

Proposed Natural Resources Plan:

Submitter:

Transpower NZ Ltd

Submitter Number:

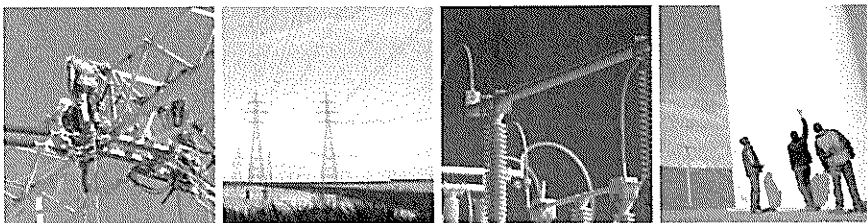
S165



Submission by Transpower NZ Limited on the Greater Wellington Regional Council – Proposed Natural Resources Plan

September 2015

Keeping the energy flowing



TRANSPOWER



Transpower New Zealand Limited
C/- Boffa Miskell Limited
Po Box 11 340
Level 4, Huddart Parker Building
1 Post Office Square
WELLINGTON 6142

Attn: Pauline Whitney

A handwritten signature in black ink, appearing to read 'P. Whitney', written in a cursive style.

Email: pauline.whitney@boffamiskell.co.nz
Ph: 04 901 4290

(Address for Service)

FORM 5
SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED
ON PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991

To:
Greater Wellington Regional Council
Freepost 3156
Wellington Regional Council
PO Box 11646
Wellington 6142

By email: regionalplan@gw.govt.nz

Name of Submitter:
Transpower New Zealand Ltd

Transpower could not gain advantage in trade competition through this submission

The specific provisions of the proposed plan that the submission relates to are:
Refer attached submission which outlines the specific provisions, reasons and decisions/amendments sought.

Transpower NZ Ltd wish to be heard in support of its submission.



Signature of submitter
[or person authorised to sign on behalf of the submitter.]
Date: 25 September 2015

SUBMISSION BY TRANSPOWER NZ LTD ON GREATER WELLINGTON REGIONAL COUNCIL– PROPOSED NATURAL RESOURCES PLAN

INTRODUCTION

Transpower New Zealand Ltd (“**Transpower**”) is the state-owned enterprise that plans, builds, maintains and operates New Zealand’s high voltage transmission network (the National Grid). It connects power stations owned by generating companies to substations feeding the local networks that distribute electricity to homes and businesses, with some intensive electricity users directly connecting to the National Grid. The National Grid comprises towers, poles, lines, cables and substations, stretching and connecting the length and breadth of the country; with two national control centres (in Hamilton and Wellington). The National Grid is supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower’s role and function is determined by the State Owned Enterprises Act 1986, the company’s Statement of Corporate Intent, and the regulatory framework within which it operates. As a State Owned Enterprise, Transpower has a very limited statutory role in relation to generation, and no responsibility for local distribution of electricity.

Transpower’s Statement of Corporate Intent for July 2015 to July 2018, states that:

“Transpower is central to the New Zealand electricity industry, connecting New Zealanders to their power system through safe, smart solutions for today and tomorrow. Our principal commercial activities are:

- *As grid owner, to reliably and efficiently transport electricity from generators to distributors and large users; and*
- *As system operator, to operate a competitive electricity market and deliver a secure power system.*

One of Transpower’s key objectives therefore is to maintain and develop the National Grid. In line with this objective, Transpower needs to develop the network to meet increasing demand, and to connect new generation, which contributes to New Zealand’s economic and social aspirations.

WELLINGTON REGION ASSETS

The National Grid comprises some 11,000 km of transmission lines and over 160 substations, extending from Kaikohe in the North Island down to Tiwai in the South Island. The 220 kV lines connect the largest power stations with the main load centres. Provincial centres and smaller power stations are connected by transmission lines operating at 220 kV, 110 kV, 66 kV and 50 kV. The National Grid is supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower's assets across the Greater Wellington region include substations, communications sites, transmission lines and support structures (including the related telecommunications system).

The following National Grid assets are within or traverse the Greater Wellington Region:

- *National Grid Transmission Lines (25 lines in total)*
 - *Bunnythorpe-Haywards A (BPE-HAY A) 220 kV single circuit line on towers.*
 - *Bunnythorpe-Haywards B (BPE-HAY B), 220kV single circuit line on towers.*
 - *Bunnythorpe-Wilton A (BPE-WIL A), 220kV double circuit line on towers.*
 - *Central Park-Wilton A (CPK- WIL A), 110kV double circuit line on towers.*
 - *Central Park-Wilton B (CPK-WIL B), 220kV double circuit line on towers.*
 - *Gracefield-Haywards A (GFD-HAY A), 110KV double circuit line on towers.*
 - *Haywards-Judgeford A (HAY-JFD A), 220kV double circuit line on towers.*
 - *Haywards-Melling A (HAY-MLG A), 100kV double circuit lines on towers.*
 - *Haywards-Melling B (HAY-MLG B), 110kV double circuit lines on towers.*
 - *Haywards-Takapu Road (HAY-TKR A), 110kV double circuit lines on towers.*
 - *Haywards-Upper Hutt A (HAY-UHT A), 110kV double circuit lines on towers.*
 - *Khandallah-Takapu Road A (KHD-TKR A), 110kV double circuit lines on towers.*
 - *Kaiwharawhara-Wilton A (KWA-WIL A), 110kV double circuit lines on towers.*
 - *Mangamaire-Masterton A (MGM-MST A), 110kV single circuit lines on poles.*
 - *Mangahao-Paekakariki A (MHO-PKK A), 110kV single circuit lines on poles.*
 - *Mangahao-Paekakariki B (MHO-PKK B), 110kV single circuit lines on poles.*
 - *Masterton-Upper Hutt A (MST-UHT A), 110kV double circuit lines on towers.*
 - *Oteranga Bay-Haywards A (OTB-HAY A), 350kV double circuit lines on towers.*
 - *Paekakariki-Takapu Road A (PKK-TRK A), 110kV double circuit lines on towers.*
 - *Paraparaumu Tee A (PRM-TEE A), 220kV single circuit lines on pi poles.*
 - *Paraparaumu Tee B (PRM-TEE B), 220kV single circuit lines on pi poles.*
 - *South Markara Road to Oteranga Bay A (SMK-OTB A), 110kV single circuit lines on poles.*
 - *Te Hikowhenua Deviation A (THW-DEV-A), single circuit lines on towers and poles.*
 - *Takapu Road-Wilton A (TKR-WIL-A), 110kV double circuit lines on towers.*
 - *West Wind Tee (WWD-TEE-A), 110kV double circuit lines on poles.*
- *Three submarine cables across the Cook Strait; South Markara Road-Oteranga Bay A, poles 1A to 1B (SMK-OTB-A1-CBL-1A-1B), which transmits electricity between the North and South Islands (commonly known as 'The Cook Strait Cables').*

- *High Voltage Direct Current (HVDC) links (four in total); Haywards DC (HAY-DC), Miramar Cable Store (MCS), Oteranga Bay (OTB), and Te Hikowhenua Electrode (THW).*
- *Overhead fibre cables (five in total); Bunnythorpe-Wilton A, Central Park-Wilton B, Haywards-Judgeford A, Haywards-Takapu Road, Oteranga Bay-Haywards A.*
- *Substations (12 in total):*
 - *Within the Wellington City; Central Park Substation (CPK), Kaiwharawhara substation (KWA), Wilton substation (WIL), West Wind substation (WWD).*
 - *Within the Hutt City; Gracefield Substation (GFD), Melling substation (MLG), Haywards substation (HAY).*
 - *Within the Upper Hutt City; Upper Hutt Substation (UHT).*
 - *Within the South Wairarapa District, Greytown substation (GYT).*
 - *Within the Porirua City, Pauatahanui Substation (PNI), Takapu Road Substation (TKR).*
 - *Within the Kapiti Coast District; Paraparaumu Substation (PRM).*
 - *Within the Caterton District; Masterton Substation (MST).*
- *Communications sites (seven in total); Axa House, Kaukau, Makara Village Repeater, Transpower House, Rangitumau, Mt Climie, Mt Bruce.*

Refer to Appendix 1 for a map showing the location of these lines and substations.

Collectively, these assets assist Transpower in servicing the Wellington region, as well as the rest of New Zealand. The ongoing operation, maintenance, upgrading and development of these assets is essential to achieving wider social, economic, cultural and environmental benefits for the region. Transpower's electricity infrastructure is a significant physical resource for the purposes of section 7 of the Resource Management Act 1991 (RMA), and must be sustainably managed, and any adverse effects on that infrastructure should be avoided, remedied or mitigated.

Some of Transpower's assets (e.g. parts of the Mangahao-Paekakariki A, Mangahao-Paekakariki B and Paekakariki to Takapu Road lines) are being dismantled to make way for the Transmission Gully Project. This work is ongoing. Transpower will confirm the final asset list to Council in due course and is likely to request that Council updates its records, relevant planning maps and GIS layer to reflect these changes to the National Grid.

STATUTORY FRAMEWORK

The National Policy Statement for Electricity Transmission 2008 ("**NPSET**") was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid, and establishes national policy direction to recognise the benefits of transmission, the effects of the National Grid and the need to appropriately manage activities and development close to it. The objective of the NPSET is as follows:

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:

- a. *Managing the adverse environmental effects of the network; and*

b. *Managing the adverse effects of other activities on the network.*

The NPSET policies provide for the recognition of the benefits of transmission, as well as the environment effects of transmission, and the management of adverse effects on the transmission network.

Policy 1 of the NPSET provides that decision makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy, development and use of new electricity generation, and enhanced supply.

Policies 2 to 9 provide for managing the environmental effects of transmission. Policy 2 reads as follows:

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.

Policies 3 to 5 contain matters to which decision makers must consider and these include constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects where appropriate. Policies 7 and 8 relate to urban and rural environments and identify areas that Transpower should seek to avoid. Policy 9 specifically relates to provisions dealing with electric and magnetic fields to be based on international standards.

Policies 10 and 11 of the NPSET provide the primary guidance to the management of adverse effects on the transmission network. The policies seek to avoid sensitive activities in close proximity to electricity transmission lines and infrastructure, manage other activities to avoid reverse sensitivity effects on the network and to manage activities to ensure the operation, maintenance, upgrading and development of the network is not compromised.

Policy 10 is as follows:

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 is as follows:

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).

Section 67(3)(a) of the RMA requires that Regional Plans must 'give effect' to a National Policy Statement. Therefore, the NPSET must be considered in drafting plan provisions and in making decisions on submissions. It must also be given effect by the Council when deciding whether to grant a resource consent.

The RMA amendment to Regulation 10 (Forms, Fees and Procedures), section 2(i) further acknowledges the importance of Transpower's National Grid assets, requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

Also of relevance is the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("**NESETA**") which came into effect on 14 January 2010. The NESETA addresses the objectives and policies of the NPSET, particularly those relating to the existing transmission network, by providing a national framework of permissions and consent requirements for activities on existing high voltage electricity transmission lines (the National Grid). Activities include the operation, maintenance and upgrade of existing lines (i.e. those built prior to 14 January 2010).

The NESETA:

- *specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment*
- *specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.*

The NESETA only applies to existing transmission lines existing at 14 January 2010. It does not apply to the construction of new transmission lines, nor to existing or new substations. The NESETA does not apply to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users.

Of particular relevance to the Proposed Natural Resources Plan ("**PNRP**") are Regulations 25 and 26 relating to blasting and the application of protective coatings, and Regulations 28 and 29 relating to discharges to water.

Under Regulation 25, regional councils can permit discharges from blasting and applying protective coatings to transmission line support structures, provided that the conditions as set out in the NESETA are complied with.

Under regulation 28, regional councils can permit discharges to water that have minor effects (noting that this only applies to existing transmission lines and not substations). Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a proposed plan. As such a permitted activity status for discharge of contaminants from the above activities, or an exemption from the applicable rules, is supported. This is discussed in further detail below.

Regional Policy Framework

The Regional Policy Statement for Greater Wellington was made operative in 2013. Section 67(3)(c) of the Resource Management Act requires that a Regional Plan must give effect to any Regional Policy Statement. The RPS contains the following relevant provisions:

POLICY 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and/or methods that recognise:
(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:

...

(iii) people have access to energy so as to meet their needs; and

POLICY 8: Protecting regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

POLICY 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and
- (b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and ...

In Summary

Given the above statutory and policy framework, it is important, given its national and regional significance, that the management of the National Grid is properly addressed in the Proposed Natural Resources Plan.

In making this submission, Transpower recognises and understands the importance of working with landowners and Councils in developing appropriate plan provisions. On this basis Transpower welcomes the opportunity to making a submission on the PNRP, and is willing to further discuss these submission points with Council staff as the Plan is further developed.

The following submission points relate to specific elements of the PNRP which are supported by Transpower, or others where amendments to specific provisions are sought.

1.0 GENERAL COMMENTS

For Transpower, the provisions of the PNRP need to ensure:

- *That the National Policy Statement on Electricity Transmission 2008 (NPSET) is given effect to;*
- *The sustainable management of the National Grid as a physical resource of national significance is recognised;*
- *The benefits of the National Grid at local, regional and national level are recognised;*
- *Appropriate provision for the ongoing operation and maintenance, upgrade and development of the network, including ensuring that lines can be accessed as part of subdivision and development;*
- *That the existing network can be upgraded in order to meet growth in energy demand;*
- *The protection of the existing network from issues of reverse sensitivity and the effects of others' activities on it; and*

- *Appropriate provision for the planning and development of new lines and National Grid assets.*

Transpower is satisfied that the Proposed Natural Resources Plan (PNRP) will achieve most of the outcomes set out above. In particular, recognition of the National Grid as regionally significant infrastructure is provided in Objective O12 and O13, and Policies P12, P13 and P14.

