

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of submissions and
further submissions
made by
**TRANSPower NEW
ZEALAND LIMITED** on
the Proposed Horizons
One Plan – Biodiversity
Chapter 7

**STATEMENT OF EVIDENCE OF DAVID LE MARQUAND ON BEHALF OF
TRANSPower NEW ZEALAND LIMITED “TRANSPower”**

1.0 INTRODUCTION

- 1.1 My name is David le Marquand and I am a Director of Burton Planning Consultants Limited. My qualifications are a Bachelor and Master of Arts degree in Geography from Auckland University. I have practised resource management for over twenty-eight years: fifteen of those years in Central Government including six years as a Scientist in the Planning Section of the Water and Soil Directorate (MWD) Wellington, and two years as a Policy Analyst and five years as a Senior Policy Analyst with the Ministry for the Environment in Auckland. I have spent the last thirteen years as a Resource Management Consultant with Burton Consultants.
- 1.2 My evidence generally supports the submissions and further submissions lodged by Transpower on the Proposed One Plan.

1.3 I have been the Account Manager for Transpower for more than twelve years. In that role I have been responsible for providing advice to Transpower, on a national basis, on relevant district and regional plan provisions and various resource management issues affecting Transpower operations. I have also been involved in a range of transmission projects relating to new and existing infrastructure involving various regional and district council consents, designations and outline plans.

2.0 BASIS OF EVIDENCE

2.1 I have read and am familiar with the Proposed One Plan provisions, the staff report and the relevant background reports in relation to Transpower's submissions and further submissions. My evidence primarily focuses on the Planner's Report recommendations on Chapter 7 as they relate to the concerns of Transpower.

2.2 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied that the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

2.4 This evidence builds on, and should be considered in terms of, the issues raised and discussed with the Hearing Commissioners at the Land Hearing on 17th July 2008. This evidence has been prepared without the benefit of any redline version of the provisions.

3.0 NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION

3.1 Paragraphs 3.3 to 3.9 of my "Land Hearing" evidence provides some relevant background to Transpower and to the National Policy Statement on Electricity Transmission (NPSET). The preamble to the NPSET includes the following statement:

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.

3.2 The most relevant policies from the NPSET that apply to this hearing are as follows:

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.

4.0 SUBMISSIONS ON LAND CHAPTER 7

Submission 265/23, 265/24 and 265/25 (p 41, 49 and 133)

4.1 Transpower sought the following relief:

Delete Policy 7-2 and 7-3 and associated Schedule E. If such areas are to be defined then ensure they are mapped and introduced by way of Variation.

The staff report has recommended rejecting Transpower's submissions.

4.2 The matters of concern relating to the way the Plan sets up the rule framework to address rare and threatened habitats have been addressed in detailed discussion at the Land Hearing (July 17th). I reiterate the main points here:

- The relevant rules (chapter 12) are a reverse cascade;
- To determine ones activity status requires one to apply Schedule E. This requires specialist expertise and the exercise of discretion.
- There are no maps that identify these areas, only assessment criteria;

- There are significantly high transaction costs to landowners and operators in ascertaining whether an activity is permitted or otherwise;
- The approach is effectively transferring the costs of the data collection process onto landowners and operators. Landowners and operators will have to map the environment before they can consider the effects of one's activity. For Transpower the length of transmission lines throughout the region is significant as is the extent of potential mapping required even before the status of one's activity can be determined;
- The provisions are uncertain. This is because application of the criteria in Schedule E involves significant discretion. Any interpretation by any one expert is likely to be contestable to some degree;
- The fact that the permitted activity cannot readily be determined is ultra vires;
- The approach may not lead to better environmental outcomes.

4.3 The policies state:

Policy 7-2: Activities in Rare and Threatened Habitats

(a) Rare and threatened habitats are identified in accordance with Schedule E.*

(b) Rare and threatened habitats shall be protected by generally not allowing any of the following activities unless the provisions of subsection (c) or (d) apply:*

(i) vegetation clearance or land disturbance* within these areas*

(ii) discharges of contaminants to land or water, or drainage or diversion of water, within or near these areas.

(c) The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat enhancement.

(d) The activities described in subsection (b) may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat, as assessed in accordance with Schedule E.*

Policy 7-3: Activities in at-risk habitats

(a) At-risk habitats are identified in accordance with Schedule E.*

(b) At-risk habitats shall be maintained by regulating the following activities, and by making consent decisions in accordance with subsections (c) and (d):*

(i) vegetation clearance and land disturbance* within these areas*

(ii) discharges of contaminants to land or water, and drainage and diversion of water, within or near these areas.

