responsibilities of owners of electricity supply works for inspection and maintaining records.

SECTION 1

SCOPE, INTERPRETATION, GLOSSARY AND GENERAL

1.1. SCOPE

- 1.1.1 This Code covers safety issues, in so far as they relate to safe distances to overhead electric lines, telecommunication lines, line equipment and fittings, and personnel working on or near to such lines equipment.
- 1.1.2 This Code sets out minimum requirements in respect of the following matters:
- (a) Excavations or construction near overhead electric line supports;
 - (b) Limits for construction near conductors;
 - (c) Limits for the installation of conductors near existing buildings and similar structures;
 - (d) The separation and height of conductors above ground etc;
 - (e) The separation of overhead telecommunications lines and conductors;
 - (f) Overhead electric line access, supports and stays;
 - (g) Limits on material deposited or placed under or near an overhead electric line;
 - (h) Operation of mobile plant near conductors;
 - (i) Safe distances for the design of substations, switchyards and switchboards;
 - (j) Minimum approach distances to exposed live parts; and
 - (k) Inspection and records.
- 1.1.3 The content of this Code does not exempt any person from compliance with any statutory requirements in respect of the matters in clause 1.1.2.
- 1.1.4 This Code does not apply to:
- (a) Distance limits for large loads (e. g. buildings and over-dimension loads) travelling down roads.
 - (b) Optical fibre ground wire or optical fibre cables that are contained in or wrapped around any conductor.
 - (c) Hazards from trees.

1.2. INTERPRETATION

The Electricity Act 1992 and the Electricity Regulations 1997 contain definitions that are to be used in conjunction with this Code. These include: associated equipment; direct contact; electrically safe; exposed conductive part; fittings; high voltage; indirect contact; insulated; live or alive; live part; low voltage, and works.

In this Code, unless the context otherwise requires:

- 1.2.1 **Bare conductor** - means a conductor without covering or not insulated.
- 1.2.2 **Competent employee** – means an employee who can demonstrate to their employer, at any time, that they have the necessary knowledge, skills and experience to carry out electrical or telecommunications work in the vicinity of overhead electric lines, or exposed live metal, safely and to the standards used by the employer.
- 1.2.3 **Conductor** – means a wire, cable or form of metal designed for carrying electric current but does not include the wire of an electric fence.
- 1.2.4 **Distance** (for conductors) - unless otherwise specified, means the distance under the worst case

combination of maximum sag, load current, solar radiation, climatic conditions, etc, and in which the conductor creep process is complete (in the case of a line crossing another line, the worst case is that which results in the minimum spacing between the two lines).

- 1.2.5 **Mobile plant** - means cranes, elevating work platforms, tip trucks or similar plant, irrigation booms, any equipment fitted with a jib or boom and any device capable of being raised and lowered.
- 1.2.6 **Overhead electric line** – means conductors and support structures.
- 1.2.7 **Telecommunication line** - means any overhead wire or wires or conductors of any kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, sounds or intelligence of any nature by means of any electromagnetic system. It includes any pole, insulator, casing, fixture, or other equipment used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.
- 1.2.8 **Traction systems** - means any overhead conductor or fitting for any train, locomotive, tram, trolley bus or electric overhead travelling crane.

1.3. GLOSSARY OF ABBREVIATIONS USED IN THIS CODE

a.c.	Alternating current
d.c.	Direct current
LV	Low voltage
kV	Kilovolts
m	Metres
mm	Millimetres
V	Volts

SECTION 2

MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR OVERHEAD ELECTRIC LINE SUPPORTS

2.1 GENERAL

- 2.1.1 This section outlines the requirements for building or excavation near overhead electric line support structures (towers, poles and stay wires). The minimum safe distances are designed to limit the chance of damage or hazards being created by the building or excavation. The minimum distances also ensure that the support structures can be accessed for inspection and maintenance.
- 2.1.2 Excavations and other works near overhead electric line supports can compromise the structural integrity of the overhead electric line.
- 2.1.3 Metallic or conducting paths near overhead electric line supports can transfer voltage potentials that could create step and touch currents during earth fault conditions.
- 2.1.4 Any consent and associated conditions given under this section shall be reasonable, and shall not be unreasonably withheld.

2.2 EXCAVATION NEAR OVERHEAD ELECTRIC LINE SUPPORTS

- 2.2.1 Subject to clause 2.2.2, prior written consent of the pole owner shall be obtained for any excavation or other interference with the land near any pole or stay wire of an overhead electric line where the work:
 - (a) is at a greater depth than 300mm within 2.2 m of the pole or stay wire of the line; or
 - (b) is at a greater depth than 750 mm between 2.2 m and 5 m of the pole or stay wire; or
 - (c) creates an unstable batter.
- 2.2.2 Clause 2.2.1 does not apply to vertical holes, not exceeding 500 mm diameter, beyond 1.5 m from a pole or stay wire.
- 2.2.3 Prior written consent of the tower owner shall be obtained for any excavation or other interference with the land near any tower supporting an overhead electric line where the work:
 - (a) is at a greater depth than 300 mm within 6 m of the outer edge of the visible foundation of the tower; or
 - (b) is at a greater depth than 3 m between 6 m and 12 m of the outer edge of the visible foundation of the tower; or
 - (c) creates an unstable batter.
- 2.2.4 Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway.
- 2.2.5 Figures 1 and 2 provide a quick reference to the minimum safe distances for excavation near overhead electric line supports.

2.3 INSTALLATION OF CONDUCTIVE FENCES NEAR OVERHEAD ELECTRIC LINE SUPPORTS

- 2.3.1 Fences of conductive materials shall not be attached to any tower or conductive pole of a high voltage overhead electric line.
- 2.3.2 Fences of conductive materials should not be constructed within 2.2 m of any tower or conductive pole of a high voltage overhead electric line between 1 kV - 50 kV.
- 2.3.3 Except with the prior written consent of the overhead electric line owner, fences of conductive

□□□□□

materials shall not be constructed within 5 m of any tower or conductive pole of a high voltage overhead electric line of 66 kV or greater. As part of the consent, the overhead electric line owner may prescribe the design of any such fence to be constructed within this 5 m distance.

- 2.3.4 Where the construction of an overhead electric line would cause a contravention of the principles of clause 2.3.3, the line owner shall, at the line owner's cost, carry out an engineering study and undertake such remedial work as is necessary to maintain electrical safety.
- 2.3.5 Figures 1 and 2 provide a quick reference to the minimum safe distances for installation/construction of conductive fences near overhead electric line supports.

