

28 January 2015

Otorohanga District Council
PO Box 11
Otorohanga 3940

Attn: Andrew Loe

Dear Andrew

Waipa Networks Limited - Te Awamutu Reinforcement Project – Advice of Decision under Section 172 of the RMA (D105)

Pursuant to section 168 of the Resource Management Act 1991 (RMA), Waipa Networks Limited (WNL) has given notice to Otorohanga District Council (the Council) of its requirement for a designation (the NoR).

The project for which the designation is required is the construction, operation, replacement and maintenance of a single circuit 110 kV overhead transmission line, including the installation of poles, conductors, insulators, earth wires and communications facilities and the undertaking of ancillary activities (including earthworks and vegetation removal) associated with its construction, maintenance and operation.

The NoR applies to parts of the land parcels listed in the schedule attached to the NoR. The subject parts of those parcels are defined on the land requirement plans included in Volume 1B to the assessment of effects on the environment that accompanied the NoR and in subsequent additional information WNL provided on 13th October 2014.

The NoR was publicly notified on 12th August 2014. The NoR was heard on the 8th, 9th and 10th of December 2014. The Council has delegated full responsibility to hear and consider the matter to an independent hearing commissioner. WNL has since received the commissioner's recommendation pursuant to section 171 of the RMA dated 21st January 2015.

The commissioner's report confirms that he has considered WNL's project and its NoR, and is satisfied that the requirements of the RMA have been achieved having regard to:

- the project fulfilling the objectives of the WNL's for the project;
- the adequacy of WNL's consideration of alternatives;
- the project's consistency with the provisions of the relevant planning instruments;
- the suitability of agreed proposals for mitigating effects; and,
- Part 2 of the RMA matters.

On this basis the commissioner has recommended that the requirement should be confirmed subject to conditions.

Section 172 of the RMA relates to decisions of requiring authorities and states:

- (1) *Within 30 working days of the day on which it receives a territorial authority's recommendation under section 171, a requiring authority shall advise the territorial authority whether the requiring authority accepts or rejects the recommendation in whole or in part.*
- (2) *A requiring authority may modify a requirement if, and only if, that modification is recommended by the territorial authority or is not inconsistent with the requirement as notified.*
- (3) *Where a requiring authority rejects the recommendation in whole or in part, or modifies the requirement, the authority shall give reasons for its decision.*

WNL has reviewed the recommendation, and in accordance with section 172(1) of the RMA advises that WNL accepts the recommendation in part.

The only parts not accepted relate to:

- a) a typographical error in Advisory Note (a) attached to Condition 4.3 where "... and from Otorohanga (with respect to work ...)" should read "... and from Otorohanga District Council (with respect to work ...)";
- b) a minor error in the text referencing in Condition 4.6 where the text "... about **the landscape**, visual and urban amenity mitigation measures reached with ..." should read "... about the **landscape mitigation measures** reached with" to conform with the definition provided in Condition 4.4;
- c) an unnecessary reference to "Anchor Park, Te Awamutu" in Condition 4.14(a) which relates to matters specifically required to be included in the outline plan;
- d) a typographical error in Condition 4.14(b) where "Outcomes on consultation" should read "Outcomes of consultation"; and,
- e) incorrect dates and version numbers assigned to some of the land requirement plans.

WNL advises that the amendments are considered necessary to correct minor errors and assist with interpretation. The suggested amendments have been tracked with additions shown in underline and deletions in

~~strike through~~ in the attached copy of the recommended conditions.
In all other respects WNL accepts the commissioner's recommendation.

If you have any further questions please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in cursive script that reads "Ray Milner". The signature is written in black ink and has a fluid, connected style.

Ray Milner
CHIEF EXECUTIVE OFFICER

Encl:

Attachment 1: Copy of Designation Conditions with Amendments

**Attachment 1: Copy of Designation Conditions with
Amendments**

OTOROHANGA DISTRICT COUNCIL – D105

Recommended Conditions to apply to Notices of Requirement in Otorohanga District Council - D105

Definitions	
RMA	Resource Management Act 1991
Requiring Authority and WNL	Means Waipa Networks Limited
Territorial Authorities	Means the Waipa District Council, Otorohanga District Council and Waitomo District Council
The Project	Means the Te Awamutu Reinforcement Project subject to the Notices of Requirements to Waipa District Council, Otorohanga District Council and Waitomo District Council.
Construction Works	Means when the contractor is established on site and starting earthworks associated with the pole foundations and/or lay down areas. Construction works do not include Enabling Works as defined below.
Site Supervisor	Means the person in charge of the work sites.
Enabling Works	Shall include the following and similar activities: demolition, removal or relocation of buildings, construction of site entrances and minor access tracking, fencing, vegetation removal and trimming, relocation of any underground and overhead services, geotechnical investigations, surveying, archaeological investigations and establishment of erosion and sediment controls. The Ecological Management Plan shall be submitted and approved prior to any vegetation removal that is covered by that plan being undertaken.
Commissioning or commissioned	Means the time when construction has been completed to the stage where electricity transmission at 110 kV along the line is possible, and in accordance with the specifications of the National Grid System Operator.
Transmission Line	Means the 110 kV line between Transpower's Te Awamutu and Hangatiki substations.
KiwiRail	KiwiRail Holdings Limited
EMF	Electric and magnetic fields
CMP	Construction Management Plan
LMP	Landscape Management Plan
EMP	Ecological Management Plan
Dulling	'Dulling' or 'de-glaring' is a galvanising process undertaken upon the pole structures prior to installation. The poles are treated with a chemical which effectively dulls the pole surface more than the