(c) The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat enhancement

(d) Where the activities described in subsection (b) are carried out for other purposes, consent decisions will be made on a case by case basis, having regard to an assessment of the ecological significance of the site based upon the site's representativeness, rarity and distinctiveness, and ecological context as assessed in accordance with Schedule E. Consents will generally be granted in circumstances where:

(i) there will be no significant adverse effects on the factors which contribute to the significance of the area as assessed in accordance with Schedule E, or

(ii) any significant adverse effects can be adequately avoided, remedied or mitigated, or
(iii) financial contributions can be used to adequately compensate for or offset significant adverse effects.

4.4 The objectives, policies of Chapter 7 and rules (chapter 12) set an effective zero threshold in rare and threatened and at-risk habitats. This is, in my opinion, of particular concern for Transpower in regard to the establishment of new transmission line connections new electricity generation. It is likely that the location of any new generation (e.g. wind farm) will require transmission connection to the National Grid. This connection will have to traverse some sensitive areas irrespective of route selection options. Furthermore the criteria mean that sensitive areas are identified at relatively small scale. For example, the criteria include thresholds down to 0.1ha for certain plant associations and includes discontinuous vegetation present within 50m of an area of continuous indigenous vegetation covering at least 0.5ha. It is not difficult to envisage that a transmission facility would have an effect at a specific location that could be deemed significant, notwithstanding that it may be the best overall environmental route or works on an existing activity.

4.5 The role of the objectives and policies in Chapter 7 is significant in that any land disturbance or vegetation clearance in a rare and threatened habit is a non-complying activity (chapter 12). Notwithstanding the favourable staff recommendations proposed in relation to regionally and nationally important infrastructure in Chapter 12, the policy framework remains weighted heavily in favour of the precedence of Chapter 7 policies. This is by virtue of policy 12-5 which states:

Policy 12-5: Consent decision-making regarding rare and threatened habitats, and at-risk habitats

The Regional Council will make decisions on resource consent applications involving rare and threatened habitats, and at-risk habitats* in accordance with the objectives and policies in Chapter 7.*

4.6 Consequently for regionally and nationally significant infrastructure the objective and policy framework in Chapter 7 assumes a specific significance. It is therefore important that there be some policy recognition of the need for essential infrastructure works to proceed even where potential adverse effects are unavoidable. The staff report recommends the following changes to Policy 7-2:

Policy 7-2: Activities in Rare and Threatened Habitats

- (a) *Rare and threatened habitats* are identified in accordance with Schedule E.*
- (b) *Rare and threatened habitats* shall be protected by generally not allowing any of the following activities unless the provisions of subsection (c) or (d) or (e) apply:*
 - (i) *vegetation clearance* or land disturbance* within these areas*
 - (ii) *discharges of contaminants to land or water, or drainage or diversion or takes of water, within or near these areas.*
- (c) *The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement.*
- (d) *The activities described in subsection (b) may be allowed where the activity is for the purpose of providing or maintaining infrastructure of regional or national importance as identified in Policy 3-1 and*
 - (i) *There will be no significant adverse effect on the factors which contribute to the significance of the area as assessed in accordance with table 7.1, and*
 - (ii) *Any more than minor adverse effects are avoided as far as practicable, and*
 - (iii) *Any more than minor (but less than significant) adverse effects are adequately remedied or mitigated, including through the use of financial contributions to adequately compensate or offset the adverse effects, and*
 - (iv) *The remedy, mitigation or financial contribution identified in (ii) above results in a net conservation gain to the habitat type in the Region*
- (e) *The activities described in subsection (b) may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat*, as assessed in accordance with Table 7.1 Schedule E.*

Policy 7-3: Activities in at-risk habitats

- (a) *At-risk habitats* are identified in accordance with Schedule E.*
- (b) *At-risk habitats* shall be maintained by regulating the following activities, and by making consent decisions in accordance with subsections (c) and (d):*
 - (i) *vegetation clearance* and land disturbance* within these areas*
 - (ii) *discharges of contaminants to land or water, and drainage and diversion and takes of water, within or near these areas.*
- (c) *The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement*
- (d) *Where the activities described in subsection (b) are carried out for other purposes, consent decisions will be made on a case by case basis, having regard to an assessment of the ecological significance of the site based upon the site's representativeness, rarity and distinctiveness, and ecological context as assessed in accordance with Table 7.1 Schedule E. Consents will generally be granted in circumstances where:*
 - (i) *there will be no significant adverse effects on the factors which contribute to the significance of the area as assessed in accordance with Schedule E, or*
 - (ii) *any significant adverse effects can be adequately avoided, remedied or mitigated, or*
 - (iii) *financial contributions can be used to adequately compensate for or offset significant adverse effects.*