Overall, while generally supported by Transpower, some modifications and/or clarifications are suggested to the PNRP in order to address all of the relevant general resource management issues identified above. In particular, better recognition of the national, regional and local societal benefits, and the technical and operational needs of the National Grid as nationally and regionally significant infrastructure is required.

This submission focuses mainly on the PNRP provisions to ensure the operation, maintenance and upgrading of the existing electricity transmission assets in the Wellington Region. Transpower considers it important however to ensure that the PNRP makes appropriate allowance for the development of new transmission assets in line with the policy direction provided in the NPSET. A new policy is suggested to better provide for the planning and development of new lines and National Grid assets, to give effect to the NPSET.

The PNRP is assessed in the remainder of these comments. Where appropriate, new or amended wording is suggested to assist officers.

2.0 CHAPTER 1 - INTRODUCTION

Transpower supports the inclusion of references to nationally and regionally significant infrastructure in the introductory text such as the northern link for State Highway 1 and the North Island Main Trunk Railway. Transpower contends that the introductory text should also refer to Transpower's nationally significant critical assets including the National Grid and Cook Strait cables which transmit electricity from the North Island to the South Island. This nationally and regionally significant infrastructure plays a vital role in the wellbeing of New Zealand, and its people and the environment, and should be recognised in the PNRP.

The introductory text, as drafted, briefly mentions National Environmental Standards. Transpower considers that the PNRP should reference all current relevant National Environmental Standards including the NESETA, including the correct full name and date of these regulations.

The introductory text, as currently drafted, states that "in some circumstances, councils can impose stricter standards than the national standard". However, the NESETA does not specify that a rule in a Plan may be more stringent than the NESETA. The Plan should therefore specify that the rules of a National Environmental Standard prevail over the equivalent rules of the Plan, and that Councils can impose stricter standards than a national standard, only if the standard provides that a rule may be more stringent.

With respect to activities on the existing National Grid covered by the NESETA, the NESETA does not apply to the construction or use of a bridge or culvert for access to a transmission line, or to earthworks that are subject to a regional rule (clause 4 of the NES). Accordingly, it is appropriate for the Plan to include rules on these activities as they relate to the existing and new National Grid. However the NES does contain rule regulation to discharges of contaminants to water (Regulations 28 and 29) and discharges from abrasive blasting (Regulations 25 and 26). These should be referenced in the PNRP in the relevant rule sections

(either by amendment to the relevant rules or an exclusion note) to ensure there is no inconsistency. This is further discussed in the relevant rule sections below.

The following are suggested amendments to Section 1, reflecting the above comments.

Section 1 - Introduction

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Retain** Chapter 1, except as set out below.
2. **Amend** Section 1, paragraph seven, as follows:
Wellington provides the northern link for State Highway 1 and the main trunk railway between the North Island and the South Island. Wellington Harbour (Port Nicholson) is an important New Zealand port, particularly for imports such as fuel oils. Wellington Airport is the third biggest passenger airport in New Zealand. The National Grid within the Wellington Region plays a vital role in providing for the wellbeing of New Zealand, its people and the environment. This includes the Cook Strait cables which transmit electricity between the North and South Islands.
3. **Amend** Section 1.5.1, paragraph 11, as follows:
*National policy statements provide guidance on matters of national significance and are prepared by central government. New Zealand currently has four approved national policy statements
....
the National Policy Statement on Electricity Transmission 2014, 2008.*
4. **Amend** Section 1.5.1, paragraph 18, as follows:
*National environmental standards are also prepared by central government. They can prescribe technical standards, methods or other requirements for environmental matters. such as The current National Environmental Standards include:
[list of current National Environmental Standards];
and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009).*

The same National Environmental standards are enforced by all Councils throughout New Zealand, both regional and district. The rules in a National Environmental Standard prevail over the equivalent rules of the plan. In some circumstances, councils can impose stricter standards than the national standard, if the standard provides that a rule may be more stringent.
5. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

3.0 SECTION 3 – OBJECTIVES

Overall, Transpower generally supports the proposed objectives in Section 3 of the PNRP. In particular, Transpower supports the following provisions:

- Section 3.2 heading *Beneficial use and development*.
- *Objective O12: The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised.*
- *Objective O13: The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over or adjacent to the infrastructure or activity.*

Objective O12 recognises the importance and benefits of regionally significant infrastructure, to support social, economic, and cultural wellbeing. Section 3.4.2 of the Section 32 report notes that “*These objectives essentially are derived from the sense that there are some activities that have a greater benefit to society and contribute more to social, economic and cultural well-being than others*”.

Transpower considers that more emphasis should be placed on the national, regional and local benefits of regionally significant infrastructure, particularly as the National Grid is important for maintaining economic production and the health and safety of the community, and is recognised as nationally significant in the NPSET. Its importance should be elevated above the use and development of resources more generally. This would appropriately give effect to policy 1 of the NPSET.

Transpower also considers that objective O12 recognises the benefits, but does not sufficiently provide for the use and development of resources for regionally significant infrastructure. It is suggested that the objective is amended to include “recognise and provide for” so that it gives effect to Policy 1 of the NPSET.

Objective O13 recognises the importance of managing activities to avoid reverse sensitivity effects on regionally significant infrastructure, including the National Grid. However, Transpower considers that the current objective is limited in that it only avoids reverse sensitivity effects within the Coastal Marine Area. This does not appropriately give effect to policy 10 of the NPSET, and is also is not considered to be consistent proposed policy P14 which covers incompatible use and development in all areas (not just the Coastal Marine Area). Specific reference to the Coastal Marine Area should be removed so that all incompatible or inappropriate use and development located over, under or adjacent to the National Grid, which has potential to compromise its efficient functioning, can be considered under this objective.

Reference is also sought within the objectives to “operation, maintenance, upgrade and development” for consistency with the NPSET.

The following are suggested amendments to Section 3, reflecting the above comments.

Section 2 – Objectives

(all amendments shown in italics & underline and deletions shown in strikethrough)

- 6. *Retain* Section 3.2 (in particular Objectives O12 and O13) and the Heading *Beneficial use and Development* as drafted, except as set out below.**

7. **Amend** Objective O12 as follows:
The social, economic, cultural and environmental benefits at the national, regional and local scale of regionally significant infrastructure, and renewable energy generation activities are recognised and provided for.

8. **Amend** Objective O13 as follows:
The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities ~~in the coastal marine area~~ are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.

9. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

4.0 SECTION 4 – POLICIES TO IMPLEMENT THE OBJECTIVES

Transpower generally supports the general overarching policies in Section 4. Further detail on specific policies supported or suggested to be amended is provided as follows.

The suggested modifications and/or clarifications focus mainly on the provisions to ensure the use, operation, maintenance and upgrading of the existing National Grid assets in the Region are provided for. Transpower considers it important however to ensure that the PNRP makes appropriate allowance for new National Grid assets in line with the policy direction provided in the NPSET.

Policy P12 – *Benefits of regionally significant infrastructure and renewable electricity generation facilities*, is supported insofar as it recognises the benefits of regionally significant infrastructure, and has regard to the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure. Transpower considers that the policy should specifically reference the National Grid and the constraints imposed from the technical and operational requirements of the network. For example, the design and location of the National Grid needs to be responsive to the location of electricity generation assets, load demand, and the efficient transfer of energy between them. Specific reference to the sustainable, secure and efficient electricity transmission of the National Grid in Policy P12 would recognise such constraints, and acknowledge the national significance of the National Grid, in enabling appropriate use and development to give effect to policies 1 - 4 of the NPSET.

Policy P13 - *Existing regionally significant infrastructure and renewable electricity generation facilities*, is supported as it recognises that the operation, maintenance, and upgrade of existing regionally significant infrastructure is beneficial and generally appropriate for the efficient, secure and sustainable electricity transmission.

Policy P14 – *Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities*, is supported in part, in that it protects regionally significant infrastructure from incompatible activities. However, some amendments are suggested so that the ongoing use, maintenance, and upgrade of regionally significant infrastructure is protected from incompatible or inappropriate activities, in line with the NPSET.

Transpower considers it important to ensure that the PNRP makes appropriate allowance for new National Grid assets in line with the policy direction provided in the NPSET. The current

policy framework recognises the benefits of regionally significant infrastructure and the appropriateness of the use, operation, maintenance, and upgrade of existing infrastructure, but does not contain policy direction specifically relating to the development of new infrastructure associated with the National Grid. A new policy is suggested (Policy P13A) which provides decision-makers with guidance on the consideration of environmental effects for new or major upgrades to the National Grid, in accordance with Policy 4 and Policy 5 of the NPSET.

The generally location-specific or activity specific policies P102, P138, P139, P143, P144, P147 and P148 generally have an “avoidance” or “restrictive” directive to protect mana whenua sites, coastal sites, coastal habitats and geological features. Transpower supports the exception for activities associated with the “development, operation, maintenance and upgrade of regionally significant infrastructure” in these policies, as this gives appropriate recognition to the benefits, necessity and technical and operational requirements of regionally significant infrastructure, meaning it is not always possible to avoid locating infrastructure within or near sensitive areas.

Policy P134 – *Use and development in the coastal marine area* is generally supported as it recognises that some activities have a functional need to be located in the coastal marine area. However, some amendments are suggested to better reflect the intent of the policy and to reflect the technical and operational requirements of the National Grid.

Firstly, it is suggested that technical requirements (as well as operational requirements) are listed in point (b), as Transpower’s route selection process may traverse the coastal marine area to avoid significant adverse effects elsewhere, which would be considered a technical requirement rather than an operational requirement.

Secondly, point (f) suggests that structures shall be removed once redundant. It is recognised that the removal of structures could only be required by way of a submission on a resource consent for a new structure, however, the practicality and expense associated with the removal of redundant sections of cable once they are redundant is cost prohibitive and may lead to increased disturbance of the seabed.

Thirdly, point (g) suggests that use and development is concentrated in locations where similar use and development already exists where practicable. It is not practicable for the Cook Strait cables to be concentrated in the same location. For example, due to the depth of the ocean (250 metres in parts), when the Cook Strait cables are re-layed after additions or repairs, they almost always end up on a slightly different route. In the case that a new cable is layed in the Cook Strait cable Protection Zone, this would ideally be located 500m distance from existing cables to reduce the risk of damage from contact between cables. Transpower seeks an exemption to points (f) and (g) for the National Grid, or recognition within the policy that within the coastal marine area it is not practicable for cables to be concentrated in locations where similar development already exists.

Transpower seeks that the definition of “National Electricity Grid” is amended to “National Grid” for consistency with the definition in the NPSET. Transpower also seeks that the definition does not specifically list Transpower’s assets which could lead to potential unintentional consequences (e.g. the exclusion of cables from the definition).

Transpower supports the activity based policies in Section 4 as they generally provide appropriate direction for the management of particular activities through the corresponding plan methods and rules in a way which gives effect to the NPSET. The activity policies of particular relevance to Transpower are those which address stormwater and sediment discharges to land and/or water, temporary diversions of water, activities in, on, under or over river and lake beds, the management of contaminated land, and earthworks. These activities

and discharges may all be required to facilitate the development, maintenance, and upgrading of the National Grid (where NESETA does not apply). In practice, the policy direction specifically relating to these activities would be balanced with the policies supporting the operation, maintenance upgrade and development of the National Grid as regionally significant infrastructure.

The following are suggested amendments to Section 4, reflecting the above comments.

Section 4 – Policies to implement the objectives

(all amendments shown in italics & underline and deletions shown in strikethrough)

10. **Retain** Section 4 (in particular the policies referenced below), except as set out below.
11. **Amend** Policy P12, as follows:
The national, regional and local benefits of regionally significant infrastructure and renewable electricity generation facilities are recognised and provided for by having regard to:
.....
(e) the technical and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure, particularly the National Grid.
12. **Retain** Policy P13, as drafted:
The use, operation, maintenance, and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.
13. **Add** an additional policy as follows (or similar):
Policy P13A: Managing environmental effects of new National Grid infrastructure.
When considering the environmental effects of new infrastructure associated with the National Grid, or major upgrades of the existing National Grid, decision-makers shall have regard to:
(a) the benefits of the infrastructure to meet the needs of present and future generations,
(b) the extent to which any adverse environmental effects have been avoided, remedied or mitigated by the route, site and method selection; and
(c) the constraints imposed by the technical and operational requirements of the National Grid.
14. **Amend** Policy P14, as follows:
~~Incompatible activities adjacent to~~ Protection of regionally significant infrastructure and renewable electricity generation activities.
The ongoing use, maintenance, and upgrade of regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible or inappropriate use and-or development occurring under, over or adjacent to ~~it-the infrastructure or activity,~~ by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.
15. **Retain** Policy P102, as drafted:

The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is:
(c) Necessary to enable to development, operation, maintenance, and upgrade of regionally significant infrastructure.

16. Amend Policy P132, as follows:

Use and development in the coastal marine area shall:

(a) have a functional need, or

(b) have an technical or operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or

(c) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area, and in respect of (a), (b) and (c):

(d) only use the minimum area necessary, and

(e) be made available for public or multiple use where appropriate, and

Except in relation to the National Grid, shall:

(f) result in the removal of structures once redundant, and

(g) concentrate in locations where similar use and development already exists where practicable.

17. Retain Policy P138, as drafted

New structures, replacement of a structure or any addition or alteration to a structure in a site identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided, except where:

(c) It is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure.

18. Retain Policy P139, as drafted:

The construction of a new seawall is inappropriate except where the seawall is requirement to protect:

(b) new regionally significant infrastructure.