	standard galvanisation on the steel structures.
Occupation Areas	Means the areas where the KiwiRail designations and the Waipa Networks Ltd designations coincide. The occupation areas are to generally accord with: <ul style="list-style-type: none"> a) The Land Requirement Plans, prepared for Waipa Networks Limited by Align Limited, being Sheets A.01 to A.18<u>16</u>, dated 25 June 2014, <u>Sheet A.17 dated 23 June 2014, Sheet A.18 (Rev.1) dated 29 September 2014</u>; and b) The corresponding schedules of land to which the Notices of Requirements relate.

1. DESCRIPTION OF THE DESIGNATION AND WORKS

1.1 The designation applies to:

Land Designated within Otorohanga District Council	The designation applies to the area of land required for the transmission line corridor located between: <ul style="list-style-type: none"> - the territorial boundaries between Waipa District and Otorohanga District in the general vicinity of Hinewai Road, Te Kawa; and, - the territorial boundaries between Otorohanga District and Waitomo District defined by: <ul style="list-style-type: none"> - the common boundary between A20A Pukeroa Hangatiki (parcel id 4317636) and Lot 3 DPS 64768 (parcel id 4429699); and, - the common boundaries between Lot 4 DPS 53259 (parcel id 4491203) and Mangapu River and State Highway 3; - the extent of which is defined on the Land Requirement Plans, prepared for Waipa Networks Limited by Align Limited, being Sheets A.08 to A.19<u>16</u>, dated 25 June 2014, <u>Sheet A.17 dated 23 June 2014, Sheet A.18 (Rev.1) dated 29 September 2014, Sheet A.19 dated 30 October 2014, and Sheet A.20 (Rev. 1) dated 10 October 2014.</u>
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1.2 The terms and conditions of the designation herein apply to:

The construction, operation, replacement, maintenance and protection of a new single circuit 110 kV transmission line with additions and alterations, and ancillary structures and works including but not limited to support structures (poles), conductors, earth wires (including fibre optic telecommunication cables), insulators and fittings, temporary construction areas and facilities, temporary hurdles, earthworks, vegetation removal, vegetation trimming and planting, and construction works.

2. GENERAL CONDITIONS

- 2.1 Except as modified by the conditions below and subject to final design, the project works to give effect to the designation shall be undertaken generally in accordance with the information and plans provided by Waipa Networks Limited in its Notice of Requirement, its evidence and its supporting documents, namely:
- (a) Te Awamutu Reinforcement Project: Notices of Requirements for Designations dated 10 July 2014;
 - (b) Te Awamutu Reinforcement Project: Notices of Requirements for Designations and Applications for Resource Consent Assessment of Environmental Effects and Supporting Information (including technical appendices), prepared for Waipa Networks Limited by Align Limited and others, dated 10 July 2014;
 - (c) Te Awamutu Reinforcement Project: Land Requirement Plans, prepared for Waipa Networks Limited by Align Limited, being Sheets A.01 to ~~A.19~~A.16 dated 25 June 2014, Sheet A.17 dated 23 June 2014, Sheet A.18 (Rev.1) dated 29 September 2014, and Sheet A.19 dated 30 June 2014;
 - (d) The revised Land Requirement Plan, Sheet A.20 (Rev. 1) and dated 10 October 2014, which defines the amendment to the designation to incorporate the section of corridor located between pole 204 and the point within Transpower's Hangatiki substation at which the responsibility changes from Waipa Networks Ltd to Transpower;
 - (e) Te Awamutu Reinforcement Project: Further Information response dated 13 October 2014; and
 - (f) Expert Witness Caucusing on the Landscape and Visual Effects of the Te Awamutu Reinforcement Project, dated 5 December 2014.
- 2.2 Where there is any inconsistency between the Notices of Requirement documentation and the designation conditions, the designation conditions shall prevail.
- 2.3 Pursuant to Section 184(1) of the RMA, the designation shall not lapse for a period of five years after it is included in the Otorohanga District Plan.
- 2.4 Any works authorised by this designation are subject to the provisions of Section 176A of the RMA relating to Outline Plan of Works.

3. MANAGEMENT PLANS

- 3.1 All works shall be carried out in accordance with the applicable Management Plan(s) required by these conditions.
- 3.2 The following Management Plans shall be submitted to the Territorial Authority Chief Executive or nominee for certification that they are consistent with the conditions of the designations:
- (a) Construction Management Plan;
 - (b) Landscape Management Plan; and
 - (c) Ecological Management Plan.

