

# Submission of Transpower New Zealand Limited on Proposed Plan Change 1 to the Wellington Region Natural Resources Plan

14 December 2023

*Keeping the energy flowing*



## Form 5

### Submission on notified proposal for policy statement or plan, change or variation

To: **Wellington Regional Council**

Name of submitter: **Transpower New Zealand Limited**

This is a submission on the following proposed plan change: **Plan Change 1 to the Natural Resources Plan for the Wellington Region**

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are: Refer to attached submission.

My submission is: Refer to attached submission.

I seek the following decision from the local authority: Refer to attached submission.

I wish to be heard in support of my submission.

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## Introduction to Transpower

Transpower is a State-Owned Enterprise that plans, builds, maintains and operates New Zealand's National Grid, the high voltage electricity transmission network for the country. The National Grid links electricity generators directly to major industrial users and distribution companies, feeding electricity to the local networks that distribute electricity to homes and businesses. The role of Transpower is shown in Figure 1 below.

The National Grid comprises towers, poles, lines, cables substations, a telecommunications network and other ancillary equipment stretching and connecting the length and breadth of the country from Kaikohe in the North Island down to Tiwai in the South Island, with two national control centres (in Hamilton and Wellington).

The National Grid includes approximately 11,000 km of transmission lines and over 170 substations, supported by a telecommunications network of around 300 telecommunication sites, which help link together the components that make up the National Grid.

It is important to note that Transpower's role is distinct from electricity generation, distribution, or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation.

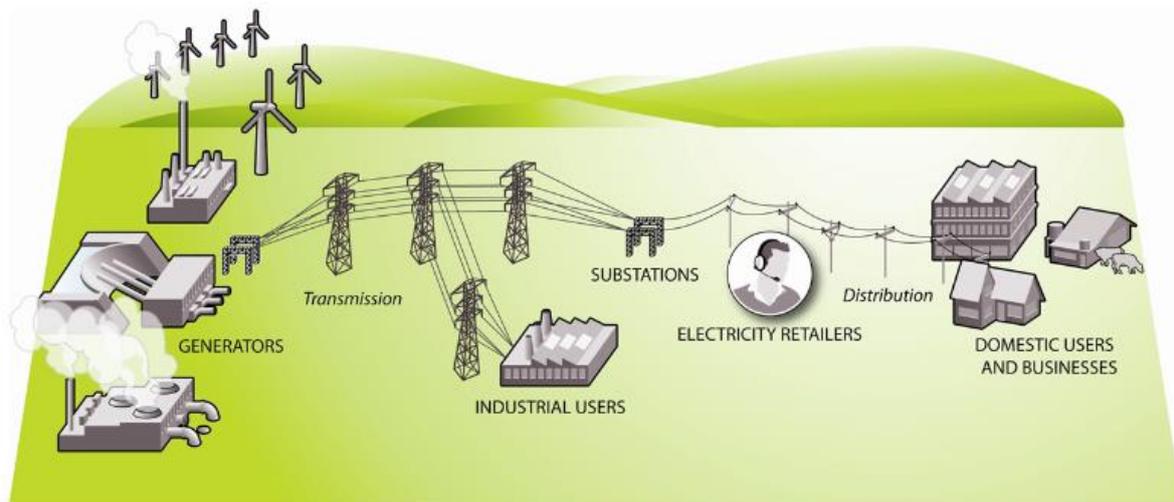


Figure 1: Role of Transpower in New Zealand's electricity industry. (Source: MBIE)

Transpower's role as outlined in its Statement of Corporate Intent for July 2023, states that:

*Transpower is central to the New Zealand electricity industry. We connect generators to distribution companies and large users over long distances, providing open access and helping to balance supply and demand. The nature and scope of the activities we undertake are:*

- *as grid owner, we own, build, maintain, replace, and enhance the physical infrastructure that connects those who generate and those who need electricity to live, work and play across the country; and*
- *as system operator, through a service provided under contract to the Electricity Authority under the Electricity Industry Participation Code, we operate the electricity market, managing supply and demand for electricity in real time to ensure that the power system remains stable and secure.*

In line with the above, Transpower needs to efficiently maintain and develop the network to meet increasing demand, to connect new generation, and to ensure security of supply, thereby contributing to New Zealand’s economic and social aspirations. It must be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs. As the economy electrifies in pursuit of the most cost efficient and renewable sources, the base case in Transpower’s “Whakamana i Te Mauri Hiko” (‘Empowering our Energy Future’) predicts that electricity demand is likely to increase around 55% by 2050. Whakamana i Te Mauri Hiko suggests that meeting this projected demand will require significant and frequent investment in New Zealand’s electricity generation portfolio over the coming 30 years, including new sources of resilient and reliable grid connected renewable generation. In addition, new connections and capacity increases will be required across the transmission system to support demand growth driven by the electrification of transport and process heat. Simply put, New Zealand’s electricity transmission system is the infrastructure on which NZ’s zero-carbon future will be built. This work supports Transpower’s view that there will be an enduring role for the National Grid in the future, and the need to build new National Grid lines and substations to connect new, renewable generation sources to the electricity network.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded, and developed. Operational requirements are set out in legislation, rules, and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and the Electricity (Hazards from Trees) Regulations 2003.

## **Statutory framework for the National Grid**

### **The National Policy Statement on Electricity Transmission**

The National Policy Statement on Electricity Transmission (‘**NPSET**’) was gazetted on 13 March 2008. The NPSET defines the National Grid as “the assets used or owned by Transpower NZ Limited”. It confirms the national significance of the National Grid and establishes national policy direction to ensure decision-makers under the Resource Management Act 1991 (‘**RMA**’) duly recognise the benefits of transmission, manage the effects of the National Grid and appropriately manage the adverse effects of activities and development close to the National Grid. The NPSET only applies to the National Grid – the assets used, operated, or owned by Transpower – and not to electricity generation or distribution networks. A copy of the NPSET is attached as **Appendix 2**.

The one 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:*

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

The NPSET's Objective is implemented by fourteen policies. The policies must be applied by both Transpower and decision-makers under the RMA, as relevant. In a general sense these policies address the following:

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising, and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for "buffer corridors";
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Section 67(3) of the RMA requires that a regional plan "give effect to" a National Policy Statement. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it.

It is therefore a requirement that the Natural Resources Plan ('NRP'), and Plan Change 1 ('PC1') reflects national direction and that the NRP is effective in helping support the integrated management of natural and physical resources across the region as a whole.

### **The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009**

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 PC1 are Regulations 25 and 26 relating to blasting and the application of protective coatings, Regulations 28 and 29 relating to discharges to water, and Regulations 30 and 32 relating to trimming, felling and removing trees and vegetation.

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. It is noted the actual blasting rules in the operative NRP are not proposed to be amended under PC1.

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 regulation 30, vegetation works are permitted, unless specific to regional rules, under clause (3) the regional plan controls the use for land for the purpose of: soil conservation, or avoiding or mitigating flooding. Where breached, consent is required under regulation 32 as a restricted discretionary activity.

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.

Of note, regulation 4(2)(f) stipulates 'earthworks to the extent that they are subject to a regional rule' are not regulated by the NESETA, and therefore are subject to the regional plan.

The operative Natural Resources Plan references the NESETA in Section 5.6, as follows:

*Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.*

## **The National Grid in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua**

There are numerous components of the National Grid that are located in or pass through Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. The National Grid generally includes the following types of assets:

- **National Grid transmission lines.** These are the high-voltage transmission lines that are visible in many parts of the region that transmit electricity from where it is generated to local distribution networks. Transmission lines typically include the lines themselves (referred to as "conductors"), and structures such as towers and poles which carry the conductors. Transmission lines that are located below ground are referred to as "cables". Particularly, in rural areas, transmission lines are supported by access tracks that enable access to the lines for maintenance.
- **National Grid substations.** Substations are the point where electricity transitions from or to National Grid transmission lines. The majority of substations in the Wellington region transfer

electricity from the National Grid to local distribution networks owned and operated by local network utility operators (such as Wellington Electricity). Crofton Downs substation is one example of many located within the region (see Figure 2). Substations also take electricity at the point where it is generated and feed it into the National Grid. The West Wind substation, located in the hills to the west of Mākara, is an example of this (see Figure 3). Substations are industrial in nature, and include features such as switchyards, buildings, hardstands, vehicle access, parking and loading facilities, fences and access control.



Figure 2: Crofton Downs substation, located off Chartwell Drive, provides electricity to the local distribution network.



Figure 3: West Wind substation, located in the hills to the west of Mākara, takes electricity generated from the wind turbines at West Wind.

Other National Grid facilities within the region include coastal facilities that provide for landing of the Cook Strait cable at Oteranga Bay, as well as the Haywards substation in Hutt City, which is the point where electricity generated in the South Island is transferred into the North Island grid. As such, the National Grid in the Wellington region is not only regionally significant, but also nationally significant.

Refer to **Appendix 3** for a map showing the location of the National Grid transmission lines and other National Grid facilities throughout Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.

## Summary of Transpower's submission on PC1

**Appendix 1** contains Transpower's detailed submission on PC1. The following sections summarise the key issues raised by Transpower in its detailed submission and for the avoidance of doubt, form part of the submission.

### Giving effect to the NPSET and NESETA

Transpower recognises that one of the purposes of PC1 is to give effect to the National Policy Statement on Freshwater Management 2020 ('NPS-FM'). However, PC1 is required to do so in a manner that gives effect to all other national policy statements and instruments, including the NPSET and NESETA. However, review of the Section 32 Evaluation Report for PC1 yields no reference to the NPSET or the NESETA and on this basis, it appears that the NPSET and NESETA have not been considered as part of the preparation of PC1.

Transpower does not see the NPS-FM (and NES-FM) and the NPSET (and NESETA) as incompatible or irreconcilable. Much of Transpower's detailed submission on PC1 seeks to ensure that the objective of the NPSET, which is to facilitate the operation, maintenance, upgrading, and development of the National Grid, is given effect to through the provisions of PC1 while also giving effect to the NPS-FM.

## **Regionally significant infrastructure in the RPS and the NRP**

The National Grid is included in the definition of *regionally significant infrastructure* under both the RPS and the NRP.

Relevant objectives and policies in the RPS include:

- Objective 10, which provides that the social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected;
- Policy 7, which requires that regional plans include policies and/or methods that recognise the benefits of regionally significant infrastructure;
- Policy 8, which requires that regional plans include policies and/or methods that protect regionally significant infrastructure from incompatible use and development;
- Policy 39, which requires that changes to the regional plan have particular regard to the matters set out in policy 7 and policy 8.

Relevant objectives and policies in the NRP include:

- Objective 9, which provides that the social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised;
- Objective 10, which provides that regionally significant infrastructure is enabled in appropriate places and ways;
- Objective 11, which provides that regionally significant infrastructure is protected from incompatible use and development;
- Policy 11, which requires that particular regard is given to the benefits of regionally significant infrastructure;
- Policy 13, which requires that the use, development, operation, maintenance and upgrade of regionally significant infrastructure to be provided for in appropriate places and ways;
- Policy 14, which is a policy specific to the National Grid that recognises the benefits of the National Grid, enables the operation, maintenance, or upgrade of existing National Grid Assets, and recognises the need for the National Grid to locate in certain places based on function need or operation requirement;
- Policy 15, which requires that regionally significant infrastructure is protected from incompatible use and development.