2.4 CONSTRUCTION OF BUILDINGS AND SIMILAR STRUCTURES NEAR OVERHEAD ELECTRIC LINE SUPPORTS

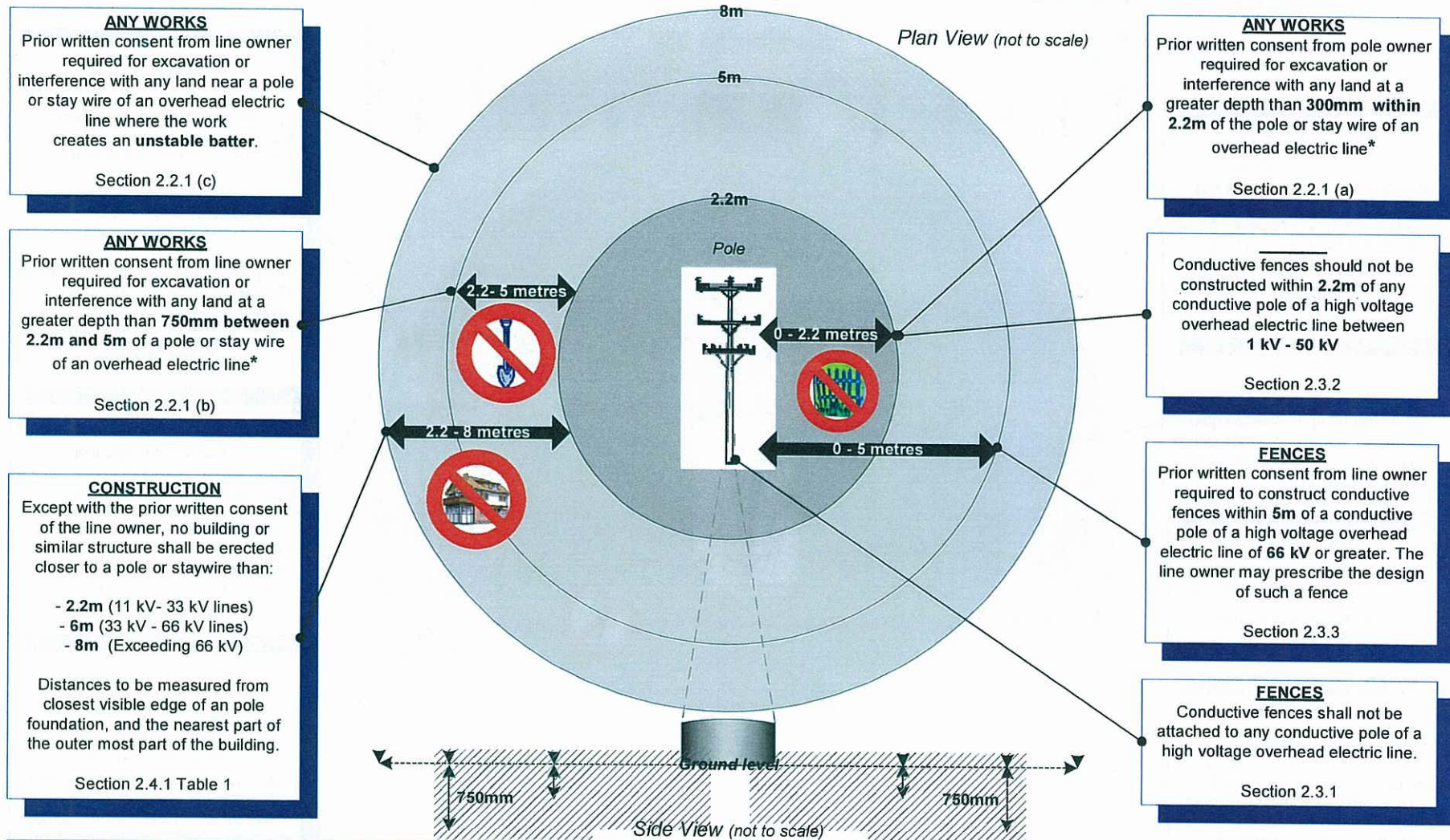
- 2.4.1 Except with the prior written consent of the overhead electric line owner, no building or similar structure shall be erected closer to a high voltage overhead electric line support structure than the distances specified in Table 1. The distances in Table 1 are to be measured from the closest visible edge of the overhead electric line support foundation, and the nearest part of the outermost part of the building. Refer to section 3 of this code for minimum safe distances between buildings (and other structures) and conductors.

TABLE 1 MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES

Circuit Voltage	Pole	Tower (pylon)
11 kV to 33 kV	2 m	6 m
Exceeding 33 kV to 66 kV	6 m	9 m
Exceeding 66 kV	8 m	12 m

- 2.4.2 Figures 1 and 2 provide a quick reference to the minimum safe distance requirements for the construction of buildings and other structures near overhead electric line supports.

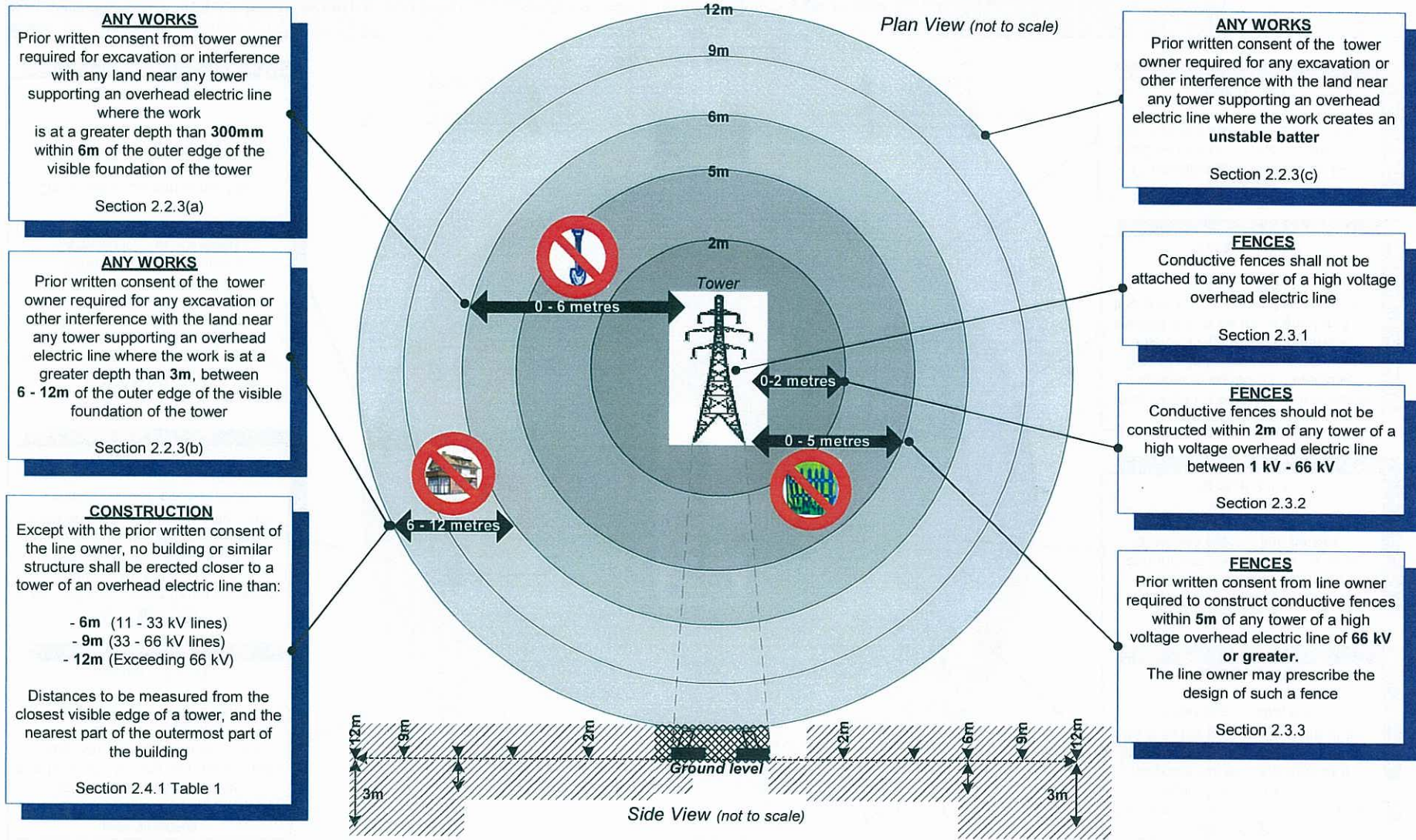
FIGURE 1 MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR POLES OR STAY WIRES