- 3.3 Within twenty (20) working days of receipt of any Management Plan for certification as required under Condition 3.2, the Territorial Authority shall notify the Requiring Authority as to whether the Management Plan is certified or whether inconsistencies with the relevant designation condition(s) have been identified and what matters are required to be addressed.
- 3.4 Construction Works shall not commence until the Requiring Authority has received the Territorial Authority Chief Executive or nominee's written certification for the relevant Management Plans.
- 3.5 At all times during construction, the Requiring Authority shall ensure that a copy of the latest certified version of the Management Plans identified in Condition 3.2 is kept on site and all key personnel are made aware of each Plan's contents.
- 3.6 Where conditions require consultation with third parties in the development of the Management Plans, these Plans shall demonstrate how the views of that party (or parties) have been incorporated, and, where they have not, the reasons why.

4. PRE-CONSTRUCTION

Construction Management Plans

- 4.1 No later than forty (40) working days before construction commences (excluding site investigation and enabling works), the Requiring Authority shall submit for certification a Construction Management Plan (CMP) to the Territorial Authority Chief Executive or nominee. The objective of the CMP is to set out practices and procedures to be undertaken during construction and commissioning activities in order to avoid, remedy or mitigate adverse effects of construction, through methods and procedures identified in the CMP.

Advisory Note: *The Territorial Authorities will accept the lodgement of the CMP as a draft, noting that further iterations or inputs from the preferred contractor may be required prior to its final certification.*

- 4.2 Following certification by the Territorial Authority Chief Executive or nominee, the CMP shall be implemented in accordance with the procedures contained within.
- 4.3 The CMP shall include, but not be limited to, the following:
 - (a) Details of the Site or Project Manager, including their phone number, email address and address for service;
 - (b) The location of large notice boards that clearly identify the name, phone number, email and address for service for the Site or Project Manager;
 - (c) The location of work's offices, site security, temporary equipment storage and conveniences (e.g. portaloos);
 - (d) An outline construction programme of works including sequencing of such works, the use of helicopters and hours of work;
 - (e) Procedures to ensure compliance with the conditions of these designations;

- (f) Procedures to be followed to ensure that iwi representatives are notified of the proposed commencement of construction works;
- (g) Proposed contaminated site and hazardous substances management and mitigation measures including:
 - i. Details on types and volume of hazardous substances to be used and stored during the construction phase;
 - ii. Procedures for the storage, handling, transport and disposal of hazardous substances in accordance with best practice and national standards and regulations;
 - iii. Procedures for identifying contaminated sites and dealing with removal of any contaminated material (refer Condition 5.13A below for details of pole sites known to potentially contain contaminated land);
 - iv. The equipment, systems and procedures to be used to minimise the risks of spill or leak of hazardous substances;
 - v. Procedures to notify and report to the Territorial Authority within 24 hours of a spill or leak involving 10 litres or more occurring; and
 - vi. Procedures to be followed to identify causes of spills or leaks and to avoid their recurrence.
- (h) Procedures to be followed in the event that any historic artefacts are disturbed, being in accordance with the Authority obtained under the Heritage New Zealand Pouhere Taonga Act 2014;
- (i) Procedures for managing site access and construction work to avoid damage to recorded heritage items at the site of:
 - i. Haerewata Pa (site S15/331) which is in the vicinity of Poles 30B, 31 and 32.
 - ii. Te Puhī (Te Mawhai) railway station (site S15/749) which is in the vicinity of Poles 35, 36 and 37;
 - iii. Kawa railway station (site S15/750) which is in the vicinity of Poles 70, 71 and 72
 - iv. Kio Kio railway station (site S16/362) which is in the vicinity of Pole 119.
 and procedures to be adopted to achieve compliance with Condition 5.14 which relates to accidental discovery of archaeological material.
- (j) Measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal/storage of rubbish; storage and unloading of materials and similar construction activities;
- (k) Proposed sediment and erosion control methods to be implemented;
- (l) Procedures for controlling dust and the removal of soil/debris from public roads or public places;
- (m) Traffic management procedures including:
 - i. routes for heavy vehicle movements;
 - ii. entrance measures for high volume entrances;
 - iii. measure to ensure safe interaction between construction traffic and local road traffic at entrances that have deficient sight lines;
 - iv. improvements to entrances; and
 - v. any traffic management;
- (n) Procedures relating to community information and liaison, including any procedures for:

- i. ensuring the wider community is given prior notice of the commencement of construction works (i.e newspaper);
 - ii. ensuring that residents in the immediate vicinity of construction areas are given prior notice of the commencement of construction works and are informed about the expected duration of the works; and
 - iii. managing effects of noisy construction works and/or machinery (e.g. helicopters) and informing affected residents of those works and their expected duration;
- (o) The protocols developed with Ngati Maniapoto (as per Condition 4.18);
 - (p) Measures for ensuring safety of the general public from construction works; and
 - (q) Procedures for receiving and responding to complaints.