Transpower recognises that these objectives and policies will continue to apply in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua under PC1. However, it is not evident from the proposed provisions of PC1, or the Section 32 Evaluation Report, that consideration has been given to providing for the RPS and NRP objectives and policies related to regionally significant infrastructure when developing provisions for the whaitua. Many of the provisions as drafted have the potential to unreasonably constrain or disable the maintenance, use, upgrading or development of regionally significant infrastructure. Transpower's detailed submission seeks to ensure that this higher-order direction on regionally significant infrastructure continues to be provided for through PC1 while also giving effect to the NPS-FM (noting that Transpower's submission is focussed on the National Grid component of regionally significant infrastructure).

Transpower is cognisant of Proposed Change 1 to the RPS. While decisions have not been released at the time of lodgement of this submission, Transpower notes the significant changes to Policy 7 as recommended through the S42A officer right of reply<sup>1</sup> which provides:

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

*District and regional plans shall include objectives, policies, rules and/or other methods that:*

*.....*

*(b) recognise and provide for the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and its transmission through the electricity transmission network, including:*

*(i) avoiding, reducing and displacing greenhouse gas emissions;*

*(ii) contributing to the security of supply, resilience, independence and diversification of our energy sources and the transmission of this energy to communities, homes and businesses;*

*(iii) reducing dependency on imported energy resources; and*

*(iiiv) reducing greenhouse gas emissions using renewable resources rather than finite resources; and*

*(v) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;*

*(vi) the provision of an efficient, effective and resilient electricity transmission network; and*

*(vii) providing for the economic, social and cultural well-being of people and communities.*

*(c) recognise the benefits of regionally significant infrastructure to support reductions in greenhouse gas emissions.*

### **Prohibiting “unplanned greenfield development”**

Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. PC1 does not define what “greenfield development” is.

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<sup>1</sup> [HS3-Right-of-Reply-Climate-Change-Subtopics-General-Agricultural-Emissions-and-Energy-Industry-and-Waste-Jerome-Wyeth-210923.pdf \(gw.govt.nz\)](https://www.government.nz/assets/Uploads/HS3-Right-of-Reply-Climate-Change-Subtopics-General-Agricultural-Emissions-and-Energy-Industry-and-Waste-Jerome-Wyeth-210923.pdf)

If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary to the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Transpower also questions the efficiency and practicality of the proposed approach. The approach creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because the provisions are coastal provisions) on the management of development in “unplanned greenfield development areas”. The Council considers this overlap will be addressed through “concurrent plan change processes”. However, except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for coordinated or combined hearing, decision making, and appeals on concurrent proposed changes to separate regional and district plans. Any process that is established would be ad-hoc and without any overarching legislation to give structure and certainty to submitters, applicants, and the local authorities themselves.

This raises procedural concerns about the concurrent process that the Council anticipates will be used to manage development in “unplanned greenfield development” areas. Decisions on separate plan changes must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. Territorial authorities and the regional council have a duty to avoid unreasonable delay, which, when applied to separate plan change process, may result in concurrent plan changes becoming unsynchronised. Such an ad-hoc process is likely to be highly inefficient for those seeking changes to regional and district plans and frustrating for those submitting on them, and the risk of inconsistent decision making in relation to the same resource management issue is high. If it is the Council’s position that this issue requires a combined regulatory approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document to address the issue (and the Council is obliged to consider this under section 80(7) of the RMA). This is what the RMA anticipates in this circumstance, but it is not what PC1 provides for.

From the perspective of the National Grid, Transpower emphasises that its principal concern with Council’s proposed approach to regulating “unplanned greenfield development” is that it is unclear what types of development activity are prohibited, and whether it would prohibit the upgrading or development of regionally significant infrastructure, including the National Grid. To address this, Transpower considers the term “greenfield development” must be defined, and that this term must exclude the operation, maintenance, upgrading, or development of regionally significant infrastructure.

### **High-risk industrial or trade premises**

Transpower’s substations are likely to meet the proposed definition of *high risk industrial or trade premises*. This is principally because National Grid substations typically incorporate facilities such as fuel-powered generators and associated fuel tanks, which provide an uninterrupted power supply to the substation in the event of an emergency.

Transpower supports appropriate control through the NRP over high-risk industrial or trade premises. However, the provisions proposed by PC1 for high risk industrial or trade premises are unreasonable with respect to the control of impervious surfaces, which provide for the redevelopment of existing

or the creation of new impervious surfaces at high-risk industrial or trade premises as a discretionary activity. This approach does not enable a reasonable level of maintenance, upgrading or development (subject to appropriate conditions) for regionally significant infrastructure, such as National Grid substations. Additionally, because redevelopment is a discretionary activity, the rules discourage the replacement of existing degraded impervious surfaces with new impervious surfaces that are likely to be more effective at containing hazardous substances and other contaminants. This is counter-productive and contrary to the objectives of the NRP, which seek to maintain or improve water quality.

To address this, Transpower considers that amendments are necessary to the rules that relate to new or redeveloped impervious surfaces to provide for a reasonable level of impervious surface development or redevelopment at high-risk industrial or trade premises as a permitted or controlled activity, subject to appropriate conditions.

### **Earthworks**

As noted earlier, the NESETA does not regulate earthworks subject to a regional rule and therefore the earthworks rules apply to National Grid activities.

Transpower considers that the proposed earthworks policies and rules do not provide for a reasonable level of earthworks activities. Under the earthworks rules proposed by PC1, earthworks of any scale are no longer a permitted activity (unless they are to implement actions in a farm erosion risk treatment plan or farm environmental plan). As a result, all earthworks are a restricted discretionary activity regardless of scale and are a non-complying activity if those earthworks (again regardless of scale) occur between 1 June and 1 October.

While Transpower understands the above notified rule framework is an error, and acknowledges that the Council have corrected this under clause 16 of Schedule 1 to the RMA by way of a memo published on 6 December 2023, Transpower's submissions are made on the plan change as notified given the legal effect of the provisions.

Transpower considers that it is inefficient to require resource consent for almost all earthworks regardless of scale. This will create a significant administrative burden for applicants and Council, for little clear environmental benefit. Transpower considers that the adverse environmental effects associated with small scale earthworks can be appropriately addressed through permitted activity conditions, as is the case under the operative NRP.

In addition to this, Transpower opposes the blanket shut down of earthworks activities between 1 June and 1 October. Transpower recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Transpower notes that the *GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021)*, which is referred to in the earthworks provisions as the guiding document for earthworks practice, provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline), and Transpower considers that pathway should continue to be available to applicants through the consent process.

Transpower also considers that non-complying activity status for earthworks that do not meet restricted discretionary conditions does not sufficiently facilitate the upgrading or development of the National Grid, consistent with the NPSET. Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of the National Grid, which due to its long, linear nature can involve complex, bundled consents for a broad range of activities, some of

which may have adverse effects that may be more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for development or upgrading of the National Grid will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately managed through consent conditions.

Earthworks are a common and essential component of Transpower's activities as part of maintaining, upgrading or developing the National Grid, and Transpower considers that a reasonable level of earthworks, including where necessary earthworks during the winter months, are enabled subject to appropriate conditions to manage potential adverse effects. Transpower considers this is necessary in order to facilitate the operation, maintenance, upgrading, and development of the National Grid, as required by the NPSET. Transpower's submissions on the earthworks provisions seek that this is provided for.

### **Vegetation clearance**

As noted earlier, under regulation 30 of the NESETA, vegetation works are permitted, unless specific to regional rules. Where breached, consent is required under regulation 32 as a restricted discretionary activity.

Transpower considers that the provisions associated with vegetation clearance on land identified as "highest erosion risk land (woody vegetation)" do not sufficiently recognise the need to undertake vegetation clearance to prevent the encroachment of woody vegetation on National Grid transmission lines and support structures. Transpower's submissions on the vegetation clearance rules seek to ensure that Transpower can undertake clearance activities underneath and near to National Grid transmission lines in order for Transpower to maintain the safe and efficient operation of the National Grid.

In addition to this, notwithstanding that NESETA regulation 32 (restricted discretionary activities) prevails where the regional rule is breached, both the rules and Schedule 33 (erosion and sediment management plan) seek to encourage revegetation in areas subject to the high erosion risk land overlay. While Transpower is not opposed to revegetation generally, Transpower considers that revegetation should not be promoted underneath or near to National Grid transmission lines and support structures, as this may compromise the future safe operation of the National Grid.

Transpower also questions the appropriateness of the mapping used to identify where resource consent is required for vegetation clearance. The mapping includes numerous small and incohesive areas of vegetation, and Transpower questions the efficiency or effectiveness of regulating numerous small (which in many cases measure no greater than 5m by 5m) incohesive areas of vegetation. Transpower considers the maps should be amended to only identify cohesive areas of vegetation being subject to the rules.

Transpower seeks specific reference to the NESETA at the start of the chapter to highlight the NESETA regulations to plan users.

### **Financial contributions for residual adverse effects of contaminants in stormwater**

Transpower considers that the mandatory requirement to take financial contributions provided for by PC1 are not consistent with the effects management hierarchy set out under the NPS-FM. PC1 promotes mandatory financial contributions as a method of offsetting residual adverse effects of contaminants from impervious surface runoff that are considered to be impractical to treat on site, through the treatment methods incorporated into the stormwater discharge rules.

The approach taken by PC1 is to require financial contributions to offset all residual adverse effects regardless of scale, however this is inconsistent with the effects management hierarchy in the NPS-FM, which requires that only residual adverse effects that are more than minor be offset (or compensated). Transpower considers that applicants should be given reasonable opportunity to avoid, minimise or remedy adverse effects associated with contaminants in stormwater runoff, to the extent that residual adverse effects are minor or less than minor. Only in circumstances where residual adverse effects are more than minor should offsetting (or compensation) be required. Further, in circumstances where offsetting or compensation is required, applicants should not be bound to financial contributions, and should have an option to propose offsetting or compensation in line with Appendix 6 and Appendix 7 of the NPS-FM.

Notwithstanding this, Transpower considers that the financial contributions method proposed by PC1 could be an effective method of offsetting and should remain open as an option in circumstances where offsetting is required. However, financial contributions will only be effective where they are used to deliver appropriate offsetting projects, and in order for this to occur, those projects must be planned for and delivered through the Council's Long-term Plan and Infrastructure Strategy.

To ensure consistency between the financial contributions provisions proposed by PC1 and the NPS-FM, Transpower's submissions seek that the mandatory requirement for financial contributions as a condition of the rules is removed, but that the financial contributions regime proposed by PC1 continues to be provided for through PC1's policies, as an optional method alongside other offsetting or compensation methods provided for by the NPS-FM.

### **Inappropriate use of the freshwater planning process for vegetation clearance and earthworks provisions**

Provisions for vegetation clearance, as well as the permitted activity rule for earthworks, have been included in the freshwater planning instrument. Transpower considers that this is an inappropriate use of the freshwater planning instrument, on the basis that the principal purpose of these provisions is to control the use of land for the purpose of soil conservation. In addition to this, none of these rules manage discharges to freshwater. On this basis, Transpower considers that these provisions must be reallocated to the Part 1 Schedule 1 planning instrument.