19. Retain Policy P143, as drafted:

Deposition of sand, shingle, or shell in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided except where:

(f) It is necessary to enable the efficient development, operation, maintenance and upgrade of regionally significant infrastructure.

20. Retain P144, as drafted:

Dumping in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided except where:

(a) It is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, and

(b) There are no practicable alternative methods of providing for the activity.

21. Retain Policy P147, as drafted:

District and city councils may restrict the use of motor vehicles on the foreshore, with the exception of vehicles associated with:

(a) The development, operation, maintenance and upgrade of regionally significant infrastructure.

22. **Retain** Policy P148, as drafted:

The use of motor vehicles on the foreshore in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F5 (coastal habitats) shall be avoided, except when required for ... or regionally significant infrastructure purposes.

23. **Amend** definition of Regionally Significant Infrastructure, as follows:

Regionally significant infrastructure includes:

- (a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- (b) strategic facilities to the telecommunication network, as defined in section 5 of the Telecommunications Act 2001*
- (c) strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989*
- (d) the National ~~electricity~~ Grid*
- (e) facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the National Grid*
- (f) the local authority water supply network and water treatments plants*
- (g) the local authority wastewater and stormwater networks, systems and wastewater treatment plants*
- (h) the Strategic Transport Network*
- (i) Wellington City bus terminal and Wellington Railway Station terminus*
- (j) Wellington International Airport*
- (k) Masterton Hood Aerodrome*
- (l) Paraparaumu Airport*
- (m) Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.*

24. Amend the definition of National Electricity Grid to National ~~Electricity~~ Grid, as follows:

National ~~electricity~~ Grid means the assets used or owned by Transpower New Zealand Limited, including:

- (a) ~~transmission lines, and~~*
- (b) ~~electricity substations.~~*

25. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.0 SECTION 5 - REGIONAL RULES AND DEFINITIONS

Transpower generally supports the proposed rules in Section 5. While the NESETA provides a nationally consistent framework of rules for activities on the existing National Grid (i.e. those built prior to 14 January 2010), the PNRP needs to provide for the effective operation, maintenance, and upgrading of any new infrastructure associated with the National Grid, as well as the activities not covered by the NESETA.

The NESETA does not apply to the construction or use of a bridge or culvert for access, and earthworks where subject to a regional rule. Transpower may need to undertake earthworks and/or install culverts or fords for access to lines for maintenance and upgrading activities. The PNRP therefore also needs to appropriately provide for these activities.

The PNRP also needs to ensure the National Grid is protected from the effects of other activities which fall within the auspices of the PNRP, such as dust emissions, or other activities in the beds of rivers and lakes. Further detail on specific rules supported or suggested to be amended is provided as follows.

5.1 AIR QUALITY

Rule R26: abrasive blasting outside an enclosed area – permitted activity is supported.

Abrasive blasting is part of Transpower's routine maintenance activities, using a water blasting pump to wash towers with high pressure water to remove any debris and salt from the galvanising, prior to painting. This routine maintenance helps to protect steel towers and pole structures (supporting transmission lines) from corrosion and ensure they continue to provide a reliable service over their expected lifetimes.

It is noted that Regulations 25 and 26 of the NESETA regulate discharges from blasting and applying protective coatings to existing transmission lines. An advice note or exemption to the relevant rules in Section 5.1 Air Quality is sought by Transpower to provide certainty that the rules would not apply for the National Grid lines existing at 14 January 2010.

Transpower's substations and any towers for new transmission lines would not be covered by the NESETA, therefore abrasive blasting would need to comply with Rule R26. Transpower's assets often include multiple towers (five or more) on one freehold title which would be considered "one property" under the PNRP definition. It is generally more efficient and cost effective for Transpower to undertake abrasive blasting on all towers within one property within a year (12 month period). On average, it takes 3-4 days to blast a tower in preparation for painting, which means Transpower would be unable to comply with condition R26(b) *the operation of a mobile abrasive blasting unit at one property is no more than 10 days in any 12 month period*. An exemption to the National Grid is sought for condition (b), to appropriately allow for Transpower's routine maintenance activities, which would be consistent with the policy direction of the NPSET.

Rule R41: All other discharges – discretionary activity is opposed by Transpower in that all contaminants which are not permitted, controlled, discretionary, non-complying or prohibited are a discretionary activity. As drafted, this "catch all" rule applies to all discharges of contaminants to air, and there is no permitted activity for "minor discharges" (similar to rule R42 for discharges to water). This means that minor contaminants including dust and other contaminants which are not included in other PNRP rules, would require resource consent. Transpower understands that this may not be the intention but as currently drafted, Rule R41 provides uncertainty and is not the most efficient or effective way to manage contaminants to air. Transpower seeks that this issue is remedied, by either:

- Rule R41 is amended to specifically reference the types of contaminants that should be captured by the rule (e.g. those that cannot meet the conditions as a permitted or controlled activity, or those that are not listed as a non-complying activity), or
- A new rule is added for "minor discharges of contaminants to air", similar to Rule R42 for minor discharges to water (which permits all contaminants provided certain conditions are met).

In general, Transpower considers the discretionary activity status as the default rule for activities that cannot comply with permitted activity conditions is generally considered appropriate.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules - Dust generating activities (Section 5.1.7 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

26. **Amend** Section 5.1.7, to provide specific references to Regulations 25 and 26 of the NESETA. Such reference could be inserted as notes to the relevant rule/s, or specific amendment to the relevant rules, as follows:

The rules in Section 5.1 relating to abrasive blasting, do not apply to the discharge of contaminants in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. These activities are covered by Rules 25 and 26 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).

27. **Amend** Rule R26, as follows:

Rule R26: Abrasive blasting outside an enclosed area – permitted activity

The discharge of contaminants into air from dry or wet abrasive blasting outside an enclosed area is a permitted activity, provided the following conditions are met:

(a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and

(b) the operation of a mobile abrasive blasting unit used at one property is no more than 10 days in any 12 month period (except for abrasive blasting of the National Grid), and

(c) abrasive blasting shall only be undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and

(d) if the blasting is dry abrasive blasting, the blasting materials shall only be garnet, sodium bicarbonate, crushed glass, or agricultural materials including crushed corn cobs or walnuts, and

(e) if the blasting is wet abrasive blasting, the blasting shall only use water, and

(f) the free silica content of a sample of the blasting material shall not exceed 5% by weight, and

(g) all work areas and surrounding areas are kept clean and substantially free of accumulations of deposited material and other debris.

28. **Amend** Rule R41, as follows (or similar):

Rule R41: All other discharges – discretionary activity

The discharge of contaminants into air that are not permitted by Rules R1-R4, R7-R12, R14-R21, R25-R28, R32, R33, R36, R37, or R38, or controlled by Rule R40, discretionary or non-complying by Rule R13, or prohibited by Rules R5 or R6 is a discretionary activity.

OR

29. **Add** a new rule for “Minor discharges of contaminants to air” (similar to R42 for Minor discharges to water – permitted activity provided that certain baseline conditions are met).

30. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.2 DISCHARGES TO WATER

Water discharges

R42: Minor discharges – permitted activity and R43: Water to water – permitted activity, including proposed conditions which set minimum standards for water quality in receiving surface water bodies are supported by Transpower.

As discussed above, Regulations 28 and 29 of the NESETA regulate the discharge of contaminants to water, in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. An advice note or exemption to the relevant rules in Section 5.2 Discharges to Water is sought by Transpower to provide certainty that the rules would not apply to existing National Grid lines at 14 January 2010.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Water Discharges (Section 5.2.2 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

31. **Amend** Section 5.2 to provide specific references to Regulations 28 and 29 of the NESETA. Such reference could be inserted as notes to the relevant rules, or specific amendment to the relevant rules, as follows:

The rules in Section 5.2 relating to the discharge of contaminants to water, do not apply to the discharge of contaminants to water in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. These activities are covered by Rules 28 and 29 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).

32. **Retain** Rule R42, as drafted:

Rule R42: Minor discharges – permitted activity

The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met:

(a) where the discharge may enter groundwater, the discharge is not located within 50m of a bore used for water abstraction for potable supply or stock water, and

(b) where the discharge enters a surface water body or coastal water, the concentration of total suspended solids in the discharge shall not exceed:

(i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids concentration in the receiving water is greater than 50g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or

- (ii) 100g/m³ where the discharge enters any other water, except when the background total suspended solids concentration in the receiving water is greater than 100g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 33%, and
- (c) if the discharge is from dewatering, the discharge is not from contaminated land, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (e) the discharge shall not give rise to the following effects after the zone of reasonable mixing:
 - (i) a change in the pH of ± 0.5 pH unit, or
 - (ii) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (iii) any conspicuous change in the colour or visual clarity, or
 - (iv) any emission of objectionable odour, or
 - (v) the fresh water is unsuitable for consumption by farm animals, or
 - (vi) any significant adverse effects on aquatic life.

33. **Retain** Rule R43, as drafted:

Rule R43: Water to water – permitted activity

The discharge of water into water is a permitted activity, provided the following conditions are met:

- (a) the discharge is to the same water body or area of coastal water it was taken from, and
- (b) the quality of the discharged water is the same as or better than the quality of the water body or area of coastal water it was taken from, and
- (c) the discharge shall not cause a change in temperature of more than 2°C in the receiving water after the zone of reasonable mixing, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

34. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

Stormwater Discharges

Rule R48 Stormwater from an individual property – permitted activity to surface water bodies, and *Rule R49 – Stormwater to Land – permitted activity* into or onto land where it may enter groundwater are supported in principle, on the basis that Transpower's substations are not considered "contaminated land" under conditions R48(b) and R49(a) respectively. Conditions R48(b) and R49(a) require that the stormwater discharge is not from, onto or into "Contaminated Land".

Transpower understands that the PNRP partially adopts the RMA definition of "contaminated land" being:

- Contaminated land means land that has a hazardous substance in or on it that –*
- (a) *has significant adverse effects on the environment; or*
 - (b) *is reasonably likely to have significant adverse effects on the environment.*

The PNRP definition also contains the following note:

Note: Contaminated Land means the same as Category III – Contamination confirmed land in the Selected Land Use Register for the Wellington Region.

Transpower supports this definition in principle as its substations are considered to be within *Category I - Verified History of Hazardous Activity or Industry in the Selected Land Use Register for the Wellington Region*, and would not be considered "Contaminated Land" in the PNRP, therefore stormwater discharges from its substations could comply with the rules as currently drafted.

Albeit in relation to a separate rule, Page 16 of the Section 32 report: Contaminated land and hazardous substances, confirms this interpretation of the definition:

Proposed Rule R55 only applies to contaminated land – this is defined in the proposed Plan to be land that is category III in the SLUR register. The register as at 30 June 2014 had 105 confirmed contaminated sites in category III.

This interpretation of the definition was also confirmed with Council officers during the drafting of this submission.

Transpower supports the definition of Contaminated Land in principle, but considers that as currently drafted, it is subjective and uncertain in nature. Transpower contends that the definition could be more clearly expressed to provide clarity that only land that is Category III in the SLUR fits within this definition. To fit within Category III – Contamination confirmed in the SLUR, the site needs to have evidence that hazardous substances exist above background concentrations AND "it is likely that adverse effects on human health or the environment will occur". As drafted, it is unclear how Council intends to measure "adverse effects on human health".

The Ministry for the Environment *User's Guide for the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (NESCS), suggests that upper thresholds (exceeding health-based trigger values) can pose a risk to human health. The lower threshold under the NESCS (i.e. background concentrations), still triggers the need for resource consent under the NESCS, but from MfE guidance, it is understood that it is not anticipated to pose a risk to human health. Transpower seeks clarity on how "adverse effects on human health" will be measured in practice. If it essentially means soil that exceeds the upper threshold in the NESCS, this should be stated in the definition.

Rule R53: All other stormwater – discretionary activity, is supported by Transpower as any activities not meeting permitted activity conditions would default to discretionary activity status. Discretionary activity status is appropriate so that the merits and all adverse effects of an activity can be considered on a case-by-case basis.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Stormwater Discharges (Section 5.2.3 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

35. **Retain** Rule R48, as drafted:

Rule R48: Stormwater from an individual property – permitted activity

The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an individual property is a permitted activity, provided the following conditions are met:

(a) the discharge is not into a site identified in Schedule A (outstanding water bodies), and

(b) the discharge is not from, onto or into contaminated land, and

(c) the discharge is not from a local authority stormwater network, a port, airport or state highway, and

(d) the discharge shall not contain wastewater, and

(e) the concentration of total suspended solids in the discharge shall not exceed:

(i) 50g/m³ where the discharge enters a site or habitat identified in Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids in the receiving water is greater than 50g/m³, in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or

(ii) 100g/m³ where the discharge enters any other fresh or coastal water, except when the background total suspended solids in the receiving water is greater than 100g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 33%, and

(f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and

(g) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:

(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or

(ii) any conspicuous change in the colour or visual clarity, or

(iii) any emission of objectionable odour, or

(iv) the fresh water is unsuitable for consumption by farm animals, or

(v) any significant adverse effects on aquatic life.

36. **Retain** Rule R49, as drafted:

Rule R49: Stormwater to land – permitted activity

The discharge of stormwater onto or into land, including where contaminants may enter groundwater, from an individual property is a permitted activity provided the following conditions are met:

(a) the discharge is not from, onto or into contaminated land, and

(b) the discharge shall not cause or exacerbate the flooding of any other property.

37. **Amend** definition of **Contaminated Land**, as follows:

Contaminated Land: Land that has a hazardous substance in or on it that - is within Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region.

Note: Land within Category III is considered to meet the definition of contaminated land in the RMA, in that it:

(a) has significant adverse effects on the environment

(b) is reasonably likely to have significant adverse effects on the environment.