Notes

- This diagram is for quick reference only. Please refer to Section 2 for the complete safe distance requirements.
- Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway (Section 2.2.4).
- * Clause 2.2.1 does not apply to vertical holes, not exceeding 500 mm diameter, beyond 1.5m from the pole or stay wire.

FIGURE 2 MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR TOWERS



• This diagram is for quick reference only. Please refer to Section 2 for the complete safe distance requirements.
• Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway (Section 2.2.4).

SECTION 3

SAFE DISTANCE REQUIREMENTS BETWEEN CONDUCTORS AND BUILDINGS (AND OTHER STRUCTURES)

3.1 GENERAL

- 3.1.1 This section sets safe distance requirements for the construction of buildings and other structures near existing conductors, to prevent inadvertent contact with or close approach to conductors. At higher voltages, contact may be made via a power discharge across the gap.
- 3.1.2 This section also sets safe distance requirements for the location and construction of conductors near existing buildings and other structures.
- 3.1.3 The construction of buildings, scaffolding and other structures shall be in accordance with the Building Code.
- 3.1.4 This section does not apply to telecommunications lines.

3.2 PROCESS FOR ESTABLISHING SAFE DISTANCES

- 3.2.1 Prior to any planned construction, the following process must be undertaken to comply with the Code. The landowner/ building owner shall:
 - 3.2.1.1 Establish, if necessary with the assistance of the overhead electric line owner, whether the proposed building/structure is at a greater distance from the conductor than the recommended distances for new buildings from conductors under normal conditions specified in Table 2.
 - 3.2.1.2 If the proposed building/structure is at a greater distance, then no further action is required by the building owner to comply with this section of the Code with regard to conductor distances.
 - 3.2.1.3 If the proposed building/structure does not (or may not) comply with the requirements of Table 2, then the overhead electric line owner shall be consulted. A specific engineering study must be carried out by a competent person, to establish actual distances in accordance with the requirements of Table 3 (refer section 3.3). Table 3 sets out the minimum safe distances (which are closer than those specified in Table 2) under worst case conditions.
 - 3.2.1.4 Based on the outcome of the engineering study, which shall be provided by the landowner/building owner, the overhead electric line owner will advise whether:-
 - (i) the proposed building/structure complies with Table 3 and construction can proceed without restriction; or
 - (ii) temporary arrangements during building construction need to be made, with the written agreement of the overhead electric line owner, to restrain conductor movement or to provide suitable insulation that will allow closer approach to conductors than those specified in Table 2. As part of the written agreement, the overhead electric line owner may prescribe reasonable conditions for the temporary arrangements; or
 - (iii) the proposed building/structure does not comply with Table 3 requirements, and therefore construction is prohibited.
- 3.2.2 For any overhead electric line owner planning to build a new conductor near to an existing building, a similar process to that set out in clause 3.2.1 must be followed, the costs of any

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necessary engineering study being borne by the line owner.

3.3 SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE

3.3.1 Table 2 sets out the safe distances from conductors under normal conditions without engineering advice for conductor spans up to 375 m with supporting structures at equal elevation.

TABLE 2 SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE

Circuit voltage	Maximum span length (m)	Minimum distance beneath conductors under normal conditions (m)	Minimum distance to the side of conductors under normal conditions (m)
Not exceeding 1 kV	50	4	3.5
Exceeding 1 kV but not exceeding 11kV	80	5.5	5
Exceeding 11 kV but not exceeding 33 kV	125	7	8.5
Exceeding 33 kV but not exceeding 110 kV	125	7.5	9.5
Exceeding 110 kV but not exceeding 220 kV	125	8.5	11
275 kV d.c. & 350 kV d.c.	125	8.5	7.5
Not exceeding 33 kV	250	8	12
Exceeding 33 kV but not exceeding 110 kV	250	8.5	12.5
Exceeding 110 kV but not exceeding 220 kV	250	10	14
275 kV d.c. & 350 kV d.c.	250	10	11
Not exceeding 33 kV	375	9.5	20.5
Exceeding 33 kV but not exceeding 110 kV	375	10	21
Exceeding 110 kV but not exceeding 220 kV	375	11	22.5
275 kV d.c. & 350 kV d.c.	375	10.5	18
For all other spans		Engineering advice required	

(voltages are a.c. except where specified as d.c.)

NOTES

- Observance of potential conductor motion is required to ensure safe distances during construction.
- Where supporting structures are not located on equal elevations, a specific engineering study may be required to ensure distances are in accordance with Table 3.

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3.4 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WITH SPECIFIC ENGINEERING ADVICE

- 3.4.1 Table 3 sets out the minimum safe distance of distances for conductors from buildings and other structures where a detailed engineering assessment has been carried out.
- 3.4.2 The minimum safe distances from a conductor of an overhead electric line to any structure, building or line support (*other than a support for the line under consideration or any line crossing the line under consideration*) shall not be less than those specified in Table 3.
- 3.4.3 The Table 3 distances do not apply to insulated conductors or cables supported along the façade of a structure or building.
- 3.4.4 Figures 3 and 4 illustrate the application of the Table 3 to a particular building. The letters A to D refer to the distances A to D as set out in Table 3.
- 3.4.5 The distances specified in A and B of Table 3 shall also be maintained above an imaginary horizontal line extending outward for the distance specified in C.
- 3.4.6 For Figure 4, the greater distance of either A, or B (from Table 3) plus the height of the balcony, shall apply, as this latter calculation may result in a distance greater than A.