### **Other matters**

Transpower's detailed submission also covers a range of other matters, including:

- Amendments to definitions to improve clarity of interpretation and to ensure that the operation, maintenance, upgrading or development of regionally significant infrastructure and the National Grid is appropriately recognised or excluded from the definitions;
- That definitions are provided for terms including "raingarden" and "bioretention device";
- Amendments to the permitted activity rule for new structures in, on, under, or over beds of rivers or lakes to ensure that the National Grid is appropriately provided for under the rule;
- Amendments to the long-term vision objectives for both whitua, to recognise that restoration of natural character may not be possible in relation to regionally significant infrastructure;
- Amendments to the general policy for management of earthworks to improve the practicality of the policy;
- Amendments to all provisions related to high-risk industrial and trade premises to ensure that the focus of the provisions is on the management of hazardous substances, not on contaminants generally (which are already provided for under other provisions);

- Amendments to the permitted activity rule for vegetation clearance on highest erosion risk land (woody vegetation) to ensure that vegetation clearance less than 200m<sup>2</sup> is clearly provided for under the rule (and is not an innominate discretionary activity);
- Amendment to the restricted discretionary activity rule for earthworks, to recognise that discharges of sediment are not included under the permitted activity rule for earthworks (and are instead covered by the NRP's minor discharge rule R91);
- Amendment to Schedule 28 (stormwater containment treatment) for clarity;
- Amendments to Schedule 29 (stormwater impact assessments) to only require calculation of and analysis for new (and not redeveloped) impervious surfaces, as well as other amendments to improve the clarity and implementation of the provisions within the schedule;
- Amendments to Schedule 30 (financial contributions) consistent with Transpower's submissions on the policies and rules for offsetting, and to improve the clarity of provisions within the schedule;
- Amendments to Schedule 33 (vegetation clearance erosion and sediment management plan) consistent with Transpower's submissions on the policies and rules for vegetation clearance;
- Amendments to Map 77 to ensure that habitats of nationally threatened freshwater species are accurately mapped.

### Transpower's detailed submission on PC1

The relief sought by Transpower is set out under the "relief sought" column of the table in **Appendix 1**. Where Transpower seeks specific amendments to the text of PC1, the following text conventions have been used:

| <b>Text convention</b>                    | <b>Description</b>   |
|---|--|
| <i><u>Black text underlined</u></i>       | Text of PC1 as notified.   |
| <i><u>Red text underlined</u></i>         | Text sought to be added by Transpower through its submission on PC1.   |
| <i><del>Red text struck through</del></i> | Text sought to be deleted by Transpower through its submission on PC1. |

For the avoidance of doubt, the relief sought in **Appendix 1** includes any consequential amendments that may be required to give effect to the relief sought (even if these consequential amendments have not been specified in the submission).

## Appendix 1 – Submission table

| Specific Plan Change provision as notified  | Position | Submission  | Relief sought  |
|---|----------|---|--|
| <b>2.2 Definitions</b>  |          |   |  |
| <p><b>Earthworks</b></p> <p><u>For <b>Whaitua</b> Te Whanganui-a-Tara and Te Awarua-o-Porirua <b>Whaitua</b> only:</u></p> <p><u>The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in section 3 of the <i>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</i>.</u></p> <p><u>For all other <b>whaitua</b>:</u></p> <p>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is <b>stabilised</b>. <b>Earthworks</b> includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.</p> <p><b>Earthworks</b> do not include:</p> <ul style="list-style-type: none"> <li>(a) <b>cultivation</b> of the soil for the establishment of crops or pasture, and</li> <li>(b) the harvesting of crops, and</li> <li>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</li> <li>(d) the construction, repair, <b>upgrade</b> or maintenance</li> </ul> | Amend    | <p>Transpower considers that the proposed rules for earthworks do not give effect to the NPSET, as they do not provide for the reasonable maintenance, upgrading or development of the National Grid (NPSET policy 2).</p> <p>Transpower considers that for consistency with the operative definition of earthworks, the exclusion for electricity lines and their support structures (including the National Grid) should also apply to the proposed definition. This also provides for a consistent approach to the management of the National Grid, which traverses multiple whaitua.</p> <p>Transpower also considers that the definition would be more clearly presented by providing for the exclusions as a disjunctive list below the definition (in a similar manner to the operative definition) rather than embedded within the definition as a conjunctive list. This drafting approach would also provide for other exclusions to be added to the list in a clear manner (if other exclusions are considered to be appropriate).</p> | <p><b>Amend provision as follows:</b></p> <p><b>Earthworks</b></p> <p><u>For <b>Whaitua</b> Te Whanganui-a-Tara and Te Awarua-o-Porirua <b>Whaitua</b> only:</u></p> <p><u>The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); <del>but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</del> Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in section 3 of the <i>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</i>.</u></p> <p><u><b>Earthworks do not include:</b></u></p> <ul style="list-style-type: none"> <li><u>(a) <b>gardening</b></u></li> <li><u>(b) <b>cultivation</b></u></li> <li><u>(c) <b>disturbance of the land for the installation of fenceposts</b></u></li> <li><u>(d) <b>the construction, repair, upgrade or maintenance of electricity lines and their support structures, including the National Grid</b></u></li> <li><u>(e) ...</u></li> </ul> <p><u>For all other <b>whaitua</b>:</u></p> <p>...</p> |

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| <p>of:</p> <ul style="list-style-type: none"> <li>(i) pipelines, and</li> <li>(ii) electricity lines and their support structures, including the <b>National Grid</b>,</li> <li>(iii) and</li> <li>(iv) telecommunication structures or lines, and</li> <li>(v) radio communication structures, and</li> <li>(vi) firebreaks or fence lines, and</li> <li>(vii) a <b>bore</b> or geotechnical investigation <b>bore</b>, and</li> </ul> <p>(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and</p> <p>(f) maintenance of orchards and shelterbelts, and</p> <p>(g) domestic gardening, and</p> <p>(h) repair, sealing or resealing of a road, footpath, driveway, and</p> <p>(i) discharge of <b>cleanfill material to a cleanfill area</b></p> |          |  |   |
| <p><b><u>High risk industrial or trade premise</u></b></p> <p><u>An industrial or trade premise that stores, uses or generates contaminants or hazardous substances on-site that are exposed to rain and could become entrained in stormwater. Activities that may occur at these premises could include:</u></p> <ul style="list-style-type: none"> <li>• <u>boat construction and maintenance</u></li> <li>• <u>commercial cement, concrete or lime manufacturing or storage</u></li> <li>• <u>chemical manufacture, formulation or bulk</u></li> </ul>  | Amend    | <p>Transpower’s substations throughout the region are likely to be considered “high risk industrial or trade premises” under the proposed definition, on the basis that substations typically incorporate emergency generators which are run on fuel stored on site. These include appropriately designed facilities for the safe storage of generator fuel, as well as appropriately designed areas for safe refuelling.</p> <p>Transpower considers that the term “contaminant” is too broad to be used in the definition. “Contaminant” could include any substance that is not the stormwater itself. As such, all industrial or trade premises could potentially fall</p> | <p><b>Amend as follows:</b></p> <p><b><u>High risk industrial or trade premise</u></b></p> <p><u>An industrial or trade premise that stores, uses or generates <del>contaminants or hazardous substances</del> on-site that are exposed to rain and could become entrained in stormwater. Activities that may occur at these premises could include:</u></p> <p>...</p> |

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| <ul style="list-style-type: none"> <li><u>storage, recovery, processing or recycling</u></li> <li>• <b>fertiliser</b> manufacture or bulk storage</li> <li>• <u>storage of <b>hazardous wastes</b> including waste dumps or dam tailings associated with mining activities</u></li> <li>• <u>petroleum or petrochemical industries including a petroleum depot, terminal blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials,</u></li> <li>• <u>scrap yards including automotive dismantling, wrecking or scrap metal yards</u></li> <li>• <u>wood treatment or preservation, or bulk storage of treated timber</u></li> <li>• <u>mineral extraction, refining and reprocessing, storage, and use</u></li> <li>• <u>explosives and ordinances production, storage, and use</u></li> <li>• <u>electronics including the commercial manufacturing, reconditioning, or recycling of computers, televisions, and other electronic devices</u></li> <li>• <u>waste recycling, treatment, and <b>disposal</b></u></li> <li>• <u>engineering workshops with metal fabrication, or electroplaters</u></li> <li>• <u>power stations, substations, or switchyards.</u></li> </ul> |          | <p>under the definition (not just those storing, generating or using hazardous substances). As a result, the scope of activities covered by the definition is unclear.</p> <p>On the basis that the focus of the provisions that the definition relates to is the management of the risk of hazardous substances from high risk industrial or trade premises being entrained in stormwater, then the definition should be amended to delete reference to “contaminants” and focus only on hazardous substances. This would also provide greater clarity to plan users on the scope of activities that will fall under the definition.</p> |   |
| <p><b><u>Highest erosion risk land (woody vegetation)</u></b></p> <p><u>Land with highest erosion risk (woody vegetation) in Te Awarua-o-Porirua <b>Whaitua</b> shown on Map 91 or in <b>Whaitua</b> Te Whanganui-a-Tara shown on Map 94.</u></p>   | Neutral  | Transpower notes that it has submitted on the provisions and maps that relate to this definition.   | <b>Retain as notified (noting the submission points on the maps and provision).</b> |
| <b><u>Impervious surfaces</u></b>   | Neutral  | Transpower’s principal source of access to National Grid transmission lines and structures in rural areas is by   | <b><u>Impervious surfaces</u></b>   |