Advisory Notes:

- a) The provisions of Section 177 of the RMA apply to construction work undertaken within designated roads and accordingly approval from NZTA (with respect to work within State Highway 3) and from Otorohanga District Council (with respect to work within local roads within Otorohanga District) will be required.*
- b) For the avoidance of doubt, consultation with Chorus must be undertaken and the result of that consultation included with the corridor access request.*
- c) The Requiring Authority shall ensure all relevant matters relating to construction within transportation corridors are adequately addressed in its 'Corridor Access Request' in accordance with the 'National Code of Practice for Utility Operators' Access to Transport Corridors – 10 November 2011'.*

Landscape Management Plan

- 4.4 At least forty (40) working days before construction commences (excluding site investigation and enabling works), the Requiring Authority shall submit for certification a Landscape Management Plan (LMP) to the Territorial Authority Chief Executive or nominee. The objective of the LMP is to mitigate the adverse effects of the transmission line on the landscape, visual amenity and urban amenity (**'the landscape mitigation measures'**).
- 4.5 Following certification by the Territorial Authority Chief Executive or nominee, the LMP shall be implemented in accordance with the implementation and maintenance programmes contained within.
- 4.6 The LMP shall be prepared by a suitably qualified and experienced landscape architect and shall include the following:
 - (a) A vision statement for the landscaping which shall include a scope of measures and works encompassed by the LMP;
 - (b) The scope of landscape mitigation measures shall accord with those set out in the "Te Awamutu Reinforcement Project: Further Information response dated 13 October 2014; Appendix Q – Response to matters raised in peer review by Mansergh Graham Landscape Architects", and the mitigation strategy and performance requirements and plans as contained in the agreed statement of

- outcomes from expert caucusing between Mr Graham Densem and Mr Dave Mansergh dated 5 December 2014;
- (c) The outcomes of any consultation and agreements about ~~the landscape, visual and urban amenity mitigation measures~~ **mitigation measures** reached with:
- i. Waipa District Council regarding the proposed landscaping within Anchor Park and other planting within Waipa District;
 - ii. Otorohanga District Council regarding the proposed landscaping in Wahanui Crescent near the rail corridor, planting at the northern entrance to Otorohanga (near pole 141), other planting within Otorohanga District and the proposed pole treatments for poles 141, 150 and 151;
 - iii. NZ Transport Agency regarding planting at the entrance to Otorohanga (near pole 141);
 - iv. Waitomo District Council for any proposed planting within Waitomo District; and
 - v. Private landowners and affected parties with whom offsite mitigation agreements have been reached.
 - vi. The “submitters in opposition” identified in Appendix 4 Plans Showing Location of Submitters Properties in the Section 42A report.
- (d) Plans (at a scale of 1:1000 @ A3) identifying all existing vegetation (excluding vegetation less than 2m in height) to be retained, and any vegetation to be removed;
- (e) Plans (at a scale of 1:500 @ A3) detailing all required landscape, visual, amenity and ecological mitigation planting (taking into account planting included with the Ecological Management Plan);
- (f) A schedule of the species to be planted including botanical name, average plant height at time of planting and at maturity, and planting density;
- (g) An implementation programme; and
- (h) Planting management and maintenance to be undertaken.

Advisory Note: *The provisions of the LMP and the EMP must not be inconsistent with each other.*

Ecological Management Plan

- 4.7 At least forty (40) working days prior to construction commences (excluding site investigation and enabling works), the Requiring Authority shall submit for certification an Ecological Management Plan (EMP) to the Territorial Authority Chief Executive or nominee.
- 4.8 Following certification by the Territorial Authority Chief Executive or nominee, the EMP shall be implemented in accordance with the programmes contained within.
- 4.9 The EMP shall be prepared by a suitably qualified and experienced ecologist and include the following:
- (a) A vision statement for **the proposed ecological management** with specific objectives (which shall comprise the scope of the EMP) relating to:
 - (i) effects on long-tailed bats from construction activities;

- (ii) effects on avifauna from collision with the overhead conductors or earthwire;
 - (iii) effects from removal of indigenous vegetation.
- (b) Details of measures to manage construction activities so injury or mortality of roosting long-tailed bats is minimised.
- (c) Identification of areas and timeframes for establishment of the following planting:
 - (i) Replacement plantings to offset an identified reduction in roosting habitat for long-tailed bats, for trees to be felled that have been identified as potential bat roost habitat by a recognised bat ecologist;
 - (ii) Replacement plantings to offset the removal of indigenous vegetation consisting of 24 matai and kahikatea between Poles 181 and 196; and,
 - (iii) Wetland restoration to compensate for potential mortality from bird strike.
- (d) The nature of any weed and/or pest control considered appropriate (timing, extent and location) with respect to the planting referred to in Clause (c) above.
- (e) The outcome of any consultation and agreements about **the proposed ecological management** with:
 - (i) the Department of Conservation with respect to Clauses (b) and (c)(i) above; and,
 - (ii) Fish & Game Auckland/Waikato Region with respect to Clauses (c)(iii) above.

4.10 The information required by Clause 4.9(b) above shall include:

- (a) A tree felling protocol prepared by a recognised bat ecologist in consultation with the Department of Conservation that provides for a minimum of three consecutive nights of monitoring immediately prior to the day of felling any trees identified as a potential bat roost by a recognised bat ecologist.
- (b) Details of ongoing monitoring and reporting of bat activity where occupied bat roosts are discovered.
- (c) Proposals for minimising disturbance from construction activities near any discovered active roosts until a recognised bat ecologist confirms they are vacant.
- (d) Proposals for establishing alternative roosting sites (which may include encouraging cavity formation in existing trees or providing artificial bat houses) and their ongoing management so any discovered bat roosts are appropriately offset.

4.11 Any planting referred to in Clause 4.9(c)(i) above shall be undertaken within the river catchment where the tree removal took place.