4.7 While the recommended changes go some way to address matters relating to infrastructure (particularly in 7-2), a number of outstanding concerns remain. These include:

- Inclusion of the method of identification for such areas is not necessary in the policy and Schedule E remains an outstanding issue.
- Need to adequately provide for infrastructure.
- Consistency of wording.
- Consequential changes to objectives.

Each is addressed in turn.

Method in Policy and Schedule E

4.8 I am not opposed to there being objectives and policies relating to at-risk and threatened habitats. Indeed it is appropriate to have some policy guidance on such matters. However, in my opinion it is not necessary that the method for identifying those areas (Schedule E which in turn identifies one's activity status), is elevated to a policy test. This is because undertaking and applying the Schedule E (mapping) criteria may not be the only way to assess ecological impact. It may be possible for the activity to confirm its effects will comply with the policy without necessarily confirming classification of habitat types. Furthermore, where for example, a consent is triggered for another reason, other than Schedule E, it may still be appropriate to consider the effects relating to at-risk and threatened habitats, without requiring through policy a specific characterisation methodology as precursor for the assessment of the effects of that activity.

4.9 Schedule E remains a concern. Council staff have recommended some changes to Schedule E (as proposed in Appendix 4 of Fleur Masey's evidence). The changes proposed confirm the requirement for a suitably qualified expert to assist in its implementation. It also implies that Horizons has a substantial existing database as it states: "*Horizons can in all cases, provide any spatial data and existing site information where available as relevant to the site and proposed activity*". I note that the complexity of Schedule E has been partially reduced by a substantial reduction in Table E3.

4.10 The staff report (page 142) states that it is not possible to undertake a mapping led approach at this time due to a lack of groundtruthing information

and the cost of doing such a survey. In my opinion this confirms that the consequence, if not intent, is to pass on those costs to landowners and operators. The question is whether it is appropriate to do so. I understand that mapping is not an easy exercise, however the reason why Transpower sought mapping was to make the identification and application of the rules easier to determine. In the Land Hearing it was suggested that a combination of existing and known and easily identifiable thresholds could form the basis upon which consents could be determined. Once a consent is applied the ecological effects could then be assessed. I believe any approach that simplifies the identification of whether one needs a consent or not should be pursued. Certainly in respect of existing regionally and nationally important infrastructure I do not see that one necessarily needs to be over sophisticated in terms of attempting to identify ecological areas when trying to manage the ongoing effects of the likes of the National Grid. By way of contrast I have attached, as Appendix A, some selected policies from the Department of Conservation relating to its General Conservation Policy, the General National Parks Policy and the Tongariro National Park Management Plan. These are examples of how the Department of Conservation are dealing with utilities, and in the case of Tongariro National Park, Transpower specifically. The Department of Conservation can generally be considered to be the custodian of many areas of threatened and at-risk habitats. However the policies reflect a generally pragmatic recognition that, while it does not necessarily like them, the utilities are there, provide wider community benefits and have to be maintained and upgraded. New utilities, while clearly discouraged, are not ruled out, for example as in 11.3(a) of the General Policy, where there is no reasonable alternative to the location.

Need to adequately provide for infrastructure.

- 4.11 The proposed staff amendment to Policy 7-2 provides in part for infrastructure. However, it includes a threshold test of no significant adverse effects. It may not be possible to avoid all adverse effects in such sensitive areas, particularly as some areas that are to be rated as rare and threatened habitat could be as little as 0.1ha. Any effect in such areas is likely to be deemed significant to an ecologist. Therefore, there is a need to provide a policy option, to allow such effects to be generated where there is no means of avoidance. I have reworded the policies in Appendix B to my evidence. I have also included in Policy 7-3 a specific reference to infrastructure in

recognition that again there may be some necessary infrastructure projects that will generate significant adverse effects in those areas.