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| <p><u>Surfaces that prevent or significantly impede the infiltration of <b>stormwater</b> into soil or the ground, includes:</u></p> <ul style="list-style-type: none"> <li>• <u>roofs</u></li> <li>• <u>paved areas (including sealed/compacted metal) such as roads, driveways, parking areas, sidewalks/foot paths or patios,</u></li> </ul> <p><u>and excludes:</u></p> <ul style="list-style-type: none"> <li>• <u>grassed areas, gardens and other vegetated areas</u></li> <li>• <u>porous or permeable paving</u></li> <li>• <u>slatted decks which allow water to drain through to a permeable surface</u></li> <li>• <u>porous or permeable paving and living roofs</u></li> <li>• <u>roof areas with rainwater collection and reuse</u></li> <li>• <u>any <b>impervious surfaces</b> directed to a rain tank utilised for grey water reuse (permanently plumbed)</u></li> </ul> |              | <p>vehicular access tracks. If these were considered to be impervious surfaces, this could lead to a requirement for resource consent for routine reconditioning of existing access tracks and create an impediment to the operation and maintenance of the National Grid, contrary to policy 2 and policy 5 of the NPSET. Transpower considers that, for the avoidance of doubt, access tracks (including vehicular access tracks) should be specifically excluded from the definition of impervious surfaces.</p>  | <p><u>Surfaces that prevent or significantly impede the infiltration of <b>stormwater</b> into soil or the ground, includes:</u></p> <ul style="list-style-type: none"> <li>• <u>roofs</u></li> <li>• <u>paved areas (including sealed/compacted metal) such as roads, driveways, parking areas, sidewalks/foot paths or patios,</u></li> </ul> <p><u>and excludes:</u></p> <ul style="list-style-type: none"> <li>• <u>grassed areas, gardens and other vegetated areas</u></li> <li>• <u>access tracks (including vehicular access tracks)</u></li> <li>• <u>porous or permeable paving</u></li> <li>• <u>slatted decks which allow water to drain through to a permeable surface</u></li> <li>• <u>porous or permeable paving and living roofs</u></li> <li>• <u>roof areas with rainwater collection and reuse</u></li> <li>• <u>any <b>impervious surfaces</b> directed to a rain tank utilised for grey water reuse (permanently plumbed)</u></li> </ul> |
| <p><b><u>Redevelopment</u></b></p> <p><u>For the purpose of assessment of a proposal involving the <b>redevelopment</b> of an existing urbanised property (i.e brownfield development, <b>upgrades</b> to existing roads etc.) in relation to <b>stormwater</b> effects, this includes the replacement, reconstruction or addition (new) of <b>impervious surfaces</b>. Excludes:</u></p> <ul style="list-style-type: none"> <li>• <u>minor maintenance or repairs to roads, carparking areas, driveways and paving</u></li> <li>• <u>installation, maintenance or repair of underground infrastructure or network utilities requiring trenching and resurfacing</u></li> </ul>  | <p>Amend</p> | <p>Transpower seeks several amendments to the definition.</p> <p>Firstly, Transpower seeks that the reference to redevelopment of existing urbanised property is removed from the chapeau, on the basis that the definition also applies to rules that are not exclusively limited to the redevelopment of urbanised property (see for example rule WH.R11). In addition to this, Transpower considers that the reference to “addition (new)” should be replaced with “addition of new” to improve the clarity of the provision.</p> <p>Secondly, the reference to “minor” under the first bullet point should be removed. The term ‘minor’ is subjective and adds uncertainty to the scope of the definition.</p> | <p><b>Amend as follows:</b></p> <p><b><u>Redevelopment</u></b></p> <p><u><del>For the purpose of assessment of a proposal involving the <b>redevelopment</b> of an existing urbanised property (i.e brownfield development, <b>upgrades</b> to existing roads etc.) in relation to <b>stormwater</b> effects, this <b>includes is</b> the replacement, reconstruction, or addition <del>(new)</del> of <b>new impervious surfaces</b>. Excludes:</del></u></p> <ul style="list-style-type: none"> <li>• <u><del>minor</del> maintenance or repairs to roads, carparking areas, driveways and paving</u></li> <li>• <u><del>installation, maintenance or repair of underground infrastructure or network utilities requiring</del></u></li> </ul>   |

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| <ul style="list-style-type: none"> <li><u>activities that only involve the re-roofing of existing buildings.</u></li> </ul>  |               | <p>Thirdly, under the proposed rules, redevelopment of impervious surfaces associated with National Grid assets such as access, substations and switchyards is likely to be a discretionary activity under rules WH.R11 and P.R10. This activity status is overly onerous in the context of policy 2 of the NPSET, which requires that the effective operation, maintenance, and upgrading of the National Grid is provided for, and policy 5, which requires that the reasonable operational, maintenance and minor upgrading of National Grid assets is enabled. In addition to this, policy 13 in the NRP provides for the use, development, operation, maintenance and upgrade of regionally significant infrastructure, and policy 14 of the NRP seeks that the operation, maintenance and upgrading of existing National Grid assets are enabled. To give effect to policy 2 and policy 5 of the NPSET, as well as policies 13 and 14 in the NRP, Transpower considers that it is appropriate to exclude redevelopment of existing impervious surfaces for the purposes of operating, maintaining, or upgrading the National Grid from the definition.</p> | <p><u>trenching and resurfacing</u></p> <ul style="list-style-type: none"> <li><b>redevelopment of existing impervious surfaces for the purposes of operating, maintaining, or upgrading the National Grid</b></li> <li><u>activities that only involve the re-roofing of existing buildings.</u></li> </ul>  |
| <p><b><u>Unplanned greenfield development</u></b><br/> <u>Greenfield development within areas identified as ‘unplanned greenfield area’ on maps 86, 87, 88 and 89 which also require an underlying zone change (from rural/non- urban/open space to urban) though a District Plan change to enable the development.</u><br/> <u>Note: Unplanned greenfield areas are those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30<sup>th</sup> October 2023.</u></p> | <p>Oppose</p> | <p>The term “unplanned greenfield development” is related to prohibited activity rules WH.R13 and P.R12. The term is defined as “greenfield development” within areas specified as ‘unplanned greenfield areas’ in the maps. However, the term “greenfield development” is undefined. As a result, there is a high degree of uncertainty about the kinds of development that are prohibited under the rules. This level of uncertainty is inappropriate for a definition that determines the scope of prohibited activity rules.</p> <p>If the term “greenfield development” is interpreted as development on greenfield land, then this would include all types of development, including the development of National Grid lines, structures, substations, and access. Prohibiting the development of the National Grid is contrary to the objective of the NPSET, and inappropriate. Further, it could prohibit the development of other forms</p>   | <p><b>Amend the definition of “unplanned greenfield development” as follows:</b></p> <p><b><u>Unplanned greenfield development</u></b><br/> <b><u>Greenfield development</u></b> within areas identified as ‘unplanned greenfield area’ on maps 86, 87, 88 and 89 which also require an underlying zone change (from rural/non- urban/open space to urban) though a District Plan change to enable the development.<br/> <u>Note: Unplanned greenfield areas are those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30<sup>th</sup> October 2023.</u></p> <p><b>Provide a definition of “greenfield development” as follows:</b></p> <p><b><u>Greenfield development</u></b></p> |

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|   |          | <p>of regionally significant infrastructure (as defined in the operative NRP) that provide social, economic, cultural, and environmental benefits to the region, and provide for the safe and efficient functioning of the region and beyond.</p> <p>If the intent of the definition and associated provisions is to manage urban development on land that has not been previously developed, then this should be clearly stated. To achieve this, Transpower considers that the term “greenfield development” must be defined. An appropriate definition would be “urban development on land that has not been previously developed for urban land uses”. This is similar to the definition of “greenfield” used in the Auckland Unitary Plan. To support this definition, the term “urban development” should also be defined in the Plan. The definition of “urban development” from the Regional Policy Statement would be appropriate and support integration between the RPS and the NRP.</p> <p>For the avoidance of doubt, to ensure that the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) is not prohibited, Transpower considers that it is necessary to exclude the maintenance, upgrading or development of regionally significant infrastructure from any definition of “greenfield development”.</p> <p>Transpower considers that this package of amendments to the definitions will provide sufficient certainty about the scope of the term “greenfield development”, provide for integration with the RPS, and ensure that regionally significant infrastructure is not prohibited in “unplanned greenfield development” areas.</p> | <p><u>Urban development on land that has not been previously developed for urban land uses.</u></p> <p><u>Greenfield development excludes:</u></p> <ul style="list-style-type: none"> <li><u>operation, maintenance, upgrading or development of regionally significant infrastructure</u></li> </ul> <p><b>As a consequential amendment, provide a definition of “urban development” to match the Regional Policy Statement definition as follows:</b></p> <p><u>Urban development</u></p> <p><u>Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lots sizes of less than 3000 square metres.</u></p> |
| <b>Chapter 5.4 Rules: Wetlands and beds of lakes and rivers</b> |          |   |  |
| <u>Rules - Interpretation section</u>                           | Amend    | Transpower seeks reference in the NRP to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009  | <b>Insert the following to the Interpretation section of the chapter:</b>  |

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|   |          | <p>("NESETA") so as to highlight the NESETA to plan users and assist with plan interpretation.</p> <p>While Transpower accepts a statement is not absolutely required, it would be helpful to highlight to plan users the relationship that exists between the NESETA and plan rules. This is particularly relevant given the potential difference in the standards and activity status. By way of example a similar type of statement is provided in the Infrastructure chapter of the Auckland Unitary Plan (operative in part). In contrast, the general statement in Section 1.5.1 of the NRP does not specifically comment on the relationship between the NESETA and the plan rules.</p>  | <p><a href="#">Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</a></p>   |
| <p><b>Rule R128: New structures – permitted activity</b></p> <p>The placement of a new <del>structure, including sediment retention weirs, pipelines (such as a natural gas pipeline), ducts, cables, hydrological and water quality monitoring equipment, fences, erosion protection structures, debris arrestor structures or a and</del> structures associated with <b>vegetative bank edge protection</b> <del>except a structure permitted by Rules R125, R126 and R127 and passive flap gates, that is fixed in, on, under, or over the bed of any river or lake, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.4.4(n), including any associated:</del></p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water, and</li> <li>(e) temporary damming of water,</li> </ul> <p><del>excluding activities regulated by the Resource Management (National Environmental Standards</del></p> | Amend    | <p>Removal of the reference to "structure" from the chapeau of the rule significantly reduces the range of structures that are permitted under the rule.</p> <p>National Grid transmission lines regularly traverse rivers throughout the region and doing so is unavoidable. As a result of the removal of the reference to "structure", the rule relies on specific types of structure to be specified in order to be permitted. Consequently, it is unclear whether National Grid transmission lines that traverse rivers or lakes will be permitted under the rule. Transpower notes that the reference to "cable" in the rule is not sufficient to provide for the National Grid, as National Grid cables are generally transmission lines that are located below ground (not those lines above ground).</p> <p>To address this, Transpower seeks that either the reference to "new structure" in the chapeau is retained, or that specific reference to National Grid transmission lines is provided for in the rule, wherever the term "cable" is mentioned.</p> <p>Alternatively, Transpower considers that this matter would be addressed by reinstating the words "structure, including" to the chapeau of the rule.</p> <p>In addition to this, there is a minor error in the chapeau, where "structure associated with vegetative bank edge</p> | <p><b>Reinstating the words "structure, including" to the chapeau of the rule.</b></p> <p><b>Alternatively, amend the rule as follows:</b></p> <p><b>Rule R128: New structures – permitted activity</b></p> <p>The placement of a new <del>structure, including sediment retention weirs, pipelines (such as a natural gas pipeline), ducts, cables, National Grid transmission line, hydrological and water quality monitoring equipment, fences, erosion protection structures, debris arrestor structures or a and</del> structures associated with <b>vegetative bank edge protection</b> <del>except a structure permitted by Rules R125, R126 and R127 and passive flap gates, that is fixed in, on, under, or over the bed of any river or lake, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.4.4(n), including any associated:</del></p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> </ul> |