~~*Note: Contaminated land means the same as Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region.*~~

Also add a guidance note clarifying the intent of how "adverse effects on human health" in the SLUR definition of Category III is measured (i.e. whether the intent is that contaminants in soil exceeding the upper threshold in the NES for Assessing and Managing Contaminants in Soil to Protect Human Health are "adverse effects on human health").

38. **Retain** Rule R53, as drafted:

Rule R53: All other stormwater – discretionary activity

The discharge of stormwater into water or onto or into land where it may enter water that is not permitted by Rules R48 or R49, or controlled by Rule R50, or

a restricted discretionary activity under Rules R51 or R52, is a discretionary activity.

39. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

Contaminated Land and Hazardous Substances

Rule R54: Site investigation – permitted activity and R55: Discharges from contaminated land – permitted activity are supported in principle by Transpower. Although Transpower's substations and assets would not be considered "Contaminated Land" in the PNRP (as explained above), Transpower routinely undertakes detailed site investigations for project works to test for presence of any elevated levels of contaminants, to determine if consent is required under the NESCS, and/or to determine the appropriate disposal arrangement for disposal of any surplus soil.

Rule R55 for the discharge of contaminants into or onto land from contaminated land where the discharge may enter water, as a permitted activity, requires in condition (a) that a site investigation report has been completed in accordance with Rule R54, and that it concludes that the concentration of contaminants in groundwater, comply with the following standards/guidelines:

- *Drinking Water Standards New Zealand 2005 (revised 2008)*
- *Australian and New Zealand Environment Council (ANZECC0 Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.*

Although provisions may not be specifically relevant to Transpower's activities, Transpower considers that it would be more certain, efficient and effective to reference the specific maximum acceptable standards for water quality that need to be complied with in the third party documents, either by including the specific standards in the PNRP itself (if possible) or by referencing the appropriate section of the standard. For example, the majority of standards in the NZ Drinking Water Standards appear to relate to specific contaminants in drinking water leaving a treatment plant, which could be irrelevant for discharges of contaminants into or onto land from contaminated land covered by Rule R55. In a general sense, it would be preferable if the permitted activity conditions were clear, certain and able to be readily interpreted in association with the results of an investigation report. Transpower also understands that the Australia New Zealand guidelines for fresh and marine water quality are currently being reviewed, and questions whether it is good practice to reference a standard which may soon be superseded.

Rule R56: Discharges from contaminated land – discretionary activity, and Rule R57: Discharge of hazardous substances – non-complying activity are generally supported by Transpower as these activities have the potential to generate significant adverse effects on the environment and should be assessed comprehensively.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Contaminated Land and Hazardous Substances (Section 5.2.4 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

40. **Retain Rule R54, as drafted:**

Rule R54: Site investigation – permitted activity

The use of land to assess the concentration of hazardous substances that may be present in the soil and any associated discharge into air is a permitted activity, provided the following conditions are met:

(a) the assessment is undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011), and

(b) the assessment is reported in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011), and

(c) a copy of the report is provided to the Wellington Regional Council two months after the completion of the assessment.

41. **Amend Rule R55, as follows (or similar):**

Rule R55: Discharges from contaminated land – permitted activity

The discharge of contaminants onto or into land from contaminated land where the discharge may enter water is a permitted activity provided the following conditions are met:

(a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and

(b) the site investigation report concludes that:

(i) the concentration of contaminants in groundwater meets [the maximum acceptable values and guideline values set out in Tables XX of] the Drinking-Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species, and

(ii) the concentration of contaminants in groundwater, at the property boundary, or at the location of existing bores, or at any point where the groundwater exits to the surface meets [the maximum acceptable values set out in Section XX] of the Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.

OR

Specifically reference the maximum acceptable values/guidelines/standards within the PNRP itself (by way of an appendix or within Rule R55).

42. **Retain Rule R56, as drafted:**

Rule R56: Discharges from contaminated land – discretionary activity

The use the land, and discharge of contaminants onto or into land from contaminated land where the discharge may enter water that is not permitted by Rule R54 or Rule R55 is a discretionary activity.

43. **Retain Rule R57, as drafted:**

Rule R57: Discharge of hazardous substances – non-complying activity

The discharge of a hazardous substance into water or onto or into land where it may enter water that is not permitted by Rule R36, Rule R37, Rule R42, Rule R46 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or discretionary under Rule R38 and Rule R93 is a non-complying activity.

44. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

All other discharges

Rule R67: Discharges inside Sites of Significance – non-complying activity is supported in that non-complying activity status is only triggered if the permitted activity conditions cannot be complied with under Rules R42 (minor discharges), or R43 (water to water). The National Grid traverses (but no support structures are located within) some rivers/lakes identified on Schedule F1 (e.g. Otaki River, Waikanae River) and some significant wetlands identified on Schedule F3 (e.g. Wairongomai Road Swamp, Whakatikei Head Water Swamp, Peka Peka Road Swamp, Pylon Swamp, Te Hapua Road Swamp). However the discharges from Transpower's operation, maintenance, and upgrading activities within these sites would either be covered by the regulations for discharges in the NESETA, or if not, would not be anticipated to decrease water quality below the permitted activity standards (and therefore be permitted under Rule R42 and R43) and would not be likely to require resource consent under this rule.

Rule R68: All other discharges – discretionary activity, is supported for discharges of water or contaminants to water that are not covered by the NESETA and cannot comply with other rules in the PNRP. Transpower considers that a discretionary activity status by default for these types of activities is generally appropriate.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – All other discharges (Section 5.2.8 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

45. **Retain** Rule R67 as drafted:

Rule R67: Discharges inside sites of significance – non complying activity

The discharge of water or contaminants into water, or onto or into land where it may enter water:

(a) inside a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetland), or Schedule F4 (coastal sites), and

(b) that is not permitted by Rules R42, R43, R44 or R45 is a non-complying activity.

46. **Retain** Rule R68 as drafted:

Rule R68: All other discharges – discretionary activity

The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:

(a) permitted by Rules R42, R43, R44 or R45, and

(b) is not provided for by Rule R67 or any other rule in this Plan is a discretionary activity.

47. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.3 DISCHARGES TO LAND

Discharges of Contaminants

Rule R69: *Minor contaminants – permitted activity*, Rule R74: *Existing on-site wastewater systems – permitted activity*, and Rule R75: *New or upgraded on-site wastewater systems - permitted activity*, are supported. The majority of Transpower's substations are unmanned in remote areas, and are located some distance from community wastewater connections. These sites contain on-site wastewater holding tanks, and are only used when the substations are visited for inspection, maintenance, and repair or upgrade activities.

It is noted that an on-site domestic wastewater treatment and discharge system is defined as "a treatment and discharge system which receives, treats and applies wastewater to a land application system or holding tank on the same property that produces the wastewater". Transpower supports this definition as its unmanned substations in remote areas would fit within this definition, and would be likely to comply with permitted activity conditions of Rule R74 or Rule R75. Transpower notes that the environmental effects of these on-site wastewater systems would be much less than a domestic wastewater system.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Discharges of Contaminants (Section 5.3.2 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

48. **Retain** Rule R69, as drafted:

Rule R69: Minor contaminants – permitted activity

The discharge of contaminants onto or into land that is not permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited under any other rule in this Plan is a permitted activity provided the following conditions are met:

- (a) the contaminant shall not enter water, and*
- (b) the contaminant shall not cause an adverse effect beyond the boundary of the property, and*
- (c) the contaminant is not a hazardous substance.*

49. **Retain** Rule R74, as drafted:

Rule R74: Existing on-site wastewater systems – permitted activity

The discharge of domestic wastewater onto or into land and the associated discharge of odour from an on-site domestic wastewater treatment and discharge system that exists at the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a permitted activity provided the following conditions are met:

- (a) the on-site domestic wastewater treatment and discharge system has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance or building consent approvals for the system or related changes to the connected dwelling, and*
- (b) the volume of the discharge has not been increased beyond that approved as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system, and*
- (c) the on-site domestic wastewater treatment and discharge system is:*

- (i) operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of the New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management, and
- (ii) the system is performing effectively, including the sludge and scum layers not occupying more than one half of the system primary tank volume, and
- (d) the volume of domestic wastewater to be discharged from any one system shall not exceed 1,300L/day (calculated as a weekly average), and
- (e) there is no direct discharge to groundwater, a surface water body or above ground level, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the property.

50. **Retain Rule R75, as drafted:**

Rule R75: New or upgraded on-site wastewater systems – permitted activity
The discharge of domestic wastewater onto or into land and the associated discharge of odour from a new or upgraded on-site domestic wastewater treatment and discharge system is a permitted activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the property, and
- (b) the on-site domestic wastewater treatment and discharge system design shall meet the requirements of AS/NZS 1547:2012 – On-site Domestic Wastewater Management, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
 - (i) 20m of a surface water body, coastal marine area, gully or bore used for water abstraction for potable supply, or
 - (ii) 20m of the boundary of the property unless the land application system consists of a pressure compensating drip irrigation system where the boundary set-back is 5m, or
 - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, or
 - (iv) a community drinking water supply protection area as shown on Map 26, Map 27a, Map 27b or Map 27c, and
- (f) the on-site domestic wastewater treatment and discharge system is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management, and
- (g) the discharge shall not exceed 14,000L/week or a maximum daily volume of 2,000L, and
- (h) the wastewater is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (i) the system is performing effectively, including the sludge and scum layers not occupying more than one half of the system primary tank volume, and
- (j) the following reserve areas shall be provided:
 - (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or

- (ii) for pressure compensating drip irrigation systems, no reserve area is required, or
- (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the property.

51. **Retain** definition of on-site domestic wastewater treatment and discharge system, as drafted:

A treatment and discharge system which receives, treats and applies wastewater to a land application system or holding tank on the same property that produces the wastewater.

52. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

Treated wastewater

Rule R79: Discharge of treated wastewater – controlled activity is supported. Most of Transpower's substations have control buildings which have toilets, hand basins and in some cases showers. Most wastewater from these facilities is discharged into septic tanks, but in some urban areas will discharge into Council's sewers. Where there are septic tanks, discharge will normally be to land, and would be likely to comply with the conditions in Rule R79 for a controlled activity.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Treated wastewater (Section 5.3.4 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

53. **Retain** Rule R79, as drafted:

Rule R79: Discharge of treated wastewater – controlled activity

The discharge of treated wastewater onto or into land, and the associated discharge of odour is a controlled activity, provided the following conditions are met:

- (a) *the discharge is not located within a community drinking water supply protection area as shown on Map 26, Map 27a, Map 27b, or Map 27c, and*
- (b) *the discharge shall contain no more than 10% trade wastes based on daily dry weather flow, averaged over a calendar year, and*
- (c) *the discharge shall meet the following criteria:*
 - (i) *the concentration of soluble carbonaceous five day biochemical oxygen demand shall not exceed 30mg/L in more than eight out of 12 consecutive samples, or exceed 50mg/L in more than two out of 12 consecutive samples, and*
 - (ii) *the concentration of total suspended solids shall not exceed 50mg/L for more than eight out of 12 consecutive samples, or exceed 80mg/L in more than two out of 12 consecutive samples, and*
 - (d) *the pathogen concentration in wastewater shall have been reduced to a level commensurate with its having been treated to a tertiary level before discharge for surface application and secondary level for subsurface*

irrigation, and shall not exceed an *Escherichia coli* (*E.coli*) concentration of 2,000cfu/100mL, and

(e) the application method is either a subsurface or surface drip irrigation or low pressure spray irrigation system less than or equal to 1.5m above ground surface, and

(f) the hydraulic loading rate shall not exceed 5mm/hr or 15mm per application event and can only occur when soil moisture deficit is greater than the application event, and

(g) the distribution uniformity of the spray irrigation system shall be greater than or equal to 80%, with drip irrigation emitters at a minimum spacing of 0.6m x 1m, and

(h) the application shall not result in significant ponding (areas of ponded effluent on the ground surface greater than 10m² for a period greater than 12 hours) or runoff (visible overland flow); and

(i) the nitrogen loading rate of the wastewater applied shall not exceed the following limits for the specified land uses:

(i) 150kg N/ha/year if mown without grass removal, or grazed, or

(ii) 300kg N/ha/year if cut, harvested and removed, and

(j) the phosphorus loading rate of the wastewater applied shall not exceed the following limits for the specified land uses:

(i) 30kg P/ha/year if mown without grass removal, or grazed, or

(ii) 50kg P/ha/year if cut, harvested and removed, and

(k) the application must be onto actively growing vegetation which is not dormant. Application shall not be onto fallow land or areas that have no vegetative growth, and

(l) for spray irrigation, the discharge is not located within:

(i) 50m of a surface water body, coastal marine area or property boundary, or

(ii) 150m of any marae, schools, shops, playgrounds, bore used for water abstraction for potable supply, places of work or residential dwellings not on the application property; and

(m) for surface and subsurface drip irrigation, the discharge is not located within:

(i) 5m of a surface water body, coastal marine area or property boundary, or

(ii) 150m of a bore used for water abstraction for potable supply, and

(n) there shall be a minimum depth to groundwater of at least 1m below the point of application, and

(o) a deficit irrigation regime is used for the application of treated wastewater to land, and

(p) the application of wastewater to land by spray irrigation shall have automated shut off controls so that there shall be no irrigation when the wind speed 10 minute average exceeds 6m/s, and

(q) the normal droplet size delivered by wastewater irrigation shall not have a volume median diameter less than 1,700µm or an equivalent volume mean diameter, and

(r) the discharge of odour is not offensive or objectionable beyond the boundary of the property.

54. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

All other discharges

Rule R93: All other discharges – discretionary activity, is supported for discharge of contaminants onto or into land that cannot comply with other rules in the PNRP. Transpower considers that a discretionary activity status by default for these types of activities is generally appropriate.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – All other discharges (Section 5.3.9 in the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

55. **Retain** Rule R93 as drafted:

Rule R93: All other discharges to land – discretionary activity

The discharge of contaminants onto or into land that are not permitted, controlled, restricted discretionary, or non-complying is a discretionary activity.

56. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.4 LAND USE

Earthworks and Vegetation clearance

R99: Earthworks – permitted activity of a contiguous area up to 3,000m² per property is supported insofar that the earthworks only apply to a contiguous area of 3,000m², or more. Transpower occasionally undertakes maintenance works on its access tracks, to ensure that they remain fit for purpose, for means of access to towers and poles located on private land. Sometimes Transpower sets up temporary access tracks which also may involve earthworks, and potentially some vegetation clearance. Transpower understands that the definition of earthworks includes the disturbance of land from the time that soil is first disturbed on a site until the time the site is stabilised. The definition of earthworks excludes the following activities:

(c) Thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance.

(d)(ii) The construction, repair and maintenance of electricity lines, and

(e) Repair and maintenance of existing roads and tracks.

Furthermore the definition of "stabilised" is as follows:

The process of having made an area of disturbed soil resistant to erosion. This may be achieved by using indurated rock or through the application of base course, or grassing a surface that is not otherwise resistant to erosion. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative ground cover has been established over the entire area.

Transpower considers that earthworks activities for its access tracks to facilitate the ongoing operation, maintenance and upgrade of its assets are generally provided for in the proposed

provisions particularly as earthworks for access tracks are almost immediately stabilised and would not result in a contiguous area of 3,000m² of earthwork that is prone to erosion (i.e. not stabilised). However, Transpower seeks some amendments to ensure that its activities to facilitate the ongoing effective and efficient operation of the National Grid are not unduly restricted by the proposed earthworks provisions.

Transpower seeks that the definition of earthworks should also exclude the upgrade of existing tracks, and the upgrade of electricity lines and support structures, particularly as the definition of upgrade relates to the "*use and development to bring existing structures or facilities up to current standards provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity*" and generally would not result in additional environmental effects.

This suggested amendment would clarify that the laying of top soil or gravel on existing access tracks to ensure that the access tracks, and the National Grid remain fit for purpose is not considered "earthworks" in the definition and provided the effects of the activity are similar in character to the existing, would be exempt from the rules. Transpower also seeks that earthworks associated with the construction, repair and maintenance of electricity lines, including the National Grid, is excluded from the definition of earthworks. If the suggested definition of National Grid is accepted by Council, this would include all assets used or owned by Transpower New Zealand. By nature, any earthworks surrounding support structures or other National Grid assets need to be small in scale to protect the stability of the infrastructure and would not result in significant adverse environmental effects.

Transpower considers that any earthworks associated with the operation, maintenance, upgrade and development of the National Grid are generally appropriate, necessary for the effective functioning of the network and present a low risk for instability or contamination of streams or groundwater. Furthermore, any discharge to water or groundwater as a result of earthworks would be managed through the need to comply with the permitted activity conditions in the PNRP rules or the NESETA for discharges to land and/or water.

Rule R100: Vegetation clearance on erosion prone land – permitted activity is supported in that it allows vegetation clearance of a contiguous area up to 2ha in area, subject to conditions. Rule R101 provides a default discretionary activity status for any discharges to land or water not specified in earlier rules. Such an activity status is supported.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Earthworks and vegetation clearance (Section 5.4.4 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

57. **Retain** Rule R99, as drafted:

Rule R99: Earthworks– permitted activity

The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous area up to 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met:

(a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and

(b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and

(c) work areas are stabilised within six months after the completion of the earthworks.

(d) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:

(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or

(ii) any conspicuous change in colour or visual clarity, or

(iii) any emission of objectionable odour, or

(iv) the rendering of fresh water unsuitable for consumption by animals, or

(v) any significant adverse effect on aquatic life.

Retain Rule R100, as drafted:

The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from vegetation clearance of a contiguous area up to 2ha per property per 12 month period on erosion prone land is a permitted activity, provided the following conditions are met:

(a) any soil or debris from the vegetation clearance is not placed where it can enter a surface water body or the coastal marine area, and

(b) any soil disturbances associated with the vegetation clearance shall not after the zone of reasonable mixing, result in any of the following effects in receiving waters:

(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or

(ii) any conspicuous change in colour or visual clarity, or

(iii) any emission of objectionable odour, or

(iv) the rendering of fresh water unsuitable for consumption by animals, or

(v) any significant adverse effect on aquatic life.

58. **Retain** Rule 101, as drafted:

The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 is a discretionary activity.

59. **Amend** definition of **Earthworks**, as follows:

The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.

Earthworks do not include:

(a) cultivation of the soil for the establishment of crops or pasture, and

(b) the harvesting of crops, and

(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and

(d) the construction, repair, upgrade or maintenance of:

(i) pipelines, and

(ii) electricity lines including the National Grid, and

(iii) telecommunication structures or lines, and

(iv) radio communication structures, and

(v) firebreaks or fence lines

(e) upgrade, repair or maintenance of existing roads and tracks, and

(f) maintenance of orchards and shelterbelts, and

(g) domestic gardening, and

(h) repair, sealing or resealing of a road, footpath or driveway.

60. **Retain** definition of **Stabilised**, as drafted:

The process of having made an area of disturbed soil resistant to erosion. This may be achieved by using indurated rock or through the application of base course, or grassing a surface that is not otherwise resistant to erosion. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative ground cover has been established over the entire area.

61. **Retain** definition of **Upgrade**, as drafted:

Use and development to bring existing structures or facilities up to current standards provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.

62. **Retain** definition of **Erosion Prone Land**, as drafted:

The pre-existing slope of the land exceeds 20 degrees.

63. **Retain** definition of **Vegetation clearance**, as drafted:

The clearance or destruction of woody vegetation (exotic or native) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand clearance, and the burning of vegetation.

64. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.5 WETLANDS AND BEDS OF LAKES AND RIVERS

The National Grid traverses a large majority of the Wellington Region to provide efficient and effective electricity transmission servicing the community.

The existing National Grid traverses or is located in close proximity to the following identified wetlands with outstanding indigenous biodiversity values, identified on Schedule A3:

- Te Hapua Swamp Complex A (traversed by transmission lines, but no structures located within the identified outstanding wetland).
- Pauatahanui Saltmarsh (located approximately 450 metres from Pauatahanui substation).

The existing National Grid traverses the following significant natural wetlands identified on Schedule F3:

- Wairongomai Road Swamp.
- Pylon Swamps.
- Whakatikei Headwater Swamp.
- Nga Manu Swamp (Nga Manu Sanctuary Swamp).
- Peka Peka Road Swamp.
- Te Hapua Road Swamp.

Transpower notes that there are existing support structures within the Te Hapua Road Swamp and the Pylon Swamps. Other identified significant natural wetlands in close proximity to (but not traversed by) the existing National Grid includes Whareroa Stream, Simcox Swamp, and Huritini Swamp.

Transpower understands that Rules R104, R107 and R108, relating to activities in natural wetlands and significant natural wetlands also applies to all unidentified wetlands that meet the definition of "natural wetland" or "significant natural wetland" if it meets one or more of criteria (a) to (d) listed in Policy 23 of the Regional Policy Statement 2013 being: representativeness; rarity; diversity; ecological context. Therefore, there may be other unidentified natural wetlands which are traversed by or in close proximity to the existing National Grid.

In principle, Transpower supports the protection of wetlands with outstanding indigenous biodiversity values, and significant natural wetlands. Transpower acknowledges Wellington Regional Council's responsibility to preserve the natural character of wetlands and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as matters of national importance under the RMA. However, Transpower considers that the protection and preservation of wetlands should be balanced with appropriate provision for the efficient operation, maintenance and upgrade of the National Grid to give effect to the NPSET.

Transpower acknowledges within natural wetlands and significant natural wetlands, the operation, maintenance and upgrade of existing structures would be a permitted activity under *Rule R104: Structures in natural wetlands and significant natural wetlands*, provided permitted activity conditions were complied with. The placement of all new structures, or the discharge of contaminants not complying with *Rule R42: Minor discharges* associated with the National Grid would be a discretionary activity under Rule R107.

Transpower supports that the rules for activities within natural wetlands are all encompassing in that they include associated disturbance, deposition, damage, diversion and discharge of sediment associated with activity in question.

Transpower considers that structures associated with the operation, maintenance, upgrade and development of the National Grid should be provided for as a permitted activity in Rule R104, up to 10m² in area (similar to maimai or jetties). These structures would need to be "hand-held machinery" within the area of the natural wetland under R104(f), and would generally be temporary structures necessary to undertake routine maintenance work (e.g. ladders). For practical and safety reasons, it may not always be possible to locate these temporary structures outside of wetlands. Furthermore the potential effects would be managed by compliance with the wetlands general conditions in Section 5.5.2 to (e.g. maintaining fish passage, no discharge of contaminants, removing machinery from the natural wetland during the night).

Acknowledging that Transpower currently has no support structures located within the outstanding wetlands identified in Schedule A3, Transpower supports the maintenance, repair or replacement of existing structures, and the removal of existing structures within wetlands with outstanding indigenous biodiversity values as a discretionary activity in Rule R109. However, non-complying activity status would apply to the placement of new structures in outstanding wetlands under Rule R110. Similar to above, Transpower considers that structures up to 10m² for the purpose of the development, operation, maintenance and upgrade of the National Grid should be provided for as a discretionary activity, particularly where it may not be possible to avoid locating structures within outstanding wetlands due to technical or operational requirements. Transpower acknowledges that a non-complying activity status would apply for any new structures over 10m² in area, however seeks discretionary activity status for small structures in outstanding wetlands, as this would more appropriately implement the policy direction of the PNRP in recognising the technical and operational requirements of the National Grid.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Activities in Wetlands (Section 5.5.3 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

65. **Amend** Rule R104, as follows (or similar):

Rule R104: Structures in natural wetlands and significant natural wetlands – permitted activity

The following activities within a natural wetland or significant natural wetland (including those listed on Schedule F3):

(a) maintenance, repair, addition, alteration, or replacement (like for like) of an existing structure, ~~and or~~

(b) the placement of a new structure with a footprint of ~~of an area less than~~ 10m² for; the purpose of hunting and recreation (including maimai and jetties); ~~or for the purpose of the development, operation, maintenance or upgrade of the National Grid, and or~~

(c) the removal of an existing structure ~~in a natural wetland or significant natural wetland, including any associated:~~

(a) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and

(b) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and

(c) damage to a part of the foreshore or seabed that forms part of a natural wetland, and

(d) diversion of water, and

(e) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

(f) only hand-held machinery is used in any area of the natural wetland, and

(g) the activity shall comply with the wetland general conditions for activities in natural wetlands, significant natural wetlands and outstanding natural wetlands specified above in Section 5.5.2.

are permitted activities.

66. **Amend** Rule R107, as follows:

Rule R107: Activities in natural wetlands and significant natural wetlands – discretionary activity

The following activities in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a restoration management plan under Rule R106:

(a) the placement of new structures with a footprint of 10m² or greater for; the purpose of hunting and recreation (including maimai and jetties); ~~or for the purpose of the development, operation, maintenance or upgrade of the National Grid, or all other structures,~~

(b) the discharge of water or contaminants not permitted by Rule R42,

(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105),

(d) activities not meeting the conditions of Rules R104 or R105, including any associated:

(e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and

(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and

(g) damage to a part of the foreshore or seabed that forms part of a natural wetland, and

(h) diversion of water, and

(i) discharge of sediment to water are discretionary activities.

67. **Amend** Rule R109, as follows:

Rule R109: Activities in outstanding natural wetlands – discretionary activity

The following activities in an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except those stipulated in and carried out in accordance with a restoration management plan under Rule R106:

(a) the maintenance, repair or replacement (like for like) of existing structures, (b) the placement of new structures with a footprint of an area less than 10m² for the purpose of hunting and recreation (including maimai and jetties), or for the purpose of the development, operation, maintenance or upgrade of the National Grid.

(c) the removal of existing structures,

(d) removal of pest plants that are not permitted by Rule R105 are discretionary activities.

68. **Amend** Rule R110, as follows:

Rule R110: Activities in outstanding natural wetlands – non-complying activity

The following activities, in an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a restoration management plan under Rule R106:

(a) the discharge of water or contaminants,

(b) take, use, damming or diverting water into, within, or from the wetland,

(c) the placement of new structures with a footprint an area 10m² or greater for the purpose of hunting and recreation (including maimai and jetties), or for the purpose of the development, operation, maintenance or upgrade of the National Grid, or and all other structures,

(d) land disturbance including excavation and deposition,

(e) vegetation clearance, excluding the removal of pest plants under Rule R105,

(f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111.

69. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

Activities in Beds of Lakes and Rivers

Transpower occasionally undertakes activities in the beds of lakes and rivers such as the installation, upgrade or extension of culverts or bridges, associated with access tracks to service the existing National Grid. Transpower generally supports the relatively permissive rules in Section 5.5.5 for activities in beds of lakes and rivers, but seeks the following amendments to better provide for the operation, maintenance, upgrading and development of the National Grid.

The general conditions for activities in the beds of lakes and rivers set out in Section 5.5.4 includes a condition (e), which restricts bed disturbance, diversions of water or sediment discharges between 1 March and 31 May in any part of a river identified in Schedule F1 for inanga spawning habitat.