- 4.12 Council needs to recognise in a policy sense that there are existing lines presently located in sensitive areas and that these need to be maintained and upgraded as required. While maintenance activities relating to vegetation and land disturbance are dealt with by the proposed staff amendments to the definitions there will still be some activities (e.g. those associated with discharges), which need to be provided for along with upgrading activities.
- 4.13 It should be noted that Policy 8 of the NPSET requires Transpower to “seek to avoid” sensitive areas when planning and developing new lines in any event. This does not require complete avoidance, it requires a process that can demonstrate that the chosen route is a practicable one. This reinforces the policy outcomes sought through Transpower’s submission and supported by this evidence and also complements the policy applying to the Conservation estate. Consequently it is my opinion that Council also should be recognizing and providing, in a policy sense, for new lines.
- 4.14 In circumstances where there are more than minor adverse effects in the rare and threatened habitat areas I am not opposed to a clear policy indication that there be some form of offsetting. However, I do not consider it necessary or desirable that the policy seek to ensure that any remediation, mitigation or financial contribution must result in a net conservation benefit of the habitat type. This may be quite impossible to achieve in some circumstances. For example it is not clear what would need to be undertaken in regard to preventing soil runoff around an existing tower base and/or how one would design those works to ensure a net conservation benefit. I consider that this is better left to a case-by-case assessment of the nature and scale of effects than a threshold policy test. The policy as reworded in Appendix B, includes the concept of offsetting. I do not consider the policy needs to extend further than that (i.e. to defining the level of net conservation benefit for the habitat type, as recommended in the staff report).

Consistency of wording

- 4.15 I have included wording in the reworded policies in Appendix B that I consider would be a more “consistent” way of referring to the provision of

infrastructure. I have taken the words used in the NPSET i.e. “operation, maintenance, minor upgrading, upgrading and development”.

Consequential Changes to Objectives

- 4.16 While Transpower did not make a specific submission on Objective 7-1, with the changes made to the policies outlined in Appendix B there is a need to make some consequential changes to that objective. The objective could be reworded as follows:

Objective 7-1: Indigenous biological diversity

The existing level of indigenous biological diversity is maintained into the future by ensuring that:

- (a) rare and threatened habitats*, ~~as defined in Schedule E~~, are protected from inappropriate activities that may cause any loss or modification to the representativeness, distinctiveness or ecological context of these areas*
(b) activities in at-risk habitats, ~~as defined in Schedule E~~, are maintained by ensuring ~~that activities do not cause or~~ adequately remedy or mitigate any significant adverse effects on their representativeness, distinctiveness or ecological context*
(c) the best representative examples of rare and threatened habitats and at-risk habitats* are proactively managed in order to improve their function.*

Submission 265/19 (page 89)

- 4.17 Transpower sought the following:
- Clarification in the Plan (particularly in relation to Rules 12-7 and 12-8) that trimming/clearance of vegetation in and around existing transmission lines is a protective measure in at-risk or threatened habitats and therefore is acceptable (i.e. permitted)*
- 4.18 The staff report has recommended acceptance of the submission. The staff report identifies that this has been given effect to by (amendments to) the definitions of vegetation clearance and land disturbance. Those amendments now mean that activities required to maintain important infrastructure are specifically excluded.
- 4.19 While I support the intent of the staff report to amend the definition of vegetation clearance and land disturbance to provide for infrastructure maintenance, as discussed at the Land Hearing on 17th July, I retain a concern that some minor upgrading activities may not be adequately provided for. As invited by the Committee, I will forward wording once the redline version of the relevant provisions has been sighted. This may include amending the non-complying activity status for new regionally and nationally important activities in areas of threatened habitat.

5.0 CONCLUSION

5.1 The approach for dealing with activities in at-risk or rare and threatened habitats raises a number of concerns. An alternative approach to controlling (infrastructure) activities in such sensitive areas needs to be found. Staff have recognised this concern and attempted to address it by making changes to policy 7-2. In my opinion the changes do not satisfactorily address the matters of concern to Transpower and I have included a reword of these policies in Appendix B, as well as some consequential rewording of the relevant objective (paragraph 4.16). I have chosen to keep the changes as minimal as possible in order to retain the overall intent of the policies. In the event that the overall approach is changed (e.g. to a threshold approach, where effects on habitats is a consideration of the consent process rather than a generator of consents), then the objective and policies are likely to need further consideration.

David le Marquand

21.07.08

CONSERVATION GENERAL POLICY

POLICIES 11.1 All activities

11.1 (a) Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.