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| <p><u>for Plantation Forestry) Regulations 2017 except when general condition 5.4.4(n) applies,</u></p> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and</li> <li>(g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipelines or cables to an existing structure or providing for fish refuge, and</li> <li>(h) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and</li> <li>(i) the structure does not occupy a bed area any greater than 10m<sup>2</sup>, except for where the structure is associated with <b>vegetative bank edge protection</b>, or a pipeline, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and</li> <li>(j) the catchment upstream of any sediment retention weir is not greater than 200ha, and</li> <li>(k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and</li> <li>(l) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following: <ul style="list-style-type: none"> <li>(i) the fall height of the weir must be no more than 0.5m, and</li> <li>(ii) the slope of the weir must be no steeper than 1:30, and</li> </ul> </li> </ul> |          | <p>protection” should be amended to refer to structure in the singular (rather than plural).</p> | <ul style="list-style-type: none"> <li>(d) discharge of sediment to water, and</li> <li>(e) temporary damming of water,</li> </ul> <p><u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except when general condition 5.4.4(n) applies,</u></p> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and</li> <li>(g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipelines, <del>or</del> cables, <del>or</del> <b>National Grid transmission lines</b> to an existing structure or providing for fish refuge, and</li> <li>(h) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and</li> <li>(i) the structure does not occupy a bed area any greater than 10m<sup>2</sup>, except for where the structure is associated with <b>vegetative bank edge protection</b>, or a pipeline, duct, fence, <del>or</del> cable, <del>or</del> <b>National Grid transmission line</b> which is located over or under the bed where no bed occupancy limits apply, and</li> <li>(j) the catchment upstream of any sediment retention weir is not greater than 200ha, and</li> <li>(k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and</li> <li>(l) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:</li> </ul> |

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| <p>(iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and</p> <p>(iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and</p> <p>(m) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, 64, 65, and 68 as relevant for the structure, of the <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i> shall be provided as set out in the regulations.</p> <p><b>Note</b></p> <p><del>The placement of a passive flap gate in, on, over or under the bed of any river or connected area is a non-complying activity regulated by the <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i>.</del></p> |          |            | <p>(i) the fall height of the weir must be no more than 0.5m, and</p> <p>(ii) the slope of the weir must be no steeper than 1:30, and</p> <p>(iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and</p> <p>(iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and</p> <p>(m) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, 64, 65, and 68 as relevant for the structure, of the <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i> shall be provided as set out in the regulations.</p> <p><b>Note</b></p> <p><del>The placement of a passive flap gate in, on, over or under the bed of any river or connected area is a non-complying activity regulated by the <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i>.</del></p> |
| <p><b>Chapter 8: Whaitua Te Whanganui-a-Tara   Section 8.1: Objectives</b></p>  |          |            |   |

| Specific Plan Change provision as notified   | Position | Submission  | Relief sought   |
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| <p><b><u>Objective WH.01</u></b></p> <p><u>The health of all freshwater bodies and the coastal marine area within <b>Whaitua Te Whanganui-a-Tara</b> is progressively improved and is wai ora by 2100.</u></p> <p><u>Note</u></p> <p><u>In the wai ora state:</u></p> <ul style="list-style-type: none"> <li>• <u>Āhua (natural character) is restored and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character</u></li> <li>• <u>All freshwater bodies have planted margins</u></li> <li>• <u>All freshwater bodies and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and taonga species</u></li> <li>• <u>Mahinga kai and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga</u></li> <li>• <u>Mana whenua are able to undertake customary practices at a range of places throughout the catchment.</u></li> </ul> | Amend    | <p>Transpower supports the progressive improvement of the health and wai ora of freshwater bodies and the coastal marine area.</p> <p>However, the restoration of natural character in relation to all freshwater bodies and the coastal marine area is not a reasonably achievable objective where existing regionally significant infrastructure (such as the National Grid) is located over or within freshwater bodies or the coastal marine area. Achieving restoration of natural character implies that existing regionally significant infrastructure may need to be removed, and that new regionally significant infrastructure may be inappropriate.</p> <p>Transpower considers that the objective should acknowledge that complete restoration of character may not be possible in all instances, particularly as it relates to regionally significant infrastructure. Transpower notes that clause 3.3(2) of the NPS-FM requires long-term visions for freshwater to be ambitious but reasonable (that is, difficult to achieve but not impossible), and considers that the objective needs to be amended to recognise this.</p> | <p><b><u>Objective WH.01</u></b></p> <p><u>The health of all freshwater bodies and the coastal marine area within <b>Whaitua Te Whanganui-a-Tara</b> is progressively improved and is wai ora by 2100.</u></p> <p><u>Note</u></p> <p><u>In the wai ora state:</u></p> <ul style="list-style-type: none"> <li>• <u>Āhua (natural character) is restored to the extent that this is possible, and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character</u></li> <li>• <u>All freshwater bodies have planted margins</u></li> <li>• <u>All freshwater bodies and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and taonga species</u></li> <li>• <u>Mahinga kai and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga</u></li> <li>• <u>Mana whenua are able to undertake customary practices at a range of places throughout the catchment.</u></li> </ul> |
| <b>Chapter 8: Whaitua Te Whanganui-a-Tara   Section 8.2: Policies</b>  |          |   |   |
| <p><u>In addition to the policies in this Chapter, the policies in Chapter 4 of the Plan also apply in <b>Whaitua Te Whanganui-a-Tara</b>, unless the policy in Chapter 4 is specifically identified as not applying to <b>Whaitua Te Whanganui-a-Tara</b>.</u></p>  | Support  | <p>Transpower supports this note (which appears under the heading to section 8.2), as it provides for a range of existing operative policies to continue to apply within the whaitua (including those policies that recognise the beneficial use and development of regionally significant infrastructure and the National Grid).</p>   | <b>Retain as notified.</b>  |
| <p><b><u>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives</u></b></p>   | Amend    | <p>Transpower considers that several amendments are necessary to clause (a) of the policy.</p>  | <b>Amend as follows:</b>  |

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| <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p>(a) <u>prohibiting <b>unplanned greenfield development</b> and for other greenfield developments <b>minimising</b> the contaminants and requiring financial contributions as to offset adverse effects from residual <b>stormwater</b> contaminants, and</u></p> <p>(b) <u>encouraging <b>redevelopment</b> activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing <b>hydrological controls</b> on urban development and <b>stormwater</b> discharges to rivers</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban <b>wastewater</b> and <b>stormwater networks</b>, and</u></p> <p>(e) <u><b>stabilising</b> stream banks by excluding <b>livestock</b> from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of <b>earthworks</b>, forestry, <b>cultivation</b>, and <b>vegetation clearance</b> activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with <b>high erosion risk</b>, and</u></p> <p>(h) <u>requiring <b>farm environment plans</b> (including Freshwater Farm Plans) to improve <b>farm</b> practices that impact on freshwater.</u></p> |          | <p>Firstly, Transpower considers that this policy is inappropriate because the definition of “unplanned greenfield development” is broad, uncertain, and could prohibit the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid). On this basis, Transpower considers that the prohibition on unplanned greenfield development is inappropriate and must be removed. Notwithstanding this, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full (as sought in an earlier submission point), Transpower would adopt a neutral position on this aspect of the policy.</p> <p>Secondly, Transpower considers that amendment to the policy is necessary to ensure that it is consistent with the effects management hierarchy set out in the NPS-FM. Aquatic offsetting is only necessary where residual adverse effects are more than minor, and resource consent applicants should be encouraged to minimise residual adverse effects so that they are no more than minor (in which case aquatic offsetting is not required). Further, where aquatic offsetting is required, the financial contributions regime proposed by PC1 should be available as a discretionary option for achieving offsetting, but not a mandatory requirement. If applicants can provide alternative effective methods of aquatic offsetting as part of their proposal in accordance with Appendix 6 of the NPS-FM, then financial contributions should not be required.</p> | <p><b>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives</b></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p>(a) <del><u>prohibiting <b>unplanned greenfield development</b> and for other greenfield developments <b>minimising</b> the discharge of <b>stormwater</b> contaminants from <b>greenfield development</b>, and where residual adverse effects from the discharge of <b>stormwater</b> contaminants are more than minor, requiring aquatic offsetting or compensation (which may include financial contributions) as to offset adverse effects from residual <b>stormwater</b> contaminants, and</u></del></p> <p>(b) <u>encouraging <b>redevelopment</b> activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing <b>hydrological controls</b> on urban development and <b>stormwater</b> discharges to rivers</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban <b>wastewater</b> and <b>stormwater networks</b>, and</u></p> <p>(e) <u><b>stabilising</b> stream banks by excluding <b>livestock</b> from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of <b>earthworks</b>, forestry, <b>cultivation</b>, and <b>vegetation clearance</b> activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with <b>high erosion risk</b>, and</u></p> |

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|   |          |  | (h) <u>requiring farm environment plans</u> (including Freshwater Farm Plans) to improve <u>farm practices</u> that impact on freshwater.   |
| <p><b><u>Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises</u></b></p> <p>The discharge of <u>stormwater</u> to water, including discharges via the <u>stormwater network</u>, from a <u>high risk industrial or trade premise</u> shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding contaminants or hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</u></p> <p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p> | Amend    | <p>It is impracticable to avoid contaminants being entrained in stormwater. This is acknowledged in the section 32 evaluation report, and by policies such as WH.P15, which recognises that there may be residual stormwater contaminants associated with development.</p> <p>Given that the focus of the policy is on the management of hazardous substances prepared, used or stored at high risk industrial and trade premises, reference to contaminants generally should be removed from the policy, in order that the policy is implementable and retains a clear focus on the management of hazardous substances.</p> <p>Management of stormwater contaminants generally is provided for under policies WH.P10 and WH.P14, which will also apply to high risk industrial or trade premises.</p> | <p><b>Amend policy as follows:</b></p> <p><b><u>Policy WH.P11: Discharges of <del>contaminants-hazardous substances</del> in stormwater from high risk industrial or trade premises</u></b></p> <p>The discharge of <u>stormwater</u> to water, including discharges via the <u>stormwater network</u>, from a <u>high risk industrial or trade premise</u> shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding <del>contaminants or</del> hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</u></p> <p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p> |
| <p><b><u>Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces</u></b></p>  | Amend    | <p>Clause (a)(ii) refers to raingardens and bioretention devices, however neither term is defined in the plan. To provide sufficient certainty to plan users, Transpower</p>   | <p><b>Amend the definitions section to include a definition of “raingarden” and “bioretention device”.</b></p>  |