4.12 Any planting referred to in Clause 4.9(c)(ii) above shall be undertaken within the catchment of Mangapu River.

4.13 Any planting referred to in Clauses 4.9(c)(i) and (ii) above shall be designed so the trunk cross sectional area of the trees to be felled are replicated with an equivalent

trunk cross sectional area of the same species after 20 years of growth, using a recognised methodology.

4.13A The restoration referred to in Clause 4.9(c)(iii) may be achieved by the requiring authority contributing (with a value of at least \$2000) to the development and implementation of a programme(s) aimed at improving existing peat-lake and wetland habitats for avifauna, which may include one or more of the following options:

- (a) the establishment and/or maintenance of riparian planting;
- (b) herbicidal control of undesirable exotic pest plants or weeds within a riparian habitat; or,
- (c) procuring and installing traps or bait stations for the purpose of controlling pests and/or predators.

4.13B The planting referred to in Clauses 4.9(c)(i) and (ii), and restoration referred to in Clause 4.9(c)(iii) may be undertaken by an appropriate organisation or agency or statutory body with a recognised interest in, and commitment to, habitat maintenance and restoration and engaged by the requiring authority to assist with its implementation (either in whole or in part).

4.13C For the purposes of Clause 4.13B an appropriate organisation or agency or statutory body is one approved by the relevant council before the work is commenced. Where the requiring authority makes any such arrangement, all relevant details must be included in the EMP.

Outline Plan of Works

4.14 In addition to the requirements set out in Section 176A of the RMA, the Outline Plan of Works shall include, but not be limited to the following:

- (a) Details of any vegetation removal or trimming within Brett Reserve, Otorohanga and Anchor Park, Te Awamutu to permit construction activities or to achieve electrical safety distances between conductors and the transmission line;
- (b) Details of any kahikatea or matai removal required to permit construction activities or to achieve electrical safe distances between conductors and the transmission line between conductors and vegetation on the spans between Poles 181 and 187;
- (c) Outcomes of ~~on~~ consultation with KiwiRail; and
- (d) If undergrounding of the route or a portion of the route is proposed, the location of termination structures, and an assessment of the visual and landscape effects of those structures and any additional mitigation required as a result.

Advisory Note: *The Territorial Authorities may request changes to the Requiring Authority's proposed planting in accordance with s.176A(4) of the RMA.*

4.14A The Outline Plan of Works shall be lodged prior to or concurrent to the lodgement of the Landscape Management Plan.

KiwiRail Requirements

4.15 The Requiring Authority shall provide a copy of the Outline Plan of Works and the detailed design to KiwiRail at least 20 working days prior to it being submitted to the relevant Territorial Authorities.

Advisory Note: *KiwiRail shall respond within 20 working days: either, with its approval under Section 177 of the RMA; or, with details of any additional information it requires.*

4.16 Prior to undertaking any construction work in or over KiwiRail's designated land the Requiring Authority shall:

- (a) Enter into a Grant of Right with KiwiRail pursuant to Section 35 of the NZ Railways Corporation Act 1981;
- (b) Provide KiwiRail with detailed design drawings of the transmission line (including pole locations, and conductor catenaries and clearances) and (where relevant) in accordance with KiwiRail's 'standard plan template for line crossings'; and,
- (c) Provide KiwiRail (to its satisfaction) with a detailed Construction Management Plan and methodology, site safety plan, and maintenance programme addressing such matters as: timing, duration, access, earthworks, use and storage of equipment and machinery, security and safety, responsible personnel, liaison and communications, environmental incident and emergency management procedures.

Advisory Note: *Prior to construction commencing a "Permit to Enter" the rail corridor and an electrical safety "Permit to Work" in electric traction areas will be required from KiwiRail.*

4.17 Evidence of compliance with Condition 4.16 shall be provided to the Territorial Authorities before the Outline Plan of Works is approved and prior to construction works on KiwiRail's designated land commencing.

Advisory Notes:

a) *For the avoidance of doubt the provisions of section 177 of the RMA (Land subject to existing designation or heritage order) apply to all areas of the WNL designations within Waipa District and Otorohanga District that coincide with KiwiRail's designations that were included in the respective District Plans before 21 July 2014.*

b) *For the purposes of section 177 of the RMA KiwiRail is the: "Requiring Authority responsible for the earlier designation".*

c) *The 'occupation areas' shall accord with the areas of land applicable to the Grant of Right.*

Cultural/Spiritual

- 4.18 Prior to construction works commencing, the Requiring Authority shall work with Ngati Maniapoto to develop a set of protocols with that cover the following aspects:
- (a) Site blessing before the first sod is turned;
 - (b) Expectations about staff behaviour during construction activities; and
 - (c) Notification of construction activities in specific areas where excavations are able to adversely affect sites of significance to enable representatives the opportunity to monitor such construction activities.

These protocols are to be included in the CMP, as per Condition 4.3.

- 4.19 Once the detailed design of the transmission line is confirmed the Requiring Authority shall provide Ngati Maniapoto with further information relating to the transmission line, the line support structures (poles) and the access tracks.