11.1 (b) All activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.

11.1 (c) The Department and all concession and other authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.

11.1 (d) Concession and other authorisation holders will be responsible for the safe conduct of their operations, including the safety of staff, clients, contractors, and the public, and compliance with relevant safety standards and legal obligations.

11.1 (e) The policies below for the activities specified are to be considered in conjunction with policies 11.1 (a) to 11.1 (d).

POLICIES 11.3 Utilities

11.3 (a) Utilities may be provided for on public conservation lands and waters where they cannot be reasonably located outside public conservation lands and waters, or if specifically provided for as a purpose for which the place is held.

11.3 (b) When new utilities are installed or existing utilities are maintained or extended, they should be of a scale, design and colour that relates to, and is integrated with, the landscape and seascape.

11.3 (c) Public access to utilities may be denied where necessary for the protection of public safety or the security or competent operation of the activity concerned.

11.3 (d) Utilities should, wherever possible, be located in, or added to, an existing structure or facility and use existing access options.

11.3 (e) Utilities that are redundant should be removed from public conservation lands and waters and the site restored as far as practicable to a natural state to minimise effects on the landscape.

GENERAL POLICY FOR NATIONAL PARK POLICY FOR UTILITIES

POLICIES 10.3 Utilities and roading

The presence of utilities and development of new roads is generally inconsistent with the preservation of national parks in a natural state. It is considered that there is sufficient roading in existing national parks and that further roads are not desirable.

The need for ongoing maintenance and potential upgrading of existing roading infrastructure is recognised. There may be circumstances when location of utilities within a national park will be unavoidable; but the adverse effects of any such utilities

and access to them should be minor. No roads, tracks, or routes can be constructed and no building or machinery can be erected in a wilderness area within a national park.

POLICIES

10.3(a) Utilities may be provided for in a national park where:

- i) they cannot be reasonably be established in a location outside the national park or elsewhere in the national park where the potential adverse effects would be significantly less;
- ii) they cannot reasonably use an existing structure or facility;
- iii) their provision, uses and the means of access to them is not inconsistent with the recreational uses and opportunities of the site; and
- iv) they have minimal impact on ecological values, scenery and natural features and on the qualities of solitude, remoteness, wilderness, peace and natural quiet.

10.3(b) Conservation management strategies and national park management plans should require that utilities be of a scale, design and colour that harmonises with the landscape and any seascape, and not have an adverse effect on the natural state of the national park.

10.3(c) The construction or extension of utilities should take into account cultural values and avoid detrimental effects on wāhi tapu.

10.3(d) A lease granting an interest in land with exclusive possession for a utility should be considered only when exclusive possession is necessary for the protection of public safety or the physical security of the activity or for its competent operation.

10.3(e) Co-siting of telecommunications and associated facilities should be required, to reduce the adverse effects of the facilities and the access to them, unless applicants can demonstrate that this would be impracticable.

10.3(f) Utilities that are redundant should be removed from the national park for the purpose of minimising adverse effects on the landscape, and the site restored as far as possible to a natural state.

10.3(g) When new facilities are installed or existing facilities upgraded, equipment and technology that reduces visual and other environmental effects should be required.

10.3(h) No new roads will be made over or through a national park except with the consent of the Minister given in accordance with the national park management plan.

10.3(i) New or upgraded roads provided for in a national park management plan should have minimal effect on natural features and those undertaking the construction should take measures to mitigate any adverse effects, including:

- i) avoidance of fragmentation of habitats and ecosystems;
- ii) rehabilitation of surfaces of earthworks;
- iii) weed control; and
- iv) collection and treatment of storm water run-off.

TONGARIRO NATIONAL PARK MANAGEMENT PLAN

Objectives

a To protect Tongariro National Park and its environs in their natural state.

b To protect the park by providing for natural quiet as a core element of the visitor experience.

c To minimise the waste generated within the park, in line with the strategic

approach of local authorities.

13 Utilities will, where appropriate, be placed underground. Existing aboveground utilities, including overhead power lines, will, where appropriate, be placed underground or on the ground when replacement is required.

14 It is recognised that provision needs to be made for necessary maintenance of transmission lines and associated support structures to ensure the safety and integrity of the national grid.