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| <p><u>The adverse effects of <b>stormwater</b> discharges from new greenfield development shall be <b>minimised</b>, and adverse effects of <b>stormwater</b> discharges from existing urban areas reduced to the extent practicable, upon <b>redevelopment</b>, through implementing:</u></p> <p>(a) <u>an on-site <b>stormwater treatment system</b> or an off-site communal <b>stormwater treatment system</b> that is designed to:</u></p> <p style="padding-left: 40px;">(i) <u>receive at least 85% of the mean annual runoff volume <b>stormwater</b> generated from new and redeveloped <b>impervious surfaces</b> of the <b>property</b>, and</u></p> <p style="padding-left: 40px;">(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and</u></p> <p>(b) <u>where <b>stormwater</b> discharges will enter a river, <b>hydrological controls</b> either on-site, or off-site via a communal <b>stormwater treatment system</b>.</u></p> |              | <p>considers that definitions of both terms need to be added to the Plan.</p>   |  |
| <p><b><u>Policy WH.P15: Stormwater contaminant offsetting for new greenfield development</u></b></p> <p><u>The adverse effects of residual (post-treatment) <b>stormwater</b> contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a <b>surface water body</b> or coastal water, including via an existing or new <b>stormwater network</b>, are to be <b>offset</b> by way of a financial contribution in accordance with Schedule 30 (financial contribution).</u></p>   | <p>Amend</p> | <p>Transpower considers that this policy needs to be amended so that it is consistent with the effects management hierarchy set out in the NPS-FM, which requires that aquatic offsetting or compensation is provided in circumstances where residual adverse effects are more than minor.</p> <p>Further, Transpower considers that the financial contributions should not be a mandatory means of providing for aquatic offsetting, and resource consent applicants should have a reasonable opportunity provide aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM as part of their proposal.</p> | <p><b>Amend as follows:</b></p> <p><b><u>Policy WH.P15: Stormwater contaminant offsetting or compensation for new greenfield development</u></b></p> <p><u><del>The</del>More than minor adverse effects of residual (post-treatment) <b>stormwater</b> contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a <b>surface water body</b> or coastal water, including via an existing or new <b>stormwater network</b>, are to be <b>offset</b> by way of:</u></p> <p>(a) <u>aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the National Policy Statement on Freshwater Management 2020; or</u></p> |

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|   |          |  | (b) <u>a financial contribution in accordance with Schedule 30 (financial contribution).</u> |
| <p><b><u>Policy WH.P16: Stormwater discharges from new unplanned greenfield development</u></b></p> <p><u>Avoid all new stormwater discharges from unplanned greenfield development where the discharge will enter a surface water body or coastal water, including through an existing local authority stormwater network.</u></p> | Oppose   | <p>Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary of the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies, and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the</p> | Delete policy.   |

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|  |          | <p>territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council's position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this policy is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of "unplanned greenfield development" is granted in full, Transpower would consider adopting a neutral position on this rule.</p> |   |
| <p><b><u>Policy WH.P29: Management of earthworks</u></b></p> <p><u>The risk of sediment discharges from earthworks shall be managed by:</u></p> <p>(a) <u>requiring retention of soil and sediment on the land using <b>good management practices</b> for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing <b>earthworks</b> with knowledge of the existing environmental site constraints, specific engineering requirements</u></p> | Amend    | <p>Transpower considers several amendments are necessary to this policy.</p> <p>Firstly, Transpower considers the word "risk" should be replaced with "adverse effects" in the chapeau, on the basis that resource management policies should seek to manage actual or potential adverse effects of an activity, rather than risks generally.</p> <p>Secondly, the requirement to retain soil and sediment on site under clause (a) does not recognise that soil and sediment may need to be removed from site in a controlled manner (for example, to a cleanfill area) as part of the works associated with the maintenance, upgrading, or development of regionally significant infrastructure (including the National Grid). To recognise this, Transpower considers that clause (a) should be amended to seek that the uncontrolled loss of soil and sediment</p>   | <p><b><u>Policy WH.P29: Management of earthworks</u></b></p> <p><u>The <del>risk adverse effects</del> of sediment discharges from earthworks shall be managed by:</u></p> <p>(a) <u><del>requiring retention</del> <b>minimising the uncontrolled loss</b> of soil and sediment on the land using <b>good management practices</b> for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting, <del>where practicable</del>, the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing <b>earthworks</b> with knowledge of the existing environmental site constraints, specific engineering requirements</u></p> |

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| <p><u>and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p>   |                | <p>from site is minimised, rather than requiring all soil and sediment to be retained on site.</p> <p>Thirdly, Transpower considers that clause (b) should be qualified with “where practicable” to recognise that any limits placed on land disturbance should be reasonable and proportionate, particularly in the context of the good management practices already required by clause (a).</p> | <p><u>and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p> |
| <p><b>Policy WH.P30: Discharge standard for earthworks</b></p> <p><u>The discharge of sediment from earthworks over an area greater than 3,000m<sup>2</sup> shall:</u></p> <p>(a) <u>not exceed 100g/m<sup>3</sup> at the point of discharge where the discharge is to a surface water body, coastal water, stormwater network or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m<sup>3</sup>, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p style="padding-left: 40px;">(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 40px;">(ii) <u>30% in any other river, and</u></p> <p>(b) <u>be managed using good management practices in accordance with the GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021), to achieve the discharge standard in (a), and</u></p> <p>(c) <u>be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></p> | <p>Support</p> | <p>Transpower considers the standards set out in the policy to be reasonable.</p>   | <p><b>Retain as notified.</b></p>   |

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| <p><b><u>Policy WH.P31: Winter shut down of earthworks</u></b></p> <p><b><u>Earthworks</u></b> over 3,000m<sup>2</sup> in area shall:</p> <p>(a) <u>be shut down from 1<sup>st</sup> June to 30<sup>th</sup> September each year, and</u></p> <p>(b) <u>prior to shut down, be <b>stabilised</b> against erosion and have sediment controls in place using <b>good management practices</b> in accordance with the <u>GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>.</u></u></p> | Oppose   | <p>Transpower considers that a policy requiring all earthworks over 3,000m<sup>2</sup> to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of regionally significant infrastructure (including the National Grid).</p> <p>Transpower recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Transpower notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in the policy, provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline), and Transpower considers that pathway should continue to be available to applicants through the consent process.</p> | Delete policy.  |
| <b>Chapter 8: Whaitua Te Whanganui-a-Tara   Section 8.3: Rules</b>   |          |   |   |
| Rules - Interpretation section   | Amend    | <p>Transpower seeks reference in the NRP to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) so as to highlight the NESETA to plan users and assist with plan interpretation.</p> <p>While Transpower accepts a statement is not absolutely required, it would be helpful to highlight to plan users the relationship that exists between the NESETA and plan rules. This is particularly relevant given the potential difference in the standards and activity status. By way of example a similar type of statement is provided in the Infrastructure chapter of the Auckland Unitary Plan (operative in part) . In contrast, the general statement in</p>  | <p><b>Insert the following to the Interpretation section of the chapter:</b></p> <p><u><a href="#">Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</a></u></p> |

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|  |          | Section 1.5.1 of the NPR does not specifically comment on the relationship between the NESETA and the plan rules.   |   |
| <p><b>Rule WH.R2: Stormwater to land – permitted activity</b></p> <p>The discharge of <b>stormwater</b> onto or into land, including where contaminants may enter groundwater:</p> <p>(a) <u>that is not from a <b>high risk industrial or trade premise</b>, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority <b>stormwater network</b>,</u></p> <p>is a permitted activity provided the following conditions are met:</p> <p>(c) <u>the discharge is not from, onto or into <b>SLUR Category III land</b>, unless the <b>stormwater</b> does not come into contact with <b>SLUR Category III land</b>, and</u></p> <p>(d) <u>the discharge shall not cause or exacerbate the flooding of any other <b>property</b>, and</u></p> <p>(e) <u>the discharge is not located within 20m of a <b>bore</b> used for water abstraction for potable supply or stock water.</u></p> <p><i>Note</i></p> <p>In respect of a discharge from an existing <b>high risk industrial or trade premise</b> refer to Rule WH.R4, and for discharges from new or redeveloped premises refer to Rule WH.R11. For existing discharges from or into a local authority <b>stormwater network</b> refer to Rule WH.R9.</p> | Amend    | <p>Transpower considers permitted activity conditions to be reasonable on the basis that they are generally consistent with the conditions for discharges to surface water or coastal water under the operative NRP.</p> <p>However, Transpower considers that the note at the end of the rule should be amended to improve its clarity. In addition to this, Transpower considers that the reference to “redeveloped premises” should be removed, because this matter is addressed through a separate rule cascade related to new or redeveloped impervious surfaces (rules R5 to R7).</p> | <p><b>Amend as follows:</b></p> <p><b>Rule WH.R2: Stormwater to land – permitted activity</b></p> <p>The discharge of <b>stormwater</b> onto or into land, including where contaminants may enter groundwater:</p> <p>(a) <u>that is not from a <b>high risk industrial or trade premise</b>, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority <b>stormwater network</b>,</u></p> <p>is a permitted activity provided the following conditions are met:</p> <p>(c) <u>the discharge is not from, onto or into <b>SLUR Category III land</b>, unless the <b>stormwater</b> does not come into contact with <b>SLUR Category III land</b>, and</u></p> <p>(d) <u>the discharge shall not cause or exacerbate the flooding of any other <b>property</b>, and</u></p> <p>(e) <u>the discharge is not located within 20m of a <b>bore</b> used for water abstraction for potable supply or stock water.</u></p> <p><i>Note</i></p> <p>In respect of a discharge <b>of stormwater</b> from an existing <b>high risk industrial or trade premise</b> refer to Rule WH.R4, and for discharges <b>of stormwater</b> from new <del>or redeveloped premises</del> <b>high risk industrial or trade premises</b> refer to Rule WH.R11. For existing discharges from or into a local authority <b>stormwater network</b> refer to Rule WH.R9.</p> |

| Specific Plan Change provision as notified   | Position     | Submission  | Relief sought  |
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| <p><b><u>Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</u></b></p> <p><u>The discharge of stormwater from an existing individual property into water, or onto or into land where it may enter a surface water body or coastal water,</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that is not from a port, airport or state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(d) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water, and</u></p> | <p>Amend</p> | <p>Transpower considers permitted activity conditions to be reasonable on the basis that they are generally consistent with the conditions for discharges to surface water or coastal water under the operative NRP.</p> <p>However, Transpower considers that the note at the bottom of the rule should be amended to improve its clarity.</p> | <p><b>Amend as follows:</b></p> <p><b><u>Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</u></b></p> <p><u>The discharge of stormwater from an existing individual property into water, or onto or into land where it may enter a surface water body or coastal water,</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that is not from a port, airport or state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(d) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water, and</u></p> |

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| <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 20px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 20px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 20px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 40px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 40px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 20px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 20px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 20px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p>In respect of the discharge from an existing <b>high risk industrial or trade premise</b> refer to Rule WH.R4. Discharges from a port or airport refer to Rule WH.R8. For discharges from an existing individual property into the <b>stormwater network</b> refer to Rule WH.R9.</p> |          |  | <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 20px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 20px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 20px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 40px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 40px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 20px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 20px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 20px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p>In respect of the discharge of <b>stormwater</b> from an existing <b>high risk industrial or trade premise</b> refer to Rule WH.R4. Discharges from a port or airport refer to Rule WH.R8. For discharges from an existing individual property into the <b>stormwater network</b> refer to Rule WH.R9.</p> |
| <p><b>Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</b></p> <p><u>The discharge of stormwater from an existing high risk industrial or trade premise, that is not a port or</u></p>   | Amend    | Limiting the application of this rule to only existing high risk industrial or trade premises would result in new substations or switchyards for the National Grid being a discretionary activity under rule WH.R11. This is | <p><b>Rule WH.R4: Stormwater from an <del>existing</del> high risk industrial or trade premise – permitted activity</b></p> <p><u>The discharge of stormwater from an <del>existing</del> high risk industrial or trade premise, that is not a port or airport,</u></p>   |