Advisory Note: *This information will be in a common GIS format (ie: .kml files or equivalent).*

5. CONSTRUCTION CONDITIONS

Pole Height and Locations, and Extent of Final Designation

- 5.1 Pole heights and locations shall be generally in accordance with the line and structure data, plans and profiles (contained in Appendix F and Appendix G of the “Notices of Requirement, Resource Consent Applications and Assessment of Environmental Effects, Te Awamutu 110 kV Reinforcement Project, July 2014”), subject to the following:
- (a) The total height of a pole structure can exceed that shown on the transmission line plans and profiles by up to 3 metres for all poles;
 - (b) Where pole locations are moved in accordance with (c) and (d) below, pole heights can exceed those in the transmission line plans and profiles in accordance with (a) above;
 - (c) Pole sites may be moved up to 5 metres laterally;
 - (d) Pole sites may be moved up to 10 metres in either direction along the transmission line alignment;
 - (e) Notwithstanding (a) to (d) above, the limits specified therein can be exceeded by up to 20 percent providing the Territorial Authority has been provided with a satisfactory report by a suitably qualified landscape architect that addresses the implications of these changes. Any additional mitigation recommended by the landscape architect shall be integrated into the LMP. Note: Any changes over 20 percent may require an alteration to designation.
 - (f) The 5 metre restriction specified in Condition 5.1(c) and the 10 metre restriction in Condition 5.1(d) does not apply to Pole 133 or Pole 134, and those poles may be positioned anywhere within the designated area providing the conductors are also confined within the designation;
 - (g) Poles 179 and 180 may be removed from the Project with the section of line between Poles 178 and 181 being supported by a single pole in the same alignment providing this pole is no higher than 27 metres; and

- (h) Pole 72A is to be located a minimum of 5 metres, but preferably 6 to 7 metres away from KiwiRail's adjacent signals location box.

Advisory Note: *The term 'laterally' used in Condition 5.1(c) shall be measured along a line perpendicular to the alignment of the transmission line.*

- 5.2 Any changes in pole heights and sites in accordance with Condition 5.1(a) – (h) above, shall ensure the transmission line (and its safety and operational requirements) is contained within the designated area shown on the 'Land Requirement Plans' referred to in Condition 2.1(c) and (d).
- 5.3 Where the Requiring Authority intends to reposition a transmission line support structure in accordance with Condition 5.1 it shall consult with the owner(s) of any property upon which the pole is located and shall provide evidence of the outcomes of such consultation to the Territorial Authority.
- 5.3A Where the position of any pole is changed in accordance with Condition 5.1, compliance with Clause 2.3 of NZECP34:2001 (which relates to the proximity of conductive fences to transmission line support structures) must be demonstrated to the Territorial Authority and any required additional mitigation undertaken as per Condition 6.3 below.

KiwiRail Requirements

- 5.4 Notwithstanding, the provisions of Condition 5.1 above and unless otherwise approved by KiwiRail the as-built transmission line shall be located so:
 - (a) no pole is erected where it is closer to KiwiRail's corridor than shown on the approved Land Requirements Plans or in a position where the 'occupation area' over KiwiRail land associated with the respective spans will increase;
 - (b) the aggregated area of the 'occupation areas' is no greater than the area of land applicable to the Grant of Right;
 - (c) all clearance distances to KiwiRail's infrastructure equal or exceed the clearance distances specified in Linetech Limited's line design drawings sighted and approved by KiwiRail [Linetech drawings "110 kV Line Crossing Details at Rail Crossings – October 9th, 2014 – Drawing No. LT055098, Sheets 1 – 18"] or in Condition 5.4(d) and Condition 5.1(h);
 - (d) clearances exceeding the minimum NZECP34:2001 comprising a minimum of 4 metres above KiwiRail's traction overhead wires shall be provided, at KiwiRail's discretion, so KiwiRail staff can maintain traction overhead with the plant unimpeded;
 - (e) the necessary changes required to be made to the railway signalling system shall be undertaken in accordance with KiwiRail's requirements;
 - (f) pole line pre- livening off frequency electrical injection testing shall be undertaken in accordance with KiwiRail's requirements to validate the modelling carried out by Linetech; and,
 - (g) remedial work shall be undertaken where there is a problem arising as a result of the testing in Condition 5.4(f), to the satisfaction of KiwiRail.

Advisory Note: *The Requiring Authority should contact Chorus and invite it to participate in the testing to which Condition 5.4(f) refers.*

- 5.5 Before commissioning the transmission line the Requiring Authority shall provide KiwiRail with certification by appropriately qualified and experienced person(s) that Condition 5.4 has been complied with.

Landscaping, Visual and Ecological Mitigation

- 5.6 The final design for the Project shall provide for the ‘dulling’ of poles 141-149 prior to their installation.
- 5.7 The landscape and visual mitigation measures identified in the certified LMP and the ecological mitigation certified in the EMP shall be implemented:
- (a) As soon as areas become available for planting due to the process of the works (having regard to the relevant planting season); or
 - (b) Within 12 months of Commissioning of the Project.