FIGURES 3 AND 4 BUILDING ELEVATION AND BALCONY SECTION

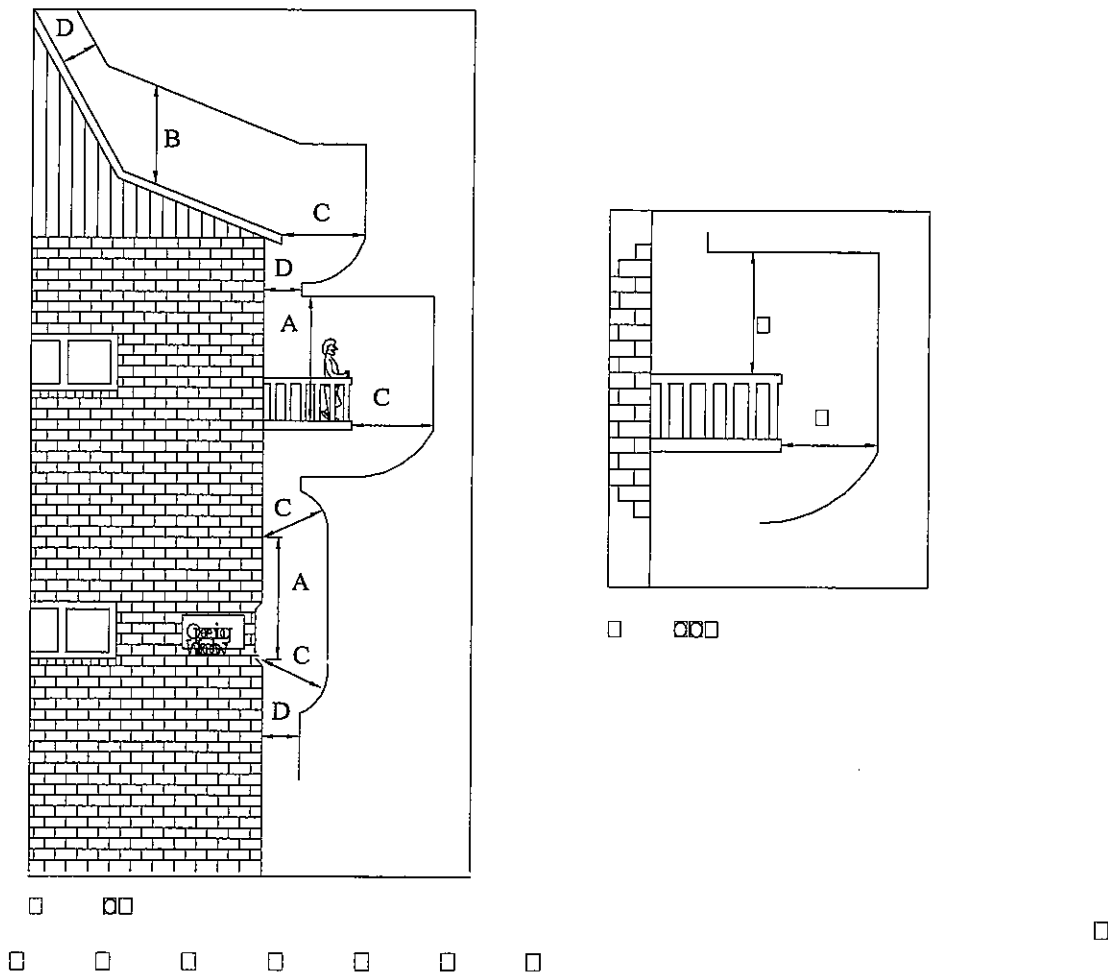


TABLE 3 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WHERE SPECIFIC CALCULATION OF CONDUCTOR MOVEMENT HAS BEEN CARRIED OUT

Safe distance conditions	Not exceeding 1 kV			Exceeding 1 kV		Exceeding 1 kV but not exceeding 33 kV	Exceeding 33 kV but not exceeding 110 kV	Exceeding 110 kV but not exceeding 220 kV	Exceeding 220 kV a.c. or d.c.
	Insulated m	Bare neutral m	Bare active m	Insulated with earthed screen m	Insulated without earthed screen m	Bare or covered m	Bare m	Bare m	Bare m
A Vertically above those parts of any structure normally accessible to persons	2.7	2.7	3.7	2.7	3.7	4.5	5	6.5	7
B Vertically above those parts of any structure not normally accessible to persons but on which a person can stand	0.1	2.7	2.7	0.1	2.7	3.7	4.5	6	6.5
C In any direction (other than vertically above) from those parts of any structure normally accessible to persons, or from any part not normally accessible to persons but on which a person can stand	0.1	0.9	1.5	0.1	1.5	2.1	3	4.5	5
D In any direction from those parts of any structure not normally accessible to persons	0.1*	0.3*	0.6*	0.1	0.6	1.5	2.5	3.5	4
E In any direction from the ground	Refer to Table 4								

* This distance can be further reduced to allow for termination at the point of attachment

SECTION 4**SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND WATER**

4.1 GENERAL

- 4.1.1 This section sets the minimum safe clearance distances for conductors from the ground and water, including minimum safe distances for any excavations or other alterations.
- 4.1.2 Unless specifically identified, the requirements of this section do not apply to traction system conductors or to telecommunications lines, substations and generating stations.

4.2 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND POOLS

- 4.2.1 Conductors of any overhead electric line, including any switching connections and transformer connections mounted on poles or structures, shall have distances from the ground not less than specified in Table 4.
- 4.2.2 Table 4 does not apply to existing overhead electric line conductors, or their replacement, where those conductors complied with the Regulations in existence at the time of their installation.
- 4.2.3 Conductors shall not be installed less than 5 m above the water level of any swimming pool.

4.3 MATERIAL DEPOSITED UNDER OR NEAR OVERHEAD ELECTRIC LINES

- 4.3.1 No material shall be deposited under or near an overhead electric line so as to reduce the conductor distance to ground to less than the distances required by Table 4 of this Code.

TABLE 4 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND

Circuit voltage	Vertical distance to ground (m)			Radial distance (m)
	Across or along roads or driveways	Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. steepness or swampiness)	
Not Exceeding 1 kV and insulated	5.5	4.0	2.7	2
Not Exceeding 1 kV	5.5	5.0	4.5	2
Exceeding 1 kV but not exceeding 33 kV	6.5	5.5	4.5	2
Exceeding 33 kV but not exceeding 110 kV	6.5	6.5	5.5	3
Exceeding 110 kV but not exceeding 220 kV	7.5	7.5	6.0	4.5
Exceeding 220 kV a.c. or d.c.	8.0	8.0	6.5	5

NOTES:

- (a) Voltages are a.c. except where specified as d.c.
- (b) The term ground includes any unroofed elevated area accessible to plant or vehicles.
- (c) Distances specified in Table 4 are for conductors that have fully undergone mechanical creep (permanent elongation). This is deemed to have occurred after 10 years in service.