4.4.3.4 Electrical Transmission and Reticulation, Generators and Hydroelectric Development

Note: 4.4.1 Concessions General applies whenever a concession is required. Tongariro National Park is traversed by a number of electricity transmission lines which form part of the national grid. These lines form a vital link in the transmission of energy to the northern half of the North Island. It is important that the department works actively with Transpower to provide for the inspection, maintenance, and operation of these transmission lines, consistent with the Electricity Act 1992, while ensuring compliance with this plan (also refer to section 4.1.16 Works Approvals).

Objectives

- a To minimise the impacts of electrical transmission and reticulation, generators, and hydroelectric development within Tongariro National Park.
- b To protect national park values.

Policies

2 The department recognises the absolute requirement for access by Transpower to existing electrical infrastructure but will set conditions and standards for access, and impacts in relation to that access.

3 Liaison with Transpower New Zealand Limited will be sought, with the aim of ensuring that all necessary works on the national grid are carried out in a manner that minimises the environmental impacts of those works.

4 Separation of trees and vegetation from the national grid and support towers will be achieved by managing tree species and location, and by trimming and removal of vegetation where the operational integrity of the transmission line is compromised.

5 All trimming and removal of vegetation will be undertaken in accordance with agreements in force between the department and Transpower at the time of this plan's approval.

6 When relevant authorities are planning to upgrade, replace or add to power transmission services or telephone lines, they will consider minimising environmental impact and relocating existing services outside of the park.

9 The department will actively pursue removal of existing overhead power transmission lines from the park. Full site restoration should be a condition of any approval for relocation or surface installation of lines.

Amended Policies

Note proposed changes are to staff recommended policies and are highlighted in yellow.

Policy 7-2: Activities in Rare and Threatened Habitats

~~(a) Rare and threatened habitats* are identified in accordance with Schedule E.~~

(a) Rare and threatened habitats* shall be protected by generally not allowing any of the following activities unless the provisions of subsection **(eb)** or **(ec)** or **(ed)** apply:

(i) vegetation clearance* or land disturbance* within these areas

(ii) discharges of contaminants to land or water, or drainage or diversion or takes of water, within or near these areas.

(eb) The activities described in subsection **(ab)** will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement.

(ce) The activities described in subsection **(ab)** may be allowed where the activity is for the operation, maintenance, minor upgrading, upgrading or development of purpose of providing or maintaining infrastructure of regional or national importance as identified in Policy 3-1 and any more than minor adverse effects are avoided as far as practicable or are adequately remedied or mitigated, including through the use of financial contributions and/or offsetting of adverse effects.

~~(i) There will be no significant adverse effect on the factors which contribute to the significance of the area as assessed in accordance with table 7.1, and~~

~~(ii) Any more than minor adverse effects are avoided as far as practicable, and~~

~~(iii) Any more than minor (but less than significant) adverse effects are adequately remedied or mitigated, including through the use of financial contributions to adequately compensate or offset the adverse effects, and~~

~~(iv) The remedy, mitigation or financial contribution identified in (ii) above results in a net conservation gain to the habitat type in the Region~~

(de) The activities described in subsection **(ab)** may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat*, as assessed in accordance with Table 7.1 ~~Schedule E.~~

Policy 7-3: Activities in at-risk habitats

~~(a) At-risk habitats* are identified in accordance with Schedule E.~~

(ab) At-risk habitats* shall be maintained by regulating the following activities, and by making consent decisions in accordance with subsections **(be)** and **(ce)**:

(i) vegetation clearance* and land disturbance* within these areas

(ii) discharges of contaminants to land or water, and drainage and diversion and takes of water, within or near these areas.

(be) The activities described in subsection **(ab)** will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement.

(c) The activities described in subsection **(a)** will be allowed where the activity is for the operation, maintenance, minor upgrading, upgrading or development of infrastructure of regional or national importance as identified

in Policy 3-1 and any significant adverse effects are avoided as far as practicable and/or are adequately remedied or mitigated.

(d) Where the activities described in subsection (b) are carried out for other purposes, consent decisions will be made on a case by case basis, having regard to an assessment of the ecological significance of the site based upon the site's representativeness, rarity and distinctiveness, and ecological context as assessed in accordance with Table 7.1 Schedule E. Consents will generally be granted in circumstances where:

- (i) there will be no significant adverse effects on the factors which contribute to the significance of the area as assessed in accordance with Schedule E, or
- (ii) any significant adverse effects can be adequately avoided, remedied or mitigated, or
- (iii) financial contributions can be used to adequately compensate for or offset significant adverse effects.