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| <p><u>airport, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 20px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 20px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p> <p>(d) <u>any contaminants stored or used on site, or hazardous substances, cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p style="padding-left: 20px;">(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p style="padding-left: 20px;">(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> |          | <p>inappropriate as it does not give effect to policy 2 of the NPSET. Subject to amendment to condition (d), Transpower considers the conditions are appropriate to manage the potential adverse effects associated with stormwater discharges from existing or new high risk industrial or trade premises, and on this basis both should be provided for under the same rule.</p> <p>Transpower considers that condition (d) of the rule should be amended to remove reference to contaminants generally and retain a focus on hazardous substances. The term “contaminants” is too broad and given that the purpose of managing high risk industrial or trade premises is to manage the potential adverse effects associated with the discharge hazardous substances, it is appropriate that condition (d) manages only hazardous substances, rather than contaminants more broadly (which are managed under the remainder of the conditions).</p> <p>Transpower also considers that the note at the end of the rule must be deleted as part of giving effect to the relief sought in this submission, as well as the relief sought by Transpower in relation to the rules for new or redeveloped impervious surfaces.</p> | <p><u>into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 20px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 20px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p> <p>(d) <u>any <del>contaminants stored or used on site, or hazardous substances stored or used on site,</del> cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p style="padding-left: 20px;">(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p style="padding-left: 20px;">(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> |

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| <p>(e) <u>if the discharge is into a <b>surface water body</b>, coastal water or via an existing local authority <b>stormwater network</b>, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing local authority <b>stormwater network</b> the discharge shall also not:</u></p> <p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate</u></p> |          |            | <p>(e) <u>if the discharge is into a <b>surface water body</b>, coastal water or via an existing local authority <b>stormwater network</b>, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing local authority <b>stormwater network</b> the discharge shall also not:</u></p> <p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> |

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| <p><u>community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of stormwater, refer to WH.R11.</p>   |          |   | <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p><del>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of stormwater, refer to WH.R11.</del></p>  |
| <p><b><u>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</u></b></p> <p>The use of land for the creation of new, or <b>redevelopment</b> of existing <b>impervious surfaces</b> (including greenfield development and <b>redevelopment</b> activities of existing urbanised property) and the associated discharge of <b>stormwater into water, or onto or into land where it may enter a surface water body</b> or coastal water, including through an existing or new local authority <b>stormwater network</b>, that is not a <b>high risk industrial or trade premise or unplanned greenfield development</b>, is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>the proposal involves the creation of new, or <b>redevelopment</b> of existing impervious areas of less than 1,000m<sup>2</sup> (baseline property existing impervious area as at 30 October 2023) and</u></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc</u></p> | Amend    | <p>Transpower’s substations throughout the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition.</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises (including National Grid substations) a discretionary activity under rule WH.R11. This is inappropriate in the context of policy 2 of the NPSET, which requires that the regional plan recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid, and policy 5, which requires that the reasonable operational, maintenance and minor upgrading of National Grid assets is enabled. Further, this could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces would generally be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> | <p><b>Amend as follows:</b></p> <p><b><u>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</u></b></p> <p>The use of land for the creation of new, or <b>redevelopment</b> of existing <b>impervious surfaces</b> (including greenfield development and <b>redevelopment</b> activities of existing urbanised property) and the <del>associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or new local authority stormwater network</del>, that is not <del>a high risk industrial or trade premise or unplanned greenfield development</del>, is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>the proposal involves the creation of new, or <b>redevelopment</b> of existing impervious areas of less than 1,000m<sup>2</sup> (<del>baseline property existing impervious area as at 30 October 2023</del>) per <del>property in any consecutive 12-month period</del> and</u></p> |

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| <p><u>(including galvanised steel) or copper roof, cladding and spouting materials, and</u></p> <p><u>(c) the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;"><u>(i) for all impervious areas associated with a greenfield development, or</u></p> <p style="padding-left: 40px;"><u>(ii) for all redeveloped and new impervious areas involving greater than 30m<sup>2</sup> of impervious area of a redevelopment (of an existing urbanised property), and</u></p> <p><u>(d) the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p><u>(e) the discharge does not contain wastewater, and</u></p> <p><u>(f) the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 40px;"><u>(i) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p style="padding-left: 40px;"><u>(ii) 100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing or new local authority stormwater network:</u></p> |          | <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at National Grid substations, Transpower considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions. Transpower considers that the additional conditions under (d) of rule WH.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule WH.R5 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, Transpower considers the following amendments to the rule are also necessary:</p> <ul style="list-style-type: none"> <li>• Condition (a) should be amended to replace the fixed baseline with a time period. Transpower considers that a fixed baseline would be unworkable, particularly with respect to redevelopment, as it could result in consecutive redevelopment of the same impervious surface being a controlled or discretionary activity, even where the surface is less than 1,000m<sup>2</sup>. Transpower also questions how compliance with the fixed baseline will be monitored with respect to redevelopment (as this cannot be readily measured). Transpower considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily implementable, and is able to be effectively monitored.</li> <li>• Condition (c)(ii) should be amended so that hydrological control is only required for new impervious surfaces, on the basis that redevelopment of existing impervious surfaces will not change the quantity of runoff from</li> </ul> | <p><u>(b) all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials, and</u></p> <p><u>(c) the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;"><u>(i) for all <del>impervious areas</del> impervious surfaces associated with a greenfield development, or</u></p> <p style="padding-left: 40px;"><u>(ii) for all <del>redeveloped and new</del> impervious areas impervious surfaces involving greater than 30m<sup>2</sup> of impervious area of a <del>associated with</del> redevelopment (of an existing urbanised property), and</u></p> <p><u>(d) the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p><u>(e) the discharge does not contain wastewater, and</u></p> <p><u>(f) the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 40px;"><u>(i) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p style="padding-left: 40px;"><u>(ii) 100g/m<sup>3</sup> where the discharge enters any other water,</u></p> |

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| <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p><u>Where a <b>property</b> connects to a local authority <b>stormwater network</b>, additional connection requirements and authorisations may be required by the network utility operator.</u></p> <p><u>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of stormwater, refer to WH.R11.</u></p> |          | <p>impervious surfaces (in other words, there are no new adverse effects to be managed);</p> <ul style="list-style-type: none"> <li>References to “impervious areas” (which is an undefined term) in conditions (c)(i) and (ii) should be replaced with “impervious surfaces” (which is a defined term);</li> <li>Minor amendments should be made to condition (c)(ii) to improve the clarity of the condition.</li> </ul> | <p><u>and where the discharge is not via an existing or new local authority <b>stormwater network</b>:</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>and where the new or <b>redeveloped impervious surface</b> is for a <b>high risk industrial or trade premise</b>:</u></p> <p>(i) <u>any <b>hazardous substances</b> stored or used on site cannot be entrained in <b>stormwater</b> and enter a <b>surface water body</b> or coastal water, including via the <b>stormwater network</b>, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of</u></p> |

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|  |          |   | <p><u>hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><i>Note</i></p> <p>Where a <b>property</b> connects to a local authority <b>stormwater network</b>, additional connection requirements and authorisations may be required by the network utility operator.</p> <p><del>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to WH.R11.</del></p>  |
| <p><b><u>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></b></p> <p>The use of land for the creation of new <b>impervious surfaces</b> for greenfield development and the associated discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, including through an existing local authority <b>stormwater network</b>, that is not a <b>high risk industrial or trade premise or unplanned greenfield development</b>, is a controlled activity, provided the following conditions are met:</p> <p>(a) the proposal involves the creation of new <b>impervious surfaces</b> of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> (baseline property existing impervious area as at 30 October 2023)</p> | Amend    | <p>Transpower’s substations throughout the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition.</p> <p>The proposed rule makes new impervious surfaces at high risk industrial or trade premises (including National Grid substations) a discretionary activity under rule WH.R11. This is inappropriate in the context of policy 2 of the NPSET, which requires that the regional plan recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at National Grid substations, Transpower considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></b></p> <p>The use of land for the creation of new <b>impervious surfaces</b> for greenfield development and the associated discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, including through an existing local authority <b>stormwater network</b>, that is not <del>a high risk industrial or trade premise or unplanned greenfield development</del>, is a controlled activity, provided the following conditions are met:</p> <p>(a) the proposal involves the creation of new <b>impervious surfaces</b> of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> <del>(baseline property existing impervious</del></p> |

| Specific Plan Change provision as notified  | Position | Submission  | Relief sought  |
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| <p><u>or,</u></p> <p><u>(b) the proposal involves the creation new impervious surfaces of less than 1,000m<sup>2</sup>, but is not permitted under the conditions of Rule WH.R5.</u></p> <p><u>and,</u></p> <p><u>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</u></p> <p><u>(d) where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</u></p> <p style="padding-left: 40px;"><u>(i) on-site, or</u></p> <p style="padding-left: 40px;"><u>(ii) off-site through an existing local authority stormwater network or privately owned stormwater network that has been sized to accommodate the proposed stormwater discharges, and</u></p> <p><u>(e) stormwater contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a stormwater treatment system that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:</u></p> <p style="padding-left: 40px;"><u>(i) on-site, or</u></p> <p style="padding-left: 40px;"><u>(ii) off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site.</u></p> |          | <p>conditions. Transpower considers that the additional conditions under (d) of rule WH.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule WH.R6 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, in line with Transpower’s submission on policy WH.P15, Transpower considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Transpower considers that it is inappropriate to require financial contributions as a condition, and that instead, matter of control 6 should be amended to refer to policy WH.P15. This would ensure that appropriate aquatic offsetting or compensation (which may include financial contributions under Schedule 30) can be considered on a case by case basis, where this is required.</p> <p>Finally, condition (a) should be amended to replace the fixed baseline with a time period. Transpower considers that a fixed baseline would be unworkable, particularly with respect to future redevelopment, as it could result in consecutive redevelopment of the same impervious surface being a discretionary activity, even where the surface is less than 3,000m<sup>2</sup>. It could also result in situations where minor future additions to impervious surfaces will always be a discretionary activity, where the 3,000m<sup>2</sup> has been exceeded in the past. Transpower also questions how compliance with the fixed baseline will be monitored with respect to redevelopment (particularly with respect to redevelopment, which cannot be readily</p> | <p><del><u>area as at 30 October 2023) per property in any consecutive 12-month period</u></del></p> <p><u>or,</u></p> <p><u>(b) the proposal involves the creation new impervious surfaces of less than 1,000m<sup>2</sup>, but is not permitted under the conditions of Rule WH.R5.</u></p> <p><u>and,</u></p> <p><del><u>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</u></del></p> <p><u>(d) where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</u></p> <p style="padding-left: 40px;"><u>(i) on-site, or</u></p> <p style="padding-left: 40px;"><u>(ii) off-site through an existing local authority stormwater network or privately owned stormwater network that has been sized to accommodate the proposed stormwater discharges, and</u></p> <p><u>(e) stormwater contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a stormwater treatment system that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:</u></p> <p style="padding-left: 40px;"><u>(i) on-site, or</u></p> <p style="padding-left: 40px;"><u>(ii) off-site through an existing local authority stormwater network or privately owned stormwater treatment</u></p> |