4.4 SAFE DISTANCES OF CONDUCTORS OVER NAVIGABLE WATERWAYS AND BOAT RAMPS

- 4.4.1 The height of conductors over a navigable waterway shall be determined in consultation with the Maritime Safety Authority of New Zealand (MSA). The booklet titled “New Zealand System of Buoys and Beacons”, produced by MSA, shall be used as a guide.
- 4.4.2 Where conductors are installed over a boat ramp, suitable notices shall be provided on either side of the ramp, to provide a warning of the conductors’ presence and an indication of the conductors’ height and voltage.
- 4.4.3 No overhead conductors shall be installed within 9 m in any direction of a boat ramp.
- 4.4.4 Overhead conductors installed between 9 and 12 m of a boat ramp shall be insulated.
- 4.4.5 No boat ramp shall be constructed within 9 m in any direction of an overhead electric line without prior written consent of the electric line owner.

4.5 SAFE DISTANCES OF CONDUCTORS OVER RAILWAY TRACKS

- 4.5.1 The safe distances above rail level at the crossing of the railway for all overhead electric line conductors, when at maximum sag, shall not be less than those specified in Table 5. Where electric traction is in use, refer also to clause 6.2.2.

TABLE 5 MINIMUM DISTANCES VERTICALLY ABOVE RAILWAY TRACKS

Conductors	Distance (m)
Earthed conductors	5.5
Stay wires	5.5
Conductors up to and including 33 kV	6.5
Conductors above 33 kV but not exceeding 220 kV	7.5
Conductors above 220 kV a.c. or d.c.	8

SECTION 5

SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS

5.1 GENERAL

- 5.1.1 This section does not apply to live line work or to any conductor forming part of the mobile plant or any collector wire, insulated cable, or flexible cord used for the purpose of supplying electricity to the mobile plant.
- 5.1.2 Mobile plant working near an electric overhead electric lines can damage the line and be hazardous for the plant operator, the mobile plant and people in the vicinity.
- 5.1.3 Conductors can be displaced from their normal position by wind or temperature change. This requires special consideration by mobile plant operators.
- 5.1.4 This section does not apply while mobile plant is in transit on a road and the relevant requirements of the Traffic Regulations 1976 are observed.

5.2 MINIMUM APPROACH DISTANCE

- 5.2.1 The distance between any live overhead electric line and any part of any mobile plant or load carried shall be “**AT LEAST 4.0 METRES**”, unless the operator has received written consent from the overhead electric line owner allowing a reduced distance.
- 5.2.2 When an approval has been obtained pursuant to clause 5.2.1, and subject to clause 5.5.1, the minimum approach distance between a conductor and any mobile plant shall not be less than specified in Table 6.
- 5.2.3 Figure 5 provides a quick reference guide to the minimum safe distances for use of mobile plant near conductors of overhead electric lines.

5.3 WORKING ABOVE OVERHEAD ELECTRIC LINES

- 5.3.1 Mobile plant or any load carried shall not operate above the conductors of any overhead electric line unless the operator has received written consent from the overhead electric line owner to work above the overhead electric line.
- 5.3.2 The use of helicopters above overhead electric lines is governed by the Civil Aviation Rules.

5.4 CONSENT FOR REDUCED MINIMUM APPROACH DISTANCES

- 5.4.1 The application for written consent from the overhead electric line owner shall be made with reasonable notice.
- 5.4.2 The overhead electric line owner’s written consent shall advise:
 - (a) The voltage of the overhead electric line and the minimum approach distance to be observed, which shall not be less than the requirements of Table 6; and
 - (b) Any other reasonable conditions to be observed while working in proximity to, or above, the overhead electric line.
 - (c) The section of line to which the consent applies.

TABLE 6 REDUCED MINIMUM APPROACH DISTANCES
(where written consent has been obtained)

Circuit voltage	Minimum approach distance (m)
Not exceeding 1 kV – insulated conductor	0.15
Not exceeding 1 kV – conductor not insulated	1.0
Exceeding 1 kV but not exceeding 66 kV	1.0
Exceeding 66 kV but not exceeding 110 kV a.c. or d.c.	1.5
Exceeding 110 kV but not exceeding 220 kV a.c. or d.c.	2.2
Exceeding 220 kV d.c. but not exceeding 270 kV d.c.	2.3
Exceeding 270 kV d.c. but not exceeding 350 kV d.c.	2.8
Exceeding 350 kV d.c. or 220 kV a.c.	4