The National Grid traverses some rivers/lakes identified on Schedule F1 (e.g. Otaki River, Waikanae River) which may require works within these months especially emergency works due to power failures in extreme weather conditions. Transpower has an obligation to maintain the National Grid in an operational state even after a natural hazard event, and is concerned that these restrictions may inhibit emergency works, which could potentially constrain the effective functioning of the National Grid.

In addition, condition 5.5.4(l) requires that any structure shall not alter the natural course of the river including any diversion of water from the natural course during floods. Some of the permitted activities in Section 5.5.5 necessarily alter the natural course of a river or stream (e.g. fords, pipes) and would be unable to comply with this condition as currently drafted. Rule R115(e) for culverts exempts culverts from complying with this condition, but the inability and impracticality of complying with this condition has not been considered for other river crossing structures. Transpower seeks an exemption to condition 5.5.4(l) for activities such as river crossing structures which ultimately, by their nature, alter the natural course of a river.

In principle, Transpower is supportive of recognising and identifying sites of significance to mana whenua in the PNRP. Transpower notes that the existing National Grid traverses the following identified sites of significance to mana whenua in Schedule C of the PNRP:

Sites of significance to Ngā Hāpu o Ōtaki (Schedule C1):

- Ngawhakangutu Wetland (Te Hapua wetland complex A)
- Otaki River – SH1 road bridge to river mouth
- Ngatoko Stream – Rekereke
- Te Puka Stream
- Whareroa Stream

Sites of significance to Te Ātiawa ki Whakarongotai (Schedule C2)

- Waikanae River – Waimahoe
- Waimahoe wetland
- Maungakotukutuku Stream – East

Sites of significance to Ngāti Toa Rangatira (Schedule C3)

- Oteranga Bay

Sites of significance to Taranaki Whānui ki te Upoko o te Ika Maui (Schedule C4):

- Te Awa Kairanga/Hutt River – Maraenuku Pa

Sites of significance to Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa (Schedule C5):

- Papawai Stream

As currently drafted, Rules R114 (river crossing structures), and R115 (culverts) restrict any works from occurring in a site identified in Schedule C as a permitted activity, meaning a restricted discretionary activity status applies under Rule R125.

Transpower acknowledges that recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance in the RMA. However, the national, regional and local benefits of regionally significant infrastructure and any minor streamworks required for access to facilitate the operation, maintenance and upgrade of the National Grid should also be appropriately provided for in the PNRP. The potential environmental effects of Transpower's activities within streams can be managed through permitted activity conditions. Transpower seeks that streamworks that comply with all of the conditions/standards for a permitted activity,

associated with the operation, maintenance or upgrade of the National Grid are exempt from Rule R125. This would provide certainty to iwi that their sites of significance are protected from potential environmental effects, and would appropriately give effect to the NPSET.

Transpower also seeks an amendment to Rule R120 for minor sand and gravel extraction to be setback more than 50 metres upstream or downstream from a National Grid support structure (in addition to network utility pylons or poles which are already included in the rule). This would assist in protecting existing support structures from potential damage.

Rule R127 applies to the reclamation of the beds of rivers or lakes as a non-complying activity, including reclamation associated with the piping of a stream, or in a site identified in Schedule C (mana whenua). The PNRP does not define reclamation in relation to a stream or river, and it is unclear whether this rule would apply to the "reclamation" or a stream associated with culverts and pipes to enable vehicle access to the National Grid. Policy P102 contains the following advice note:

For the purpose of (policy P102) the piping or covering of a stream for a distance greater than required to form a reasonable crossing point is considered to be reclamation of the river bed.

Transpower's culverts and pipes would generally not cover a stream for a distance greater than required to form a reasonable crossing point. As currently drafted, without a definition of reclamation in relation to streams and rivers, this rule is uncertain and ambiguous. It would appear that non-complying activity status applies to reclamation associated with all new culverts or pipes in streams, which is considered to be overly restrictive and inconsistent with the permissive rules for culverts and other river crossings throughout the PNRP. Transpower seeks that the term "reclamation" in relation to Rule R127 is clarified and defined to avoid misinterpretation, and assurance that this rule only applies when reclamation of a stream covers a distance greater than necessary to form a reasonable crossing point.

In general, Transpower is supportive of maintaining a generally permissive approach to culverts and river crossings that maintain water flow and fish passage (evident in Rules R114 and R115) subject to permitted activity conditions to manage potential environmental effects.

Rule R129 provides a default discretionary activity status for any other activities in the beds of lakes or rivers not specified in earlier rules. Rule R131 also provides a default discretionary activity status for the damming or diverting of water within or from rivers as a discretionary activity. Such an activity status for these types of activities is supported.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Activities in beds of lakes and rivers (Sections 5.5.4 and 5.5.5 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

70. **Amend** condition 5.5.4(e) as follows (or similar):

(e) Except for emergency works in streams/rivers that are necessary for the ongoing use, operation or maintenance of the National Grid, in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 March and 31 May, and

71. **Retain** Rule R112, as follows:

Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity

The maintenance, repair, replacement, upgrade or use of a structure or a part of a structure (excluding the Barrage Gates) that is fixed in, on, under, or over the bed of a river or lake, including any associated:

- (a) disturbance of the river or lake bed, and*
- (b) deposition on the river or lake bed, and*
- (c) diversion of water, and*
- (d) discharge of sediment to water*

is a permitted activity, provided the following conditions are met:

(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4 except condition (l) (not altering the natural course of the river), and

(f) the resulting structure is contained within the form of the existing structure, or

(g) the resulting structure, excluding any cable, pipe or duct and including any deposition, adds no more to the existing structure than whichever is the lesser of:

(i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or

(ii) 1m in horizontal projection and 1m in vertical projection measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.

72. Amend Rule R114, as follows:

Rule R114: River crossing structures – permitted activity

The placement or use of a river crossing structure, including, but not limited to, weirs, fords and small bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river including any associated:

- (a) disturbance of the river or lake bed, and*
- (b) deposition on the river or lake bed, and*
- (c) diversion of water, and*
- (d) discharge of sediment to water*

is a permitted activity, provided the following conditions are met:

(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4 except condition (l) (not altering the natural course of the river), and

(f) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than:

(i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or

(ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and

(g) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m², and

(h) Except for river crossing structures associated with the operation, maintenance or upgrade of the National Grid, the activity does not occur within a site identified in Schedule C (mana whenua).

73. Amend Rule R115, as follows:

Rule R115: Culverts – permitted activity

The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated:

- (a) disturbance of the river or lake bed, and
 - (b) deposition on the river or lake bed, and
 - (c) diversion of water, and
 - (d) discharge of sediment to water
- is a permitted activity, provided the following conditions are met:
- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and
 - (f) Except for culverts associated with the operation, maintenance or upgrade of the National Grid the activity does not occur within a site identified in Schedule C (mana whenua), and
 - (g) where multiple culverts are placed side by side, the total cross-sectional area of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and
 - (h) the culvert, associated fill and culvert placement shall comply with the following dimensions:
 - (i) a maximum culvert length of 20m, and
 - (ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and
 - (iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and
 - (iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above)
 - (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedence probability (20 year return period) flood event without the fill being overtopped, and
 - (i) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and
 - (j) the culvert shall be positioned so that its alignment and gradient are the same as the river, and
 - (k) the culvert shall be constructed to allow:
 - (i) the flow from a 5% annual exceedence probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and
 - (ii) the flow from a two year return period flood event without any flow impediment, and
 - (l) the culvert inlet and outlet shall be protected against erosion, and
 - (m) all practicable steps shall be taken to minimise the release of sediment during construction, and
 - (n) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and
 - (o) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties.

74. Amend Rule R117, as follows:

Rule 117 – New structures – permitted activity

The placement or use of a new structure, including but not limited to sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, and structures associated with vegetative bank edge protection except a structure permitted by Rules R114, R115, and R116 that is fixed in, on, under, or over the bed of any river or lake, including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and

(c) diversion of water, and
(d) discharge of sediment to water
is a permitted activity, provided the following conditions are met:
(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4 except condition (l) (not altering the natural course of the river), and
(f) Except for river crossing structures associated with the operation, maintenance or upgrade of the National Grid, the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure and
(g) in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) the structure shall not be constructed during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the construction site, and
(h) the structure does not occupy a bed area any greater than 10m², except for where the structure is associated with vegetative bank edge protection, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and
(i) the catchment upstream of any sediment retention weir is not greater than 200ha, and
(j) the height of any sediment retention weir from the upstream base to the crest of the weir shall be no more than 0.5m, and
(k) any water monitoring equipment may divert up to 30m³ of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water where it is returned to the water body is the same or better than the receiving water body.

75. **Retain** Rule R118, as drafted:

Rule R118: Removing or demolishing structures – permitted activity
The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, including any associated:
(a) disturbance of the river or lake bed, and
(b) deposition on the river or lake bed, and
(c) diversion of water, and
(d) discharge of sediment to water
is a permitted activity, provided the following conditions are met:
(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
(f) the removal or demolition of the structure disturbs less than 10m³ of the bed of the river or lake, and
(g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and
(h) no explosives shall be used in the demolition of the structure, and
(i) the removal or deposition shall not result in the diversion of water from a natural wetland.

76. **Amend** Rule R120, as follows:

Rule R120: Minor sand and gravel extraction – permitted activity
The excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material, including any associated:
(a) deposition on the river or lake bed
Is a permitted activity, provided the following conditions are met:
....

(h) the extraction site shall be set back more than 150m upstream from any established water level recorder, more than 50m upstream or downstream from any established weir, ford, culvert, bridge, dam, surface water intake structure or National Grid support structure, network utility pole or pylon, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and

...

77. Retain Rule R122, as drafted:

Rule R122: Removing vegetation – permitted activity

The trimming or removal of vegetation (including weeds) from the bed of any river or lake, and any associated sediment or bed material attached to the roots of the vegetation being removed, including any associated:

- (a) disturbance of the lake or river bed, and*
- (b) deposition on the lake or river bed, and*
- (c) diversion of water, and*
- (d) discharge of sediment to water*

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and*
- (f) in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) vegetation removal shall not occur during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the work site, and*
- (g) the activity shall not cause any increase in flooding on neighbouring properties, and*
- (h) if mechanically clearing aquatic vegetation from an area of river or lake bed covered in water, the machinery must use a weed bucket with a curved flat base and a slatted back that permits the easy drainage of water and fish, and*
- (i) any fish (except pest species) and koura removed from the river or lake bed during works shall be returned to the river or lake as soon as practicable, and no later than one hour after removal, and*
- (j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy 2002-2022), and*
- (k) where the activity involves the removal of an area of contiguous woody vegetation from the banks of a river, that extends for a length of river bed of greater than 100m, either:*
 - (i) a length of river bed of 10m shall be left with intact woody vegetation as a refuge area for every 200m of cleared river bed. The vegetation in the refuge area must be left for at least three months following completion of the main works, or*
 - (ii) where there is contiguous woody vegetation on both sides of the banks of the river, vegetation is only removed from one side of the river, and the vegetation is not removed from the opposite for a period of 12 months,*
- (l) where the activity involves the mechanical clearance of aquatic vegetation from a river, either:*
 - (i) only one side of the river shall be cleared at any one time, and the other side may only be cleared three months following completion of the initial works, or*
 - (ii) only the middle of the river shall be cleared, and an uncleared margin of at least 30% of the width, but no less than 0.3m, shall be left uncleared on each side, and*

(m) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and

(n) no excavation of the bed, or widening or deepening of the bed is permitted by this rule.

78. **Amend** Rule R125, as follows (or similar):

Rule R125: Structures within a site identified in Schedule C (mana whenua) – restricted discretionary activity

Except for activities associated with the operation, maintenance or upgrade of the National Grid as provided for as a permitted activity in Rules R114, R115 or R117, the placement of a river crossing structure, a culvert, new small dam, or other small structure that that is fixed in, on or under the bed of a river within a site identified in Schedule C (mana whenua), including any associated:

(a) disturbance of the river or lake bed, and

(b) deposition on the river or lake bed, and

(c) diversion of water, and

(d) damming of water, and

(e) discharge of sediment to water, and

(f) reclamation associated with the dam structure, and

(g) the damming of water outside the bed of a lake or river by a dam structure is a restricted discretionary activity, provided the following conditions are met:

(h) any small river crossing (other than a culvert) must meet the conditions of Rule R114, except condition (h), and

(i) any culvert must meet the conditions of Rule R115, except condition (f), and

(j) any new small dam structure, must meet the conditions of Rule R116, except condition (i), and

(k) any other small new structure must meet the conditions of Rule R117 except condition (f).

79. If Rule R127 is to be retained, **Add** a new definition for **Reclamation** (in relation to Rule R127) (or similar):

Reclamation (in relation to Rule R127) means the piping or covering of a stream for a distance greater than required to form a reasonable crossing point is considered to be reclamation of the river bed.

80. **Retain** R130, as drafted:

Rule R130: Diversion of groundwater – permitted activity

Diversion of groundwater is a permitted activity, provided the following conditions are met:

(a) there shall be no flooding or erosion of any neighbouring property, and

(b) there shall be no lowering of water levels in any river, lake, or natural wetland, and

(c) there shall be no lowering of groundwater levels on any neighbouring property.

81. **Retain** Rule R131, as drafted:

Rule R131: Damming or diverting water within or from rivers – discretionary activity

The damming or diverting of water within or from a river that does not meet Rules R112, R114, R115, R116, R117, R118, R119, R121, R122 and R123

and R140 is a discretionary activity, provided the following conditions are met:

(a) the damming or diverting of water shall not result in river flows falling below minimum flows in chapters 7 to 11 of the Plan, and

(b) the damming or diverting of water is not in any outstanding river identified in Schedule A1 (outstanding rivers).

82. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.6. WATER ALLOCATION

Take and Use of Water

Transpower generally supports the rules in Section 5.6.2 of the PNRP relating to the take and use of water, particularly Rules R136 (take and use of water), R140 (dewatering), R141 (take and use of water), and R142 (all other take and use), as it appropriately allows for Transpower's activities in relation to the operation, maintenance and upgrade of the National Grid. However, the use of the term "potentially contaminated land" in Rule R140 is ambiguous as it is not currently defined. Transpower considers that Rule R140 condition (b) should not include "potentially" contaminated land and should only capture "contaminated land" which is defined as land confirmed as Category III in the SLUR. Transpower seeks that R140 condition (b) is amended to delete reference to "potentially contaminated land". In addition, If council accepts Transpower's relief sought to clarify definition of Contaminated Land (submission point 37), including how "adverse effects on human health" are to be measured, any dewatering of Transpower's sites would be likely to comply with Rule R140 as a permitted activity.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Take and use of water, and bore construction or alteration (Sections 5.6.2 and 5.6.4 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

83. **Amend** Rule R140, as follows:

The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:

(a) the take continues only for the time required to carry out the work but does not exceed one month, and

(b) the take and diversion and discharge is not from, onto or into contaminated land ~~or potentially contaminated land~~, and

(c) the take does not cause ground subsidence, and

(d) the take does not deplete water in a water body, and

(e) there is no flooding beyond the boundary of the property.

84. Any consequential amendments as a result of the above relief sought.

Bore construction or alteration

Transpower supports *Rule R146: Geotechnical investigation bores – permitted activity* as it occasionally needs to undertake geotechnical investigations for tower relocations or at substations for compliance monitoring.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Take and use of water, and bore construction or alteration (Sections 5.6.2 and 5.6.4 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

85. Retain Rule R136, as drafted:

Rule R136: Take and use of water – permitted activity

The take and use of water from a surface water body (other than a water race that is permitted by Rule R138) or groundwater is a permitted activity, provided the following conditions are met:

(a) the total take and use per property shall not exceed the following rates and volumes, and

<i>Property size</i>	<i>Rate</i>	<i>Volume per day</i>
----------------------	-------------	-----------------------

<i>Greater than 20ha</i>	<i>2.5L/s</i>	<i>20m³</i>
--------------------------	---------------	------------------------

<i>Less than 20ha</i>	<i>2.5L/s</i>	<i>10m³</i>
-----------------------	---------------	------------------------

(b) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby bores, and

(c) fish are prevented from entering the water intake, and

(d) the water is not taken from a natural wetland, or from within 50m of a natural wetland, and

(e) no water shall run to waste, and

(f) at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.

86. Amend Rule R140, as drafted:

Rule R140: Dewatering – permitted activity

The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:

(a) the take continues only for the time required to carry out the work but does not exceed one month, and

(b) the take and diversion and discharge is not from, onto or into contaminated land ~~or potentially contaminated land~~, and

(c) the take does not cause ground subsidence, and

(d) the take does not deplete water in a water body, and

(e) there is no flooding beyond the boundary of the property.

87. Retain Rule R141, as drafted:

Rule R141: Take and use of water – controlled activity

The take and use of water from a surface water body or groundwater is a controlled activity, provided the following conditions are met:

- (a) the take and use was in existence on a property less than 20ha in size at the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and*
- (b) the total take and use per property, in combination with permitted activity Rule R136, shall not exceed 20m³ at a rate of no more than 2.5L/s, and*
- (c) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby bores, and*
- (d) fish are prevented from entering the water intake, and*
- (e) the water is not taken from a natural wetland or within 50m of a natural wetland, and*
- (f) no water shall run to waste.*

88. Retain Rule R142, as drafted:

Rule R142: All other take and use – discretionary activity

The take and use of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity.

89. Retain Rule R146, as drafted:

Rule R146: Geotechnical investigation bores – permitted activity

The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a geotechnical investigation bore is a permitted activity, provided the following conditions are met:

- (a) the bore is not located within a community drinking water supply protection area shown on Map 26, Map 27a, Map 27b, or Map 27c, and*
- (b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and*
- (c) a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and*
- (d) there is no flooding beyond the boundary of the property.*

90. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.7 COASTAL MANAGEMENT

As mentioned above, Transpower has nationally and regionally significant infrastructure traversing the Coastal Marine Area, particularly the Cook Strait cables, which transport electricity between the North Island and South Island. Transpower considers that the PNRP should enable the use, operation, maintenance, or upgrading of the National Grid within the Coastal Marine Area, to give effect to the NPSET.

To provide context, the first of the Cook Strait cables were laid in 1964, and an Act of Parliament was passed in 1966 to protect them. In 1996, the Submarine Cables and Pipelines Protection Act was updated to substantially increase penalties for damaging a cable or carrying out illegal activities within the protected area specified for the Cook Strait cables. This followed several instances of damage to cables, a sharp increase in fishing in the Cook Strait area and evidence of illegal fishing activity. An associated piece of legislation, the Submarine Cables and Pipeline Protection Order 2009, has since identified an area between Wellington

and the Marlborough Sounds – the Cook Strait Cable Protection Zone (or CPZ) – to provide for the protection of the cables. With one minor exception, all fishing and anchoring is illegal within the Cook Strait CPZ as these activities may lead to damage of the cables. The exception is that crayfishing, the taking of paua and kina and the use of set nets are permitted only within 200 metres of the shore (low water mark) and outside the yellow warning signs located at either side of Oteranga Bay and Fighting Bay (in Marlborough).

The Cook Strait Cable is shown in Figure 1 of this submission, and in Map 52 of the PNRP.

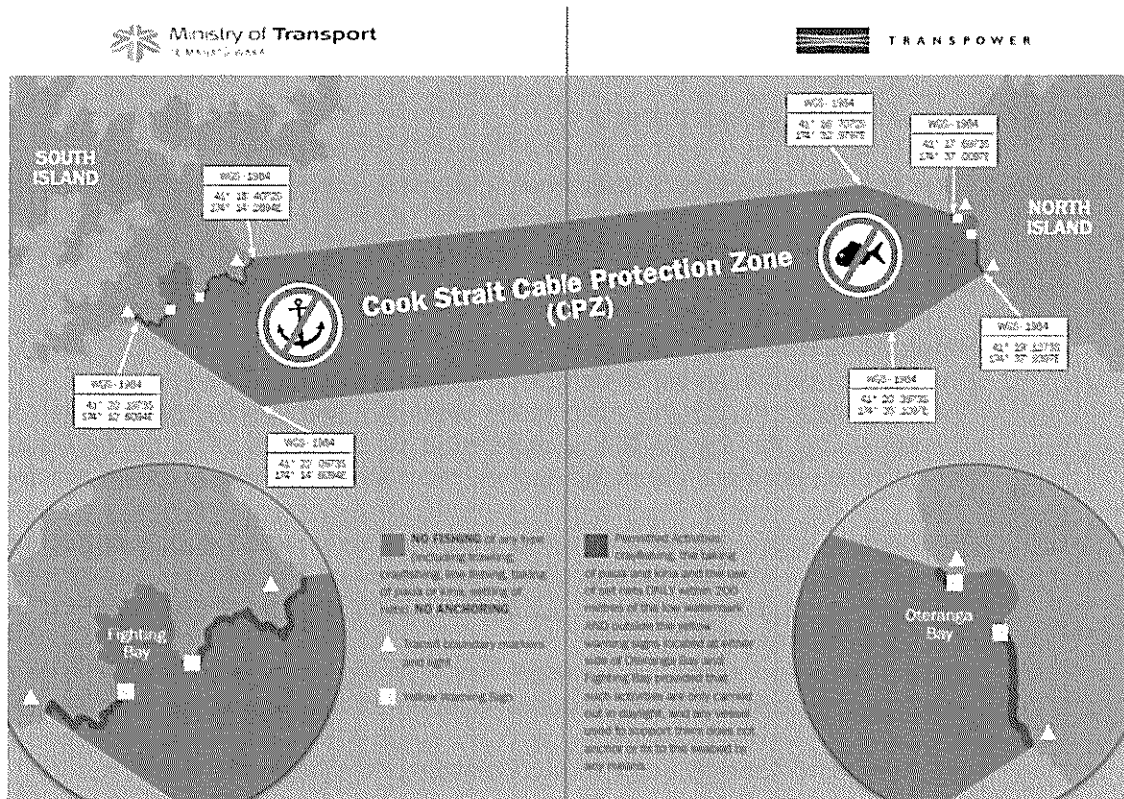


Figure 1 Cook Strait Cable Protection Zone



Figure 2 Oteranga Bay Site of Significance to Ngāti Toa (source: GWRC GIS viewer)

As already mentioned above, Oteranga Bay is identified in Schedule C3 as a site of significance to Ngāti Toa Rangatira for the following values: urupā, pā, kāinga, mahinga kai, wāhi tapu values. Cook Strait is also recognised as Raukawa Moana in Schedule B (Ngā Taonga a Kiwa) for the following values:

Ngā Mahi a ngā Tūpuna:

- *Raukawa Moana is the area now known as Cook Strait. This is the highway for Te Ātiawa/Taranaki Whānui in Te Upoko o Te Ika to our close kin in Tōtaranui and Picton in the Marlborough Sounds. Raukawa Moana features in the Kupe story and his battles with Te Wheke.*

Te Mahi Kai:

- *Raukawa Moana is a supply house for kai moana and the peoples of the pā on the south coast fished and lived on its often harsh shores. It is known for the rich nutrients that move in its busy waters and support the hoki fishery as they breed and deposit their eggs to grow in the large trenches close offshore. It is a route for many whale species.*

Wāhi Whakarite:

- *There are sites of significance again around the story of Kupe and they are named by him and his people relating to events that occurred in his travels through this area. The harbour is recognised because of its size and extensive support for all iwi who have lived and worked in and on it and have used rituals for all their day to day activities.*

Te Mana o te Tangata:

- *Raukawa Moana as the iwi highway especially for the Pounamu trail is well recognized by other iwi.*

Te Manawaroa o te Wai:

- *Restoration is a complex topic for this significant strait but the key is to ensure the water bodies that enter these waters should be in the best condition they can be so the fish stocks can have the best chance to be maintained.*

Te Mana o te Wai:

- *Raukawa Moana is essential to the mana of Te Ātiawa/Taranaki Whānui and has been traversed and used in its establishment on both sides of the strait.*

Wāhi Mahara:

- *Without doubt the place of many histories and iwi identity. A place of learning and place of healing.*

Transpower acknowledges the significance of the Oteranga Bay to Ngāti Toa, and of the Cook Strait as Ngā Taonga a Kiwa (i.e. heritage Pacific), and does not oppose the inclusion of these sites and their significant values within the PNRP. Transpower recognises that providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance in the RMA. However, the national, regional and local benefits of regionally significant infrastructure and any activities required to facilitate the efficient and effective operation and functioning of the National Grid should not be unduly restricted by provisions in the PNRP.

In relation to the Coastal management general conditions within Section 5.7.2, Transpower is not opposed overall to the conditions but seeks clarification as to the intent of condition 5.7.2(b) "any disturbance of the foreshore or seabed is removed in 48 hours" in that it is not clear as to what is to be removed given the permitted rules allow for the associated disturbance of the foreshore or seabed.

Transpower generally supports the permissive rules for the maintenance, repair, alterations, and additions to structures in the Coastal Marine Area (Rules R149, R150 and R151), and for the occupation of space by a structure owned by a network utility operator (Rule R182 and rule R183). However, some of the rules as currently drafted unduly restrict Transpower from undertaking routine maintenance or upgrading of the Cook Strait cables, for example:

- New and replacement structures (including temporary structures) are restricted in sites or habitats identified in Schedule C (mana whenua) in Rule R154.
- New structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone and mana whenua sites of significance are a Discretionary activity in Rule R160.
- New structures, additions or alterations to structures inside sites of significance in Schedule C (mana whenua) are a non-complying activity in Rule R162.
- Motorised excavation machinery that disturbs or removes sand, shingle, shell or other natural material is restricted in Rule R188(i).
- Disturbance or damage of the foreshore or seabed inside sites of significance in Schedule C (mana whenua) are a non-complying activity in Rule R195.

The rules, as currently drafted, are vague in relation to activities associated with the Cook Strait cables (with only one rule for a discretionary activity relating to new structures and associated motor vehicles), meaning Transpower would require resource consent for a non-complying activity to maintain or upgrade the Cook Strait cables (as maintenance would not be a new structure). While it is presumed the intent of Rule R160 is to restrict third party structures and activities within the Cook Strait Cable Protection Zone, the effect is that Transpower activities are restricted. This unduly restricts the effective and efficient operation of the National Grid, and fails to provide appropriate provision for the ongoing operation and maintenance, development and upgrade of the National Grid.

Also, the rules as drafted would unduly restrict Transpower's day-to-day activities of patrolling the Cook Strait Cable Protection Zone in a vessel (i.e. monitoring of and intercepting offenders who are illegally fishing or anchoring in the Cook Strait Cable Protection Zone). The rules as drafted, fail to give effect to the policy direction of the NPSET and the Regional Policy Statement (recognising that there is a functional need for the cables to be located within the Coastal Marine Area, and the associated activities to ensure their ongoing operation) The rules also present a disparity between the proposed objectives and policy direction included in the PNRP.

As such there are essentially two issues for Transpower; the first being rules to enable Transpower to provide for the ongoing operation and maintenance, development and upgrade of the National Grid; and the second being to ensure other third party activities within the Cook Strait Cable Protection Zone do not compromise the ongoing operation and maintenance, development and upgrade of the National Grid.