Noise and Vibration

- 5.8 All construction work shall be designed, managed and conducted to ensure that construction noise complies with the requirements of NZS6803:1999 Acoustics - Construction Noise.
- 5.9 The noise limits required by Condition 5.8 shall not apply to:
- (a) noise generated by helicopters used for construction activities; or
 - (b) emergency work required to re-establish continuity of supply, work urgently required to prevent loss of life or other personal injury, but all practicable steps shall be undertaken to control noise and to avoid adverse noise effects, particularly at times when the stricter noise limits apply (e.g, at night-time).
- 5.9A Helicopters used to assist with any construction activity shall comply with the NZS6807:1994 ‘Noise Management and Land Use Planning for Helicopter Landing Areas’
- 5.10 Vibration from all construction activities shall not exceed the limits of, and shall be measured and assessed in accordance with, German Standard DIN 4150-3 (1999-02) Structural Vibration — Effects of Vibration on Structures.

Erosion and Sediment Control

- 5.11 All erosion and sediment control measures shall comply and be implemented, as a minimum, in accordance with the Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities’ (Technical Report No. 2009/02 – dated January 2009).

- 5.12 All disturbed or cut vegetation, soil or debris shall be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.
- 5.13 The Requiring Authority shall implement suitable measures to prevent earth being deposited on public roads as a result of vehicle movements to and from the sites subject to the Project. In the event that the material is deposited on the road, the Requiring Authority shall take action, to clean the road.
- 5.13A To ensure compliance with Regulation 8(3)(b), (d) and (f) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:
- (a) no soil shall be removed from the sites of Poles 4 – 6, 8, 11, 13, 14a, 142, 147, 181, 182 and 204 which are located on land recorded by Waikato Regional Council as potentially containing contamination except where removal is authorised under section 9(1) of the RMA;
 - (b) the work required to form the foundations for each poles site shall not exceed two months; and,
 - (c) the disturbed ground at each pole site must be reinstated to an erosion-resistant state within one month of the work being completed.

Cultural and Spiritual

- 5.14 If any urupā, traditional sites, taonga (significant artefacts) or kōiwi (human remains) or archaeological sites (whether recorded or unrecorded) are exposed during site works associated with the Project, then the following procedures shall apply:
- (a) works in the immediate vicinity of the site that has been exposed shall cease;
 - (b) the site supervisor shall immediately secure the area in a way that ensures that any remains or artefacts are untouched;
 - (c) the site supervisor shall notify representatives of local iwi, Heritage New Zealand, Waikato Regional Council, the relevant Territorial Authority, the Project archaeologist (the approved archaeologist under the NZ Heritage Authority 2015/248) and, in the case of human remains, the New Zealand Police; and
 - (d) the notification in (c) above shall allow such persons being given a reasonable time to record and resolve archaeological features discovered before work may recommence.

Complaints Management

- 5.15 Upon receiving a complaint during construction, the Requiring Authority shall instigate a process to address concerns or complaints received about adverse effects. This shall:
- (a) Identify the nature of the complaint, and the location, date and time of the alleged incident/event(s);
 - (b) Acknowledge receipt of the complaint within 24 hours of receipt; and

- (c) Respond to the complaint in accordance with the CMP which may include monitoring of the activity by a suitably qualified and experienced person to confirm compliance with the designation conditions.

5.16 A record of all complaints received shall be kept by the Requiring Authority. This record shall include:

- (a) The name and address of the person(s) who raised the complaint (unless they elect not to provide this) and details of the complaint;
- (b) Where practicable, weather conditions at the time of the concern or complaint, including wind direction and cloud cover if the complaint relates to noise or air quality;
- (c) Known construction activities at the time and in the vicinity of the concern or complaint;
- (d) Any other activities in the area unrelated to the Project construction that may have contributed to the complaint such as non-Project construction, fires, or unusually dusty conditions generally; and
- (e) Remedial actions undertaken (if any) and the outcome of these, including monitoring of the activity.

5.17 This record shall be available for inspection upon request, and shall be provided to the Territorial Authorities upon request.

6. OPERATIONAL

EMF's, Radio Frequency Inference, Earth Potential Rise and Induced Currents

6.1 The works shall be designed and constructed so EMF exposure is within the limits of the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric, magnetic, and electromagnetic fields (1 Hz to 100 KHz) (Health Physics, Vol. 99, No. 6, Pg. 818-836, Dec 2010) (ICNIRP Guidelines) to public reference levels of 5 kV/m for electric fields and 200 μ T for magnetic flux density at one metre above ground level under maximum normal operating conditions (i.e. when there are no faults in the transmission system).

6.2 All works shall be designed to comply with NZS 6869:2004 Limits & Measurement Methods of Electromagnetic Noise from High-Voltage a.c. Power Systems, 0.15 to 1000 MHz.

6.3 In designing and constructing the transmission line, the Requiring Authority shall give consideration to third-party conductive structures and services to ensure compliance with:

- (a) Regulations 14, 33, 34, 42, 43, and 44 of the Electricity (Safety) Regulations 2010 as in force at the date of confirmation of the designation; and,
- (b) Clause 2.3.3 and 2.3.4 of NZECP34:2001.

6.4 The mitigation measures recommended in section 11 of Mitton Electronet's report entitled 'Hangatiki – Te Awamutu 110 kV Transmission Line EPR, Induction, RFI, AN,

EMF Investigation' (document: MEL-R2047, Rev 03; dated June 2014) shall be implemented by the Requiring Authority.