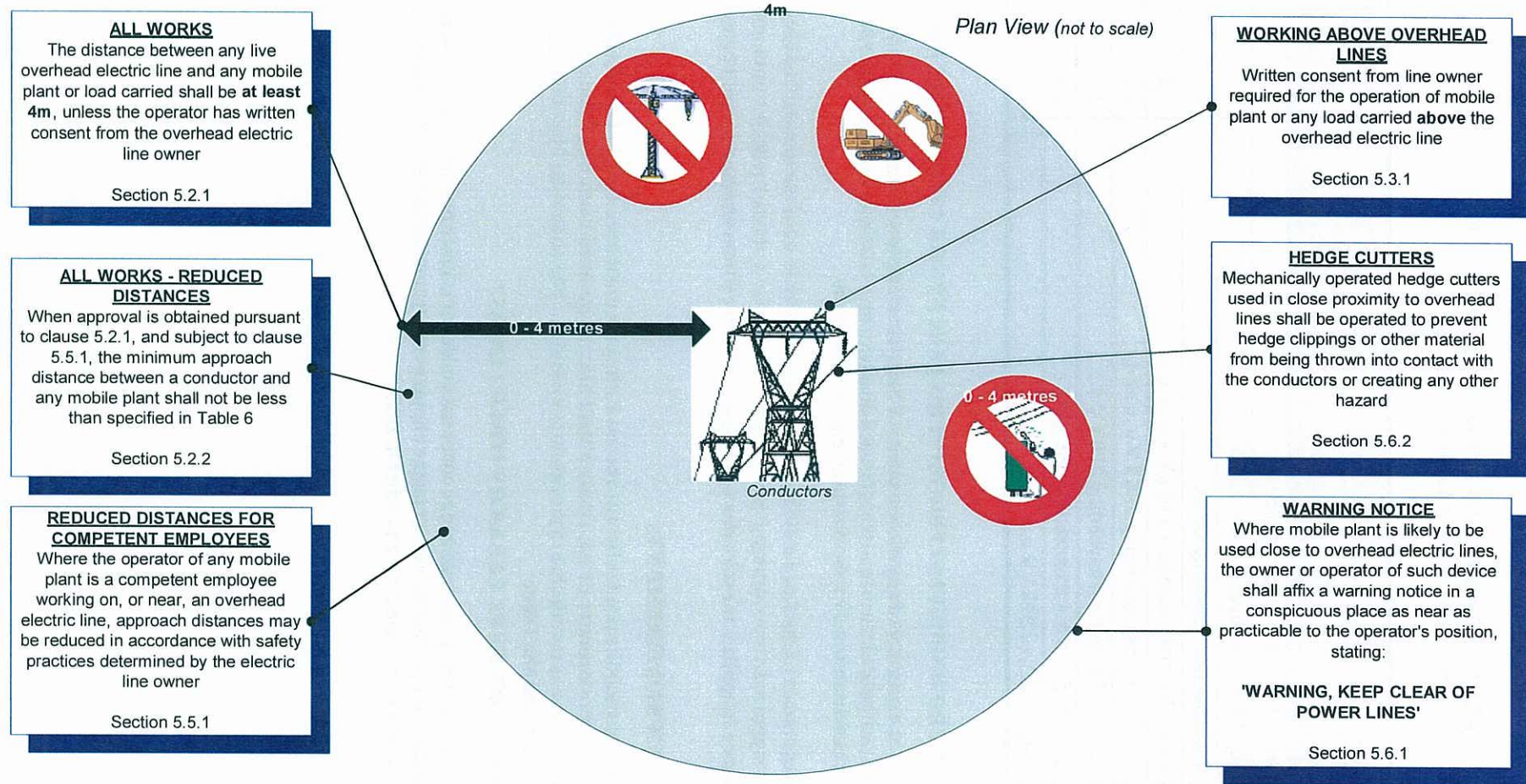
5.5 REDUCED MINIMUM APPROACH DISTANCES FOR COMPETENT EMPLOYEES

- 5.5.1 Where the operator of any mobile plant is a competent employee working on, or in the proximity of, an overhead electric line, the approach distances may be reduced in accordance with the safety practices determined by the overhead electric line owner.
- 5.5.2 Direct contact of insulated elevating work platform with live conductors shall be acceptable only under approved live working procedures. Whenever a special reduced minimum approach distance is applied, the maximum practicable clearance from conductors shall be maintained.

5.6 OTHER REQUIREMENTS

- 5.6.1 Where any mobile plant is likely to be used at any time in the proximity of overhead electric lines, the owner or operator of such device shall affix an approved warning notice in a conspicuous place as near as practicable to the operator's position. The notice shall be maintained in a legible condition and shall state:
"WARNING, KEEP CLEAR OF POWER LINES".
- 5.6.2 Any mechanically operated hedge cutter used under or in close proximity to any overhead electric line shall be operated to prevent hedge clippings or other material being thrown into contact with the conductors or creating any other hazard.

FIGURE 5 MINIMUM SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS



Notes

- This diagram is for quick reference only. Please refer to Section 5 for the complete minimum safe distance requirements.
- Mobile Plant includes cranes, loaders, excavators, drilling or pile driving equipment or other similar device.
- The provisions of Section 5 do not apply to live line work or to any conductor forming part of the mobile plant or any collector wire, insulated cable, or flexible cord used for the purpose of supplying electricity to the mobile plant (section 5.1.1) or while mobile plant is in transit on a road and the relevant requirements of the Traffic Regulations 1976 are observed (section 5.1.4).

SECTION 6

MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS OF DIFFERENT CIRCUITS, TELECOMMUNICATION LINES AND STAY WIRES

6.1 GENERAL

- 6.1.1 This section sets minimum safe distances for overhead electric lines to prevent conductors contacting other conductors, or stay wires, or approaching sufficiently close to cause a fault condition. This section also applies to telecommunications lines.
- 6.1.2 The requirements of this section do not apply to substations and generating stations and unless specifically identified, traction system conductors.
- 6.1.3 The distances specified in Table 7 do not apply where the conductors of all relevant circuits are insulated. In the case of any of the insulated conductors operating at a voltage in excess of 1 kV, the conductor, or bundle of conductors, shall include an earth screen.
- 6.1.4 Where two circuits of different voltage cross each other, are attached to the same support, or share spans, the conductors of the higher voltage circuit should be placed above those of the lower voltage circuit. Earth wires may be above power circuits.
- 6.1.5 Telecommunications lines shall always be below power circuits.

6.2 CONDUCTORS OF DIFFERENT CIRCUITS ON DIFFERENT SUPPORTS (UNATTACHED CROSSINGS)

- 6.2.1 Under still air conditions, the vertical distance between any conductor or telecommunications line of the lower circuit at minimum sag and any point to which a higher circuit conductor may sag under the influence of short time overload current and solar radiation shall not be less than specified in Table 7.
- 6.2.2 The minimum vertical distance to a traction system is 2 m.

TABLE 7 MINIMUM VERTICAL DISTANCES BETWEEN CONDUCTORS
(unattached crossings)

Higher voltage of either circuit	Minimum distance between conductors (unattached crossing) (m)
Below 1 kV a.c.	0.6
1 kV to 33 kV a.c.	1.2
Exceeding 33 kV but not exceeding 66 kV a.c.	1.8
110 kV a.c.	2.4
220 kV and 270 kV d.c.	2.8
350 kV d.c.	4

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6.3 CONDUCTORS (SAME OR DIFFERENT CIRCUITS) ON THE SAME SUPPORT (ATTACHED CROSSINGS) INCLUDING SHARED SPANS

- 6.3.1 Where a detailed engineering study of the over-voltages and the conductor motion has not been undertaken, the distances between conductors of different circuits at any point on the same support under normal working conditions shall not be less than specified in Table 8.

TABLE 8 MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS
(attached crossings)

Higher voltage of either circuit	Lower voltage of either circuit	Distance between circuits (m)
Not exceeding 33 kV a.c.	Less than 1 kV	1.0
	Greater than 1 kV	1.2
Exceeding 33 kV but not exceeding 110 kV a.c.	Less than 1 kV	1.5
	Greater than 1 kV	2.0
Exceeding 110 kV a.c. or d.c.	All	2.5

- 6.3.2 The distances in Table 8 may be reduced if a detailed engineering study of the maximum probable over-voltages and conductor motion establishes that there will be no adverse effects from a shorter distance.
- 6.3.3 Where lines operate at less than 1 kV, adequate measures should be taken to protect against unacceptable voltage rise between the lower voltage line and any structure energised due to the occurrence of a fault on the higher voltage line.
- 6.3.4 Where conductors are taken down a pole or other support to or from a transformer or other fittings, the distance between any conductors (*not being insulated to full working voltage*) shall be not less than the following:
- 600 mm between any line of low voltage and a line of 11 kV.
 - 750 mm between any line of low voltage and a line of 22 kV.
 - 900 mm between any line of low voltage and a line of 33 kV.
- 6.3.5 A reduced distance may be used at or near the terminals of any such transformer or other fittings where those terminals have a lesser distance between them than the minimum distance specified.