To address these two issues, Transpower seeks a specific rule (R156A) providing for activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cables within the Cook Strait Protection Zone, as a permitted activity subject to the conditions (including the conditions for general coastal management in Section 5.7.2). Suggested conditions restricting the use of explosives and the area of disturbance have been included to manage potential environmental effects, and are consistent with the policy direction of the PNRP as drafted, particularly Policy P132 which requires works in the Coastal Marine Area to (d) *only use the minimum area necessary*. A suggested condition for written notice to be provided to Ngati Toa Rangitira prior to works occurring in Oteranga Bay recognises the cultural significance of the area and provides an opportunity for Ngati Toa to comment on or observe the proposed works should they see fit.

Related to the above, Transpower seeks a new Rule R160A to capture (as a discretionary activity) all activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cables within the Cook Strait Cable Protection Zone which are not permitted activities under the suggested Rule 156A. Discretionary activity status for activities that cannot comply with the suggested conditions is generally appropriate as it would allow a comprehensive assessment of all environmental effects, balanced with the merits of a proposal.

To address the second issue (being to ensure other third party activities within the Cook Strait Cable Protection Zone do not compromise the ongoing operation and maintenance, development and upgrade of the National Grid), Transpower seeks the retention of Rule 160 but amendment to apply the rule to any new structures or disturbance of the seabed or foreshore within the Protection Zone (to align with the Cook Strait Cable Protection Zone as provided under the Submarine Cables and Pipelines Protection Act 1996), and that the National Grid be excluded from the rule as it would be covered under new Rules 156A and 160A. Transpower notes that the PNRP contains rules on surface water and foreshore activities and therefore these activities are not addressed in amended Rule R160. However, Transpower seeks an advice note within Section 5.7.11 of the PNRP to alert plan users to the regulations in the Submarine Cables and Pipeline Protection Order 2009 to protect the Cook Strait cables from damage.

Transpower also seeks amendments to various rules noted below to ensure that activities associated with the Cook Strait cables (which would be covered by the suggested Rule R156A, and R160A) are exempt from other rules in the PNRP. In particular, an exemption is sought from Rules R182 (occupation of space by a structure owned by a network utility operator) and Rule R183 (Renewal of existing resource consents for occupation of space by

structures, as a control activity) for the occupation of space of the Cook Strait Cables within the common marine and coastal area, as this occupation of space would now be covered by the suggested new rules.

The following outlines the relief sought by Transpower, reflecting the above comments.

Rules – Coastal Management (Section 5.7 of the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

91. **Retain** section 5.7, except as follows:

92. **Retain** the coastal management general conditions specified in Section 5.7.2 except as follows:

93. **Amend** or **remove** standard (b) to clarify what is the intent of the standard, as follows;

~~Standard (b) any disturbance of the foreshore or seabed is removed in 48 hours.~~

94. **Add** an additional rule as follows (or similar):

Rule R156A: Activities associated with the National Grid on the foreshore and in the Cook Strait Cable Protection Zone, including those within Schedule C (mana whenua sites of significance) – permitted activity

The following activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cables within the Cook Strait Cable Protection Zone, including within sites of significance listed in Schedule C (mana whenua).

(a) New or replacement structures (including temporary structures)

(b) Inspection, surveying, maintenance, repair, additions or alterations to existing structures

(c) Removal or demolition of structures

(d) Use of motor vehicles and

(e) General surface water and foreshore activities (including launching, retrieving or temporary mooring of vessels)

Including any associated:

(f) Occupation of space in the common marine and coastal area

(g) Disturbance of the foreshore and seabed (including any removal of sand, shingle, shell or other natural material)

(h) Deposition in, on or under the foreshore or seabed.

(i) Discharge of contaminants

(j) Diversion of open coastal water

Is a permitted activity, provided the following conditions are met:

(k) The structure shall not cause a hazard to navigation.

(l) Any motor vehicles shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the foreshore or seabed, and

(m) Any disturbance to the foreshore and seabed shall be the minimum area necessary for the proposed activity.

(n) No explosives shall be used in the removal or demolition.

(o) Except for structures used for maintenance, inspection and survey, for any new structures, written notice detailing the scale and location of the structure, and the timing of construction and removal shall be given five working days before work commences to:

- the Wellington Regional Council Harbourmaster, and

- Maritime New Zealand, and
- For activities within the Oterongo (Oteranga) Bay area listed on Schedule C (mana whenua), Ngāti Toa Rangatira.

(p) The activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

95. **Amend** Rule R160, as follows (or similar):

Rule R160:

~~New structures and or disturbance associated with motor vehicles inside of the foreshore or seabed in the Cook Strait Cable Protection Zone and mana whenua sites of significance, — discretionary activity~~

~~A new structure and the associated use of the structure and or disturbance associated with motor vehicles of the foreshore or seabed in the coastal marine area related to the Cook Strait Cable within the Cook Strait Cable Protection Zone shown on Map 52, including any associated:~~

- ~~(a) occupation of the common marine and coastal area, and~~
- ~~(b) disturbance of the foreshore or seabed, and~~
- ~~(c) deposition in, on or under the foreshore or seabed, and~~
- ~~(d) discharge of contaminants, and~~
- ~~(e) diversion of open coastal water~~

~~that is not permitted under Rule 156A, controlled by Rule R157, or a non-complying activity, is a discretionary activity.~~

96. **Add** an additional Rule R160A, as follows (or similar):

Rule R160A:

Activities associated with the National Grid on the foreshore or in Cook Strait Cable Protection Zone, including those within Schedule C (mana whenua sites of significance) – discretionary activity

Activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cable on the foreshore or in the Cook Strait Cable Protection Zone, including within sites of significance listed in Schedule C (mana whenua), including any associated:

- (a) occupation of the common marine and coastal area, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R156A is a discretionary activity.

97. **Amend** Rules R151, R152, R155, R157, R161, R162, R164, R182, R183, R186, R187, R188, R195, R196, R197, R198, R204, R204, R205, R209, and R214 to ensure that activities covered by new Rules R165A and R160A are exempt from these rules, as follows (or similar):

.. That is not permitted by Rule R156A, or a discretionary activity under Rule R160A, is a permitted activity, provided the following conditions are met..

98. Rule R183, as follows:

Rule R183: Renewal of existing resource consents for occupation of space by structures – controlled activity

Except as provided for in Rule R156A or R160A, the first renewal of an existing resource consent for the occupation of space by a structure in the common marine and coastal area, after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a controlled activity.

Matters of control

1. *Effects on public access*
2. *Effects on public open space and visual amenity*

Notification

In respect of Rule R183, applications are precluded from public notification (unless special circumstances exist).

99. **Add** an advice note to Section 5.7.2 and/or to 5.7.11, as follows (or similar):
Advice Note: Any activities which disturb the foreshore or seabed within the Cook Strait Cable Protection Zone (shown in Map 52), including anchoring and fishing, has the potential to damage the Cook Strait Cables, and is required to comply with the Submarine Cables and Pipeline Protection Order 2009.
100. **Retain** the definition of Reclamation (in the coastal marine area), as drafted:
Reclamation in the coastal marine area means the creation of dry land and does not include coastal or river mouth protection structures such as seawalls or revetments, boat ramps, and any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment
101. **Amend** Rule R215, as follows:
Rule R215: Reclamation and drainage – non-complying activity
Reclamation and drainage in the coastal marine area, including any associated: occupation of space in the common marine and coastal area, and
(a) *destruction of the foreshore or seabed, and*
(b) *disturbance of the foreshore or seabed, and*
(c) *deposition in, on or under the foreshore or seabed, and*
(d) *discharge of contaminants*
(e) *diversion of open coastal water*
that is not a discretionary activity under Rule R160A or Rule R214 is a non-complying activity.
102. **Amend** Rule R216:
Rule R216: Destruction – non-complying activity
Except as provided for in Rules R156A and R160A, the destruction of the foreshore or seabed in the coastal marine area including any associated:
(a) *disturbance of the foreshore or seabed, and*
(b) *deposition in, on or under the foreshore or seabed, and*
(c) *discharge of contaminants, and*
(d) *diversion of open coastal water*
is a non-complying activity.
103. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

6.0 CONCLUSIONS

The National Grid is recognised as a nationally significant physical resource, of critical importance to New Zealand. As a significant physical resource, it must be sustainably managed under the RMA. Having reviewed the PNRP, Transpower is generally supportive and satisfied with the provisions, however has set out in this submission, a number of amendments are sought to ensure that the NPSET is given effect to, appropriate recognition

is given to the provisions of the NESETA, and as a result of this appropriate provision is made for the ongoing operation, maintenance, upgrading and development of the National Grid.

Transpower thanks the Council for the opportunity to submit on the PNRP and welcomes any opportunity to discuss these submission points further with the Council.

DATED 25 September 2015.

Signature for and on behalf of
Transpower New Zealand Limited:

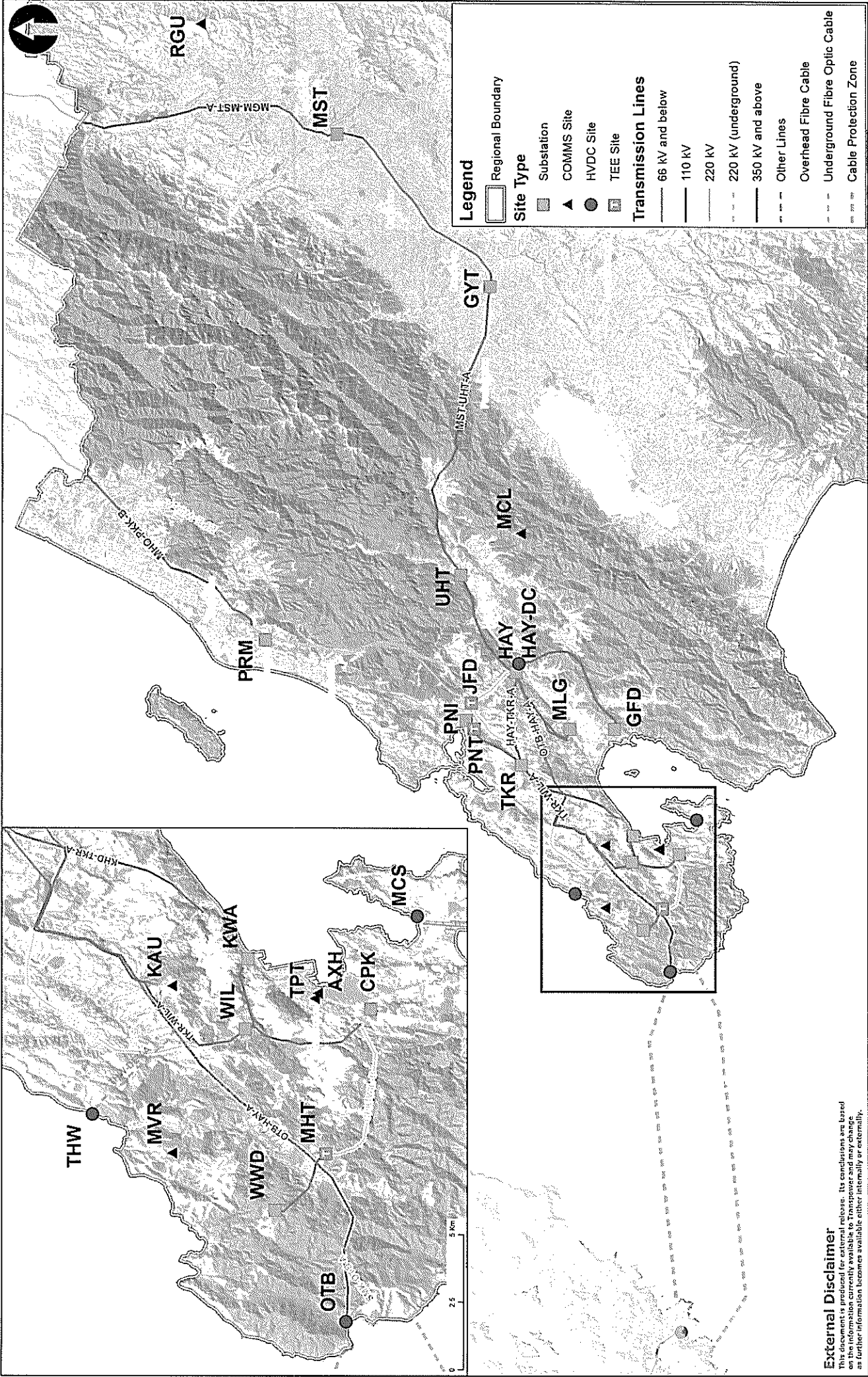


Pauline Whitney
Senior Planner: Associate Principal

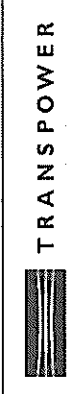
Address for Service: Boffa Miskell Limited
 Po Box 11 340
 Level 4, Huddart Parker Building
 1 Post Office Square
 WELLINGTON 6142
 Attn: Pauline Whitney

Tel: 04 901 4290
Email: pauline.whitney@boffamiskell.co.nz

Attachment 1: National Grid Assets

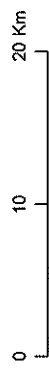


External Disclaimer
 The information in this map is for general information only. Its conditions are based on the information currently available to Transpower and may change as further information becomes available either internally or externally.



Projection: NZTM 2000 Scale: 1:338,000 Plan Size: A3L

Transpower Assets in the Wellington Region



Copyright © 2015 Transpower New Zealand Limited. All rights reserved. This document is protected by copyright. Transpower New Zealand Limited ("Transpower") is part of the document may be reproduced or transmitted in any form by any means including electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Transpower. Any breach of the above conditions may be prosecuted in accordance with the Copyright Act 1994. Date: 24/09/2015 Drawn by: heymamsf