Maintenance Work Noise

- 6.5 All maintenance work shall be designed, managed and undertaken to ensure that maintenance work does not exceed the requirements of NZS6803:1999 Acoustics - Construction Noise.
- 6.6 The noise limits required in Condition 6.5 shall not apply to emergency work required to re-establish continuity of supply, work urgently required to prevent loss of life or other personal injury, but all practicable steps shall be undertaken to control noise and to avoid adverse noise effects, particularly at times when the stricter noise limits apply (eg: at night-time).

Transpower Infrastructure

- 6.7 In respect of that part of the corridor for Transpower's existing Huntly – Taumaranui (HLY-TMN) A transmission line coinciding with the designated corridor between Poles 127 and 128 requiring authority approval under section 176(1)(b) of the RMA is not required for any activity:
 - (a) which is categorised as a permitted activity under the provisions of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009; and,
 - (b) where there is compliance with the minimum safe separation distances specified in the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001); or,
 - (c) where the requiring authority has provided Otorohanga District Council with written confirmation that it considers the restriction in section 176(1)(b) of the RMA does not apply.

Vegetation Maintenance Trimming

- 6.8 Where any vegetation trimming work is required to maintain electrical safe distances between conductors on the transmission line and vegetation in Brett Reserve, Otorohanga, the Requiring Authority shall obtain written confirmation from the Parks & Recreation Department of Otorohanga District Council regarding the proposed works, before the work is commenced.

7. POST – CONSTRUCTION

As-Built Plans, Extent of Designation and Condition Compliance

- 7.1 Within six months of the transmission line being commissioned, the Requiring Authority shall submit to the Territorial Authority Chief Executive or nominee of the respective Territorial Authority:

- (a) Certification, from appropriately qualified and experienced professionals, that the transmission line complies and has been constructed to comply with Conditions 6.1-6.4;
- (b) Plans confirming as-built pole heights and locations;
- (c) Copies of all survey plans prepared for the purpose of defining the respective property rights (e.g.: easement plans and occupation plans).
- (d) GIS data files defining the final extent of the designated area within the boundaries of the Territorial Authority;
- (e) A schedule listing the land parcels (by parcel ID and, where available, appellation) that are subject to the designation; and
- (f) If applicable, provide formal advice pursuant to section 182 of the RMA in relation to the parts of the designation it no longer requires.

Scope of Designation

- 7.2 Within six months of the transmission line being commissioned, the Requiring Authority shall give formal notice in accordance with section 182 of the RMA that it no longer wants the parts of the Waipa District and Otorohanga District designations that apply to the 'occupation areas' in, on or over the KiwiRail designations or the rail corridor.

Landscaping Implementation

- 7.3 The Requiring Authority shall undertake an inspection at one year and again at two yearly intervals for a total of 5 years after the implementation of the LMP in accordance with Condition 5.7 to confirm that the planting has been completed and that the plants have established successfully. A report from a person with appropriate experience or an experienced landscape architect on the outcomes of each inspection shall be forwarded to the Territorial Authorities within one month of completion. Each report shall identify any planting that has not become established and recommend if and when remedial works should be undertaken. Any recommendations made in the report for remedial works shall be implemented by the Requiring Authority.

Construction Access off Public Roads

- 7.4 The Requiring Authority shall repair any damage to entranceways and public roads in the vicinity of those entranceways/ public roads resulting from impacts of its construction traffic, including where such locations are within the boundaries of the designation, within 6 months of commissioning of the transmission line.

Site Remediation

- 7.5 The Requiring Authority shall reinstate:
- (a) any area used as temporary construction laydown areas;
 - (b) pole platforms; and
 - (c) batter slopes exposed for temporary access track works.

Reinstatement works shall be undertaken as soon as reasonably practicable following the completion of construction works and within 6 months of the commissioning of the line, and shall include re-contouring to reinstate the existing landform and re-establishment of pasture grass or other vegetation which are generally consistent with the immediately surrounding areas.

Advisory Notes:

A. Other Designations

The Requiring Authority is reminded of the requirements under Section 177 of the RMA in respect of the designations within the various District Plans held by other Requiring Authorities that WNL's designation will cross.

B. Electricity Act 1992

The activities authorised by these Notices of Requirements shall be undertaken in a manner that complies with the Electricity Act 1992

C. Waikato Regional Council Navigation Safety Bylaw 2013

The activities authorised by these Notices of Requirements shall be undertaken in a manner that complies with the Waikato Regional Council Navigation Safety Bylaw 2013.

D. Heritage New Zealand Pouhere Taonga Act 2014

The Requiring Authority will need to comply with the authority from Heritage New Zealand to destroy, damage or modify any archaeological sites in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.

E. Wildlife Act 1953

The Ecological Management Plan and subsequent requirements are additional to any obligation the Requiring Authority has in respect of absolutely protected wildlife under the Wildlife Act 1953.

F. New Zealand Electrical Code of Practice for Electrical Safety Distances 2001

The activities authorised by these Notices of Requirements shall be designed, constructed and undertaken in a manner so that it complies with the New Zealand Electrical Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001).

G. National Code for Utilities Access to the Transport Corridors and Utilities Access Act 2010

The activities authorised by these Notices of Requirements shall be undertaken in a manner that complies with the National Code for Utilities Access to the Transport Corridors and Utilities Access Act 2010.