6.4 TELECOMMUNICATION LINES NEAR CONDUCTORS AND STAY WIRES

- 6.4.1 Subject to clauses 6.4.2 and 6.4.3, the minimum distance at any time between any telecommunication line (*including traction communication lines or signal wires*) and a conductor or stay wire shall not be less than the distances specified in Table 7.
- 6.4.2 Notwithstanding the distance specified in Table 7, at a shared support, the minimum distance of:
- a telecommunications line from a high voltage conductor that is not insulated shall not be less than 1.6 m; and
 - a bare telecommunications line from a bare low voltage conductor shall not be less than 1.2 m.
 - a covered telecommunications line from a bare low voltage conductor shall not be less than 0.6 m.

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- (d) For insulated conductors, and/or covered low voltage conductors, and covered telecommunications conductors, the distance shall not be less than 300 mm. This distance also applies to shared spans.
- 6.4.3 The minimum distance requirements specified in Table 7 between conductors and telecommunication lines do not apply to fibre optic cables that are:
- (a) bound to a live conductor for support; or
 - (b) contained inside the lightning protection or earth conductor.
- 6.4.4 A bare catenary wire supporting a telecommunication line is deemed not to be bare for the purpose of this sub-section if the catenary is earthed at not less than every 10th pole in straight runs and at every pole when a cross-over or tee junction occurs.

SECTION 7**DESIGN AND INSTALLATION REQUIREMENTS FOR SUPPORTS AND STAY WIRES OF OVERHEAD ELECTRIC LINES, AND CONTROL OF ACCESS**

7.1 SUPPORTS

- 7.1.1 All supports (*including stay wires, stay anchors, and other supporting equipment*) for conductors shall be so located as to avoid undue obstruction to pedestrian or vehicular traffic.
- 7.1.2 Poles or other supports shall not be erected closer than 4 m to the centre of the nearest railway track (*being measured horizontally from the centre of the nearest two rails to the nearest face of the pole or other support*) unless by agreement with the owner of the railway.
- 7.1.3 Live conductive parts less than 4.5 m above ground level, and attached to any pole or other support, shall be protected in such a manner as to prevent any accidental contact in reasonably foreseeable circumstances.
- 7.1.4 Any metal attached to a pole or other support, that is placed less than 2.5 m above ground level and that could become accidentally charged, shall be in direct contact with the earth, earthed or else adequately protected to prevent human contact.

7.2 STAY WIRES

- 7.2.1 Any stay wire less than 2.5 m from the ground in any direction that is likely to be a hazard shall be conspicuously marked.
- 7.2.2 Stay wires that are less than 2.5 m from the ground shall be earthed unless they are in direct contact with the earth. Alternatively, an insulator having a wet flashover value not less than that of the overhead electric line shall be inserted in the stay in a suitable position.
- 7.2.3 Stay wires that are erected across the part of any public road used by vehicular traffic shall have a minimum vertical distance above the ground of 5.5 m.
- 7.2.4 Stay wires shall not be less than 300 mm from any bare telecommunications line.

7.3 CONTROL OF ACCESS

- 7.3.1 Every conductor of an overhead electric line shall be so erected that it is not readily accessible to any person without the use of a climbing device.
- 7.3.2 Climbing steps on overhead electric line support structures shall not be placed at a height of less than 3 m above ground level.

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SECTION 8

SAFE DISTANCES FOR THE DESIGN OF SUBSTATIONS, GENERATING STATIONS, SWITCHYARDS AND SWITCHROOMS

8.1 GENERAL

- 8.1.1 Safe distances in substations, generating stations, switchyards and switch-rooms where access to electricity supply works is required for operation, maintenance and installation activities, undertaken by competent employees, shall be suitable for the activities being undertaken and shall allow safe and unobstructed egress in emergency situations.

8.2 METALCLAD SWITCHGEAR

- 8.2.1 At the front of any low voltage and high voltage metalclad switchgear, there shall be a clear and unobstructed passageway at least 1 m wide and 2.5 m high.
- 8.2.2 Where frequent access is required for work at the sides or rear of any metalclad switchgear, there shall be clear and unobstructed passageways at least wide 1 m wide and 2.2 m high.

8.3 BARE CONDUCTORS WITHIN EARTHED ENCLOSURES

- 8.3.1 This subsection does not apply to bare conductors on or within panels or within fenced enclosures within buildings.
- 8.3.2 Any passageway at the side of or under any earthed enclosure containing bare conductors shall be clear and unobstructed and at least 800 mm wide and 2.2 m high.

8.4 BARE CONDUCTORS IN SUBSTATIONS, SWITCHYARDS, GENERATING STATION BUILDINGS AND OTHER LOCATIONS

- 8.4.1 In substations, switchyards, generating station buildings and other locations where there are bare conductors, the design and layout of the conductors shall be such that persons can carry out work without hazard.
- 8.4.2 Safety to persons shall be maintained by the provision of adequate distances to live parts for maintenance, vehicular access and pedestrian access, and if necessary to barriers or fences.
- 8.4.3 In fenced or other enclosed areas where access is restricted to situations where all conductive parts have been de-energised, distances may be reduced below those required by clauses 8.4.1 and 8.4.2, in accordance with a specific engineering design.
- 8.4.4 The distance from any bare conductor to any boundary fence or wall or similar enclosure boundary shall not be less than specified in Table 3.
- 8.4.5 The distances specified in Table 3 are generally applicable for bare conductors adjacent to substation buildings or other structures. These distances do not apply for situations where conductors are supported on buildings or other structures and may be reduced with a specific engineering design.

SECTION 9**MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS WORKING NEAR EXPOSED LIVE PARTS****9.1 GENERAL**

- 9.1.1 This section sets out minimum safe approach distances limits for persons working near exposed live parts.
- 9.1.2 Minimum safe distances limits are provided for non-competent persons. Reduced safe distances are provided for where;
- (a) the owner of the live parts gives written permission; and
 - (b) competent employees are working near exposed live parts.
- 9.1.3 Minimum safe distances from exposed live parts shall be maintained at all times. Where necessary, insulating barriers shall be used to maintain minimum safe approach distances.
- 9.1.4 This section does not apply to work near conductors of extra-low voltage, or live line or live substation work.
- 9.1.5 Figure 6 illustrates the measurement of minimum safe approach distances from exposed live parts.

