

Before the Independent Hearings Panel
at Christchurch

under: the Resource Management Act 1991 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

in the matter of: submissions and further submissions in relation to the proposed Christchurch Replacement District Plan

and: The Residential (part) **Stage 1** Proposal

and: **Orion New Zealand Limited**
Submitter 922 / F-1339

Amended Memorandum of counsel for Orion New Zealand Limited relating to drafting matters arising from Residential (part) Stage 1 decision

Date: ~~14~~16 December 2015

REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)

Chapman Tripp
T: +64 3 353 4130
F: +64 3 365 4587

245 Blenheim Road
PO Box 2510, Christchurch 8140
New Zealand

www.chapmantripp.com
Auckland, Wellington,
Christchurch



**MEMORANDUM OF COUNSEL FOR ORION NEW ZEALAND LIMITED
RELATING TO DRAFTING MATTERS ARISING FROM RESIDENTIAL
(PART) STAGE 1 DECISION**

May it please the Panel:

- 1 This memorandum is filed on behalf of Orion New Zealand Limited (*Orion*), submitter 922 in respect of Decision 10, dated 11 December 2015, which outlines the Panel's decision on the stage 1 Residential (part) proposal.
- 2 On page 209 of the decision the Panel has provided for corridor protection provisions for Transpower New Zealand Limited and Orion (Rule 14.4.2.5 NC1 and NC2).
- 3 Orion notes that in Rule 14.4.2.5 NC2, 14.3.2.5 NC3, and 14.4.2.5 NC2 there is no clause b. relating to a 5m setback for fences. However, Orion sought that such a clause was included in the proposal,¹ and provision for a setback for fences in relation to electricity distribution lines had been made in the drafting suggested in the evidence of **Ms Buttimore** and **Mr Blair**.
- 4 Orion is not clear whether the omission is deliberate or an oversight but notes that there is no discussion in the decision which indicates that the omission is a deliberate decision not to include the drafting sought by both Orion and Christchurch City Council.
- 5 If the omission is an oversight then Orion seeks that the Panel issue an erratum correcting the error and including a clause b. in 14.4.2.5 NC2, 14.3.2.5 NC3, and 14.4.2.5 NC2 which provides for a setback for fences within 5m of an electricity distribution lines support structure foundation.
- 6 Orion also notes that Objective 14.1.3 "Strategic Infrastructure" at a) makes reference to "the National Grid **and other strategic transmission lines**" (emphasis added). However, Policy 14.1.3.1 "Avoidance of adverse effects on strategic infrastructure" at a) v) refers to "the National Grid **and strategic distribution lines identified on the planning maps**" (emphasis added). Orion wishes to draw this inconsistency to the Panel's attention. Orion considers that the first reference to "other strategic transmission lines" may have been intended to reference distribution lines.

¹ Orion's original submission (#922) requested corridor protection in the relevant residential zones for electricity distribution lines. Orion's further submission (#1339) supported Transpower New Zealand Limited's (#832) submission refining the wording of the corridor protection rule (and inserting reference to fences) and reiterated Orion's request that this rule also include reference to electricity distribution lines.

- 7 Orion also notes that the final note contained in 14.4.2.5 NC2, 14.3.2.5 NC3, and 14.4.2.5 NC2 referring to the New Zealand Electrical Code of Practice for Electrical Safe Distances references the National Grid transmission lines. This appears to be an error and Orion seeks that the references in the note be amended to "electricity distribution lines".

Dated: ~~14~~16 December 2015

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

JM Appleyard

Counsel for Orion New Zealand Limited