9.2 MINIMUM APPROACH DISTANCE LIMITS FOR NON-COMPETENT PERSONS WORKING NEAR EXPOSED LIVE PARTS

- 9.2.1 For non-competent persons working near exposed live parts, where written consent from the owner of the live parts has not been obtained, the minimum safe approach distances limits are:
- (a) For circuit voltages 110 kV and below - 4 m.
 - (b) For circuit voltages above 110 kV - 6 m.
- 9.2.2 Where written consent from the owner of the live parts has been obtained, the minimum safe approach distance limits for non-competent persons working near exposed live parts shall not be less than those specified in Table 9.

TABLE 9 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS FROM EXPOSED LIVE PARTS (*Where consent from the owner of the live parts has been obtained*)

Circuit Voltage	Distance Limits (m)
Below 1 kV	0.5
11 kV	1.5
22 kV	2.0
33 kV	2.5
66 kV	3.0
110 kV	4.0
220 kV and above	6.0

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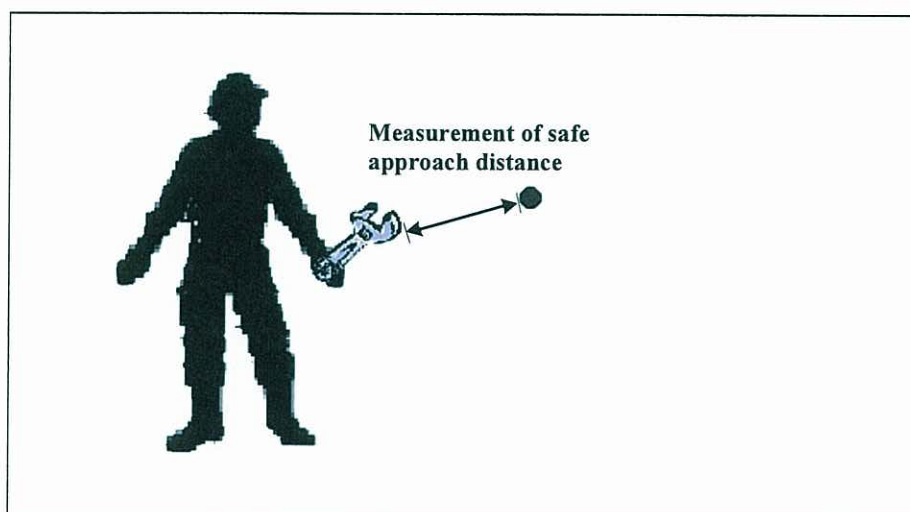
9.3 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS

- 9.3.1 The minimum safe approach distance limits for competent employees carrying out electrical or telecommunications work near exposed live parts shall not be less than those set out in Table 10.
- 9.3.2 The minimum safe approach distance for competent employees shall be maintained by keeping all parts of the body, clothing and any hand held tools (except those tools designed for contact with live parts) beyond the safe distances set out in Table 10.

TABLE 10 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS

Nominal Voltage	Distance Limits (m)
Not exceeding 1 kV a.c. or d.c.	0.15
Exceeding 1 kV but not exceeding 6.6 kV a.c. or d.c.	0.25
Exceeding 6.6 kV but not exceeding 11 kV a.c. or d.c.	0.3
Exceeding 11 kV but not exceeding 22 kV a.c. or d.c.	0.45
Exceeding 22 kV but not exceeding 33 kV a.c. or d.c.	0.6
Exceeding 33 kV but not exceeding 50 kV a.c. or d.c.	0.75
Exceeding 50 kV but not exceeding 66 kV a.c. or d.c.	1
Exceeding 66 kV but not exceeding 110 kV a.c. or d.c.	1.5
Exceeding 110 kV but not exceeding 220 kV a.c. or d.c.	2.2
Exceeding 220 kV d.c. but not exceeding 270 kV d.c.	2.3
Exceeding 270 kV d.c. but not exceeding 350 kV d.c.	2.8
Exceeding 220 kV a.c or 350 kV d.c.	4

FIGURE 6 MEASUREMENT OF MINIMUM SAFE APPROACH DISTANCES



SECTION 10

REQUIREMENTS FOR INSPECTION AND RECORDS

10.1 INSPECTION

10.1.1 The owners of electrical works shall inspect and review overhead electric line installations at intervals not exceeding five years to ensure that the requirements of sections 2 to 8 have not been compromised by changed circumstances.

10.2 RECORDS

10.2.1 The following records shall be maintained to ensure that safe minimum distances are not compromised and to provide information to other parties:

- (a) Asset register;
- (b) Results of periodic inspections; and
- (c) Dispensations or justifications for reduced distances (where applicable).

Minutes of a meeting of the Resource Management Act Procedures Committee

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Thursday 13 December 2012, commencing at 1.02pm

Present: Councillor R Reese (Chairperson), His Worship the Mayor (A Miccio) and Councillor D Shaw

In Attendance: Principal Adviser Resource Management Plan (M Heale), Planning Adviser (L Gibellini), Acting Executive Manager Regulatory (M Bishop), Team Leader Resource Consents (C Jenkins), Administration Adviser (E-J Ryan) and Julian Ironside (Fletcher Vautier Moore)

Councillor Reese assumed the Chair.

1. Conflicts of Interest

There were no updates to the Interests Register, or any conflicts of interest with any agenda items declared.

2. Confirmation of Minutes

10 September 2012

Document number 1370244, agenda pages 1-3 refer.

Resolved

THAT the minutes of a meeting of the Resource Management Act Procedures Committee, held on 10 September 2012, be confirmed as a true and correct record.

Shaw/Reese

Carried

3. Exclusion of the Public

The Committee resolved to confirm that Mr Julian Ironside, the Council's legal counsel of Fletcher Vautier Moore, attend during the public excluded part of the meeting, to answer questions and to provide advice.

Resolved

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Mr Julian Ironside remains after the public has been excluded, for Item 3 of the Public Excluded agenda (Plan Change 14 Appeal), as he has knowledge that will assist the Council;

AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Mr Ironside possesses relates to litigation strategy and the procedures of the Environment Court, with relation to the appeals lodged against Plan Change 14.

Reese/His Worship the Mayor

Carried

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Resource Management Act Procedures Committee Public Excluded minutes – 10 September 2012 These minutes confirmed the public excluded minutes of 1 September 2011, and also contain information relating to:	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:

Resource Management Act Procedures Committee
13 December 2012

	Plan Change 14, 17 and 18 References		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
2	<p>Plan Change 14 Appeal</p> <p>This report contains information relating to discussions with appellants</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations

Reese/His Worship the Mayor

Carried

The meeting went into public excluded session at 1.04pm and resumed in public session at 3.10pm.

4. **Re-admittance of the Public**

Resolved

THAT the public be re-admitted to the meeting.

Shaw/His Worship the Mayor

Carried

There being no further business the meeting ended at 3.10pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date