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| <p><u>Matters of control</u></p> <ol style="list-style-type: none"> <li>1. <u>The design and layout of the on-site <b>stormwater treatment system</b>, including the ongoing operational and management measures necessary to ensure that <b>stormwater</b> quality will meet the requirements of condition (e) of this rule</u></li> <li>2. <u>The adequacy of <b>hydrological control</b> measures either on-site or off- site, where <b>stormwater</b> will enter a river</u></li> <li>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></li> <li>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></li> <li>5. <u>Whether sufficient use of <b>water sensitive urban design</b> measures have been applied to the site design and layout</u></li> <li>6. <u>A financial contribution as required by Schedule 30 (financial contributions)</u></li> <li>7. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule</u></li> </ol> <p><u>Notification</u></p> <p>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><u>Note</u></p> <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade</b></p> |          | <p>measured). Transpower considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily implementable, and is able to be effectively monitored.</p> | <p><u>system that has capacity to treat contaminant loads from the site.</u></p> <p><u>and where the new <b>impervious surface</b> is for a <b>high risk industrial or trade premise</b>:</u></p> <p>(f) <u>any <b>hazardous substances</b> stored or used on site cannot be entrained in <b>stormwater</b> and enter a <b>surface water body</b> or <b>coastal water</b>, including via the <b>stormwater network</b>, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the <b>stormwater</b> contains no <b>hazardous substances</b> except <b>petroleum hydrocarbons</b>, and in that situation, the <b>stormwater</b> is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total <b>petroleum hydrocarbons</b>.</u></p> <p><u>Matters of control</u></p> <ol style="list-style-type: none"> <li>1. <u>The design and layout of the on-site <b>stormwater treatment system</b>, including the ongoing operational and management measures necessary to ensure that <b>stormwater</b> quality will meet the requirements of condition (e) of this rule</u></li> <li>2. <u>The adequacy of <b>hydrological control</b> measures either on-site or off- site, where <b>stormwater</b> will enter a river</u></li> <li>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability</u></li> </ol> |

| Specific Plan Change provision as notified   | Position | Submission  | Relief sought  |
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| <p><u>premises</u> and the associated discharge of stormwater, refer to WH.R11.</p>  |          |   | <p><u>(timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></p> <p>5. <u>Whether sufficient use of <b>water sensitive urban design</b> measures have been applied to the site design and layout</u></p> <p>6. <del>A financial contribution as required by Schedule 30 (financial contributions)-Any aquatic offsetting or compensation proposed in accordance with policy WH.P15</del></p> <p>7. <del>For <b>high risk industrial or trade premises</b>, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of <b>hazardous substances</b></del></p> <p>8. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d), <del>and (e), and (f)</del> of this rule</u></p> <p><i>Notification</i></p> <p><u>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist).</u></p> <p><i>Note</i></p> <p><del>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of stormwater, refer to WH.R11.</del></p> |
| <p><b><u>Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></b></p> <p><u>The use of land for the creation of new and/or <b>redevelopment of impervious surfaces</b> of an existing</u></p> | Amend    | <p>Transpower’s substations throughout the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition.</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises (including</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></b></p>  |

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| <p><u>urbanised property and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> (baseline property existing impervious area as at 30 October 2023)</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation of new, or redevelopment of impervious areas of less than 1,000m<sup>2</sup> but is not permitted under the conditions of Rule WH.R5,</u></p> <p>and,</p> <p>(c) <u>where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater network that has been sized to accommodate the proposed stormwater discharges,</u><br/><u>and</u></p> <p>(d) <u>contaminant treatment of stormwater is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site through a stormwater treatment system, or</u></p> |          | <p>National Grid substations) a discretionary activity under rule WH.R11. This is inappropriate in the context of policy 2 of the NPSET, which requires that the regional plan recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid, and policy 5, which requires that the reasonable operational, maintenance and minor upgrading of National Grid assets is enabled. Further, this could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces would generally be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at National Grid substations, Transpower considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions. Transpower considers that the additional conditions under (d) of rule WH.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule WH.R7 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>Finally, condition (a) should be amended to replace the fixed baseline with a time period. Transpower considers that a fixed baseline would be unworkable, particularly with respect to future redevelopment, as it could result in consecutive redevelopment of the same impervious surface being a discretionary activity, even where the surface is less than 3,000m<sup>2</sup>. It could also result in situations where minor future additions to impervious surfaces will always be a discretionary activity, where the 3,000m<sup>2</sup> has been exceeded in the past. Transpower also</p> | <p><u>The use of land for the creation of new and/or redevelopment of impervious surfaces of an existing urbanised property and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> (baseline property existing impervious area as at 30 October 2023) per property in any consecutive 12-month period</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation of new, or redevelopment of impervious areas of less than 1,000m<sup>2</sup> but is not permitted under the conditions of Rule WH.R5,</u></p> <p>and,</p> <p>(c) <u>where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater network that has been sized to accommodate the proposed stormwater discharges,</u><br/><u>and</u></p> <p>(d) <u>contaminant treatment of stormwater is provided either:</u></p> |

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| <p>(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater treatment system</b> that has capacity to treat contaminant loads from the site</u></p> <p><u>Matters of control</u></p> <ol style="list-style-type: none"> <li>1. <u>Whether the design and layout of the on-site <b>stormwater treatment system</b> incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual <b>stormwater</b> runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></li> <li>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of <b>hydrological control</b> measures either onsite or offsite, where <b>stormwater</b> will enter a river</u></li> <li>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></li> <li>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></li> <li>5. <u>Whether there are topographical limitations influencing the provision of <b>stormwater hydrological control</b> and contaminant treatment</u></li> <li>6. <u>Whether sufficient use of <b>water sensitive urban design</b> methods have been applied to the site design and layout</u></li> <li>7. <u>Conditions to monitor compliance associated with any <b>stormwater treatment system</b> or hydrological control measures.</u></li> </ol> |          | <p>questions how compliance with the fixed baseline will be monitored with respect to redevelopment (particularly with respect to redevelopment, which cannot be readily measured). Transpower considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily implementable, and is able to be effectively monitored.</p> | <ol style="list-style-type: none"> <li>(i) <u>on-site through a <b>stormwater treatment system</b>, or</u></li> <li>(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater treatment system</b> that has capacity to treat contaminant loads from the site</u></li> </ol> <p><u>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</u></p> <p>(e) <u>any <b>hazardous substances</b> stored or used on site cannot be entrained in <b>stormwater</b> and enter a <b>surface water body</b> or coastal water, including via the <b>stormwater network</b>, or</u></p> <ol style="list-style-type: none"> <li>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></li> <li>(ii) <u>the <b>stormwater</b> contains no <b>hazardous substances</b> except petroleum hydrocarbons, and in that situation, the <b>stormwater</b> is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></li> </ol> <p><u>Matters of control</u></p> <ol style="list-style-type: none"> <li>1. <u>Whether the design and layout of the on-site <b>stormwater treatment system</b> incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual <b>stormwater</b> runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></li> <li>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of</u></li> </ol> |

| Specific Plan Change provision as notified  | Position | Submission | Relief sought  |
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| <p><u>Notification</u></p> <p>In respect of Rule WH.R7, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><u>Note</u></p> <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to Rule WH.R11.</p> |          |            | <p><b>hydrological control</b> measures either onsite or offsite, where <b>stormwater</b> will enter a river</p> <ol style="list-style-type: none"> <li>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></li> <li>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></li> <li>5. <u>Whether there are topographical limitations influencing the provision of <b>stormwater hydrological control</b> and contaminant treatment</u></li> <li>6. <u>Whether sufficient use of <b>water sensitive urban design</b> methods have been applied to the site design and layout</u></li> <li>7. <u>For <b>high risk industrial or trade premises</b>, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of <b>hazardous substances</b></u></li> <li>8. <u>Conditions to monitor compliance associated with any <b>stormwater treatment system</b>, <del>or</del> hydrological control measures, or measures required under condition (e).</u></li> </ol> <p><u>Notification</u></p> <p>In respect of Rule WH.R7, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><u>Note</u></p> <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to Rule WH.R11.</p> |

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| <p><b><u>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></b></p> <p><u>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or Rule WH.R7, or prohibited under WH.R13 is a discretionary activity provided the following conditions are met:</u></p> <p>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and</u></p> <p>(b) <u>if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</u></p> | Amend    | <p>Transpower oppose the automatic default discretionary activity status for new or redeveloped impervious surfaces at high risk industrial or trade premises (including National Grid substations), for the reasons set out in its submissions of rules WH.R5, WH.R6 and WH.R7.</p> <p>Transpower considers that a reasonable level of new or redeveloped impervious surfaces should be provided for as a permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions to manage the potential adverse effects associated with hazardous substances.</p> <p>In addition to this, in line with Transpower’s submission on policy WH.P15, Transpower considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Transpower considers that it is inappropriate to require financial contributions as a condition.</p> <p>In any case, where aquatic offsetting or compensation (which may include financial contributions under Schedule 30) is considered to be necessary, this can be provided for as a condition of consent with reference to the requirements of policy WH.P15.</p> | <p><b>Amend as follows:</b></p> <p><b><u>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></b></p> <p><u>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or Rule WH.R7, or prohibited under WH.R13 is a discretionary activity provided the following conditions are met:</u></p> <p>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and.</u></p> <p><del>(b) if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</del></p> |
| <p><b><u>Rule WH.R12: All other stormwater discharges – non-complying activity</u></b></p> <p><u>The:</u></p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter</u></p>   | Amend    | <p>The operative NRP provides for stormwater discharges that are not otherwise provided for as a discretionary activity under rule R55.</p> <p>Transpower considers that the move to non-complying activity status for all other stormwater discharges is not clearly explained or justified in the section 32 evaluation report. Of particular concern to Transpower is the jump between permitted activity status for stormwater</p>  | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R12: All other stormwater discharges – non-complying discretionary activity</u></b></p> <p><u>The:</u></p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter</u></p>   |

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| <p><u>groundwater, that is not permitted by Rule WH.R2, or</u></p> <p>(b) <u>discharge of <b>stormwater</b> into water or onto or into land where it may enter a <b>surface water body</b> or coastal water, that is not permitted by Rule WH.R3, or a restricted discretionary activity under Rules WH.R8 or WH.R9, or</u></p> <p>(c) <u>discharge of <b>stormwater</b> from a <b>high risk industrial or trade premise</b> that is not permitted by Rule WH.R4, or the use of land for the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces</b> and the associated discharge of <b>stormwater</b> from a <b>high risk industrial or trade premise</b> that does not meet the conditions of Rule WH.R11, or</u></p> <p>(d) <u>use of land for the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces</b> and the associated discharge of <b>stormwater</b> into water or onto or into land where it may enter water, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or WH.R7, or a discretionary activity under Rule WH.R10 or WH.R11, or a prohibited activity under WH.R13.</u></p> <p><u>is a non-complying activity.</u></p> |          | <p>discharges under rules WH.R2, WH.R3, and WH.R4, and non-complying activity status under this rule. As a result, minor non-compliances with conditions under these rules will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of the National Grid, which due to the linear nature of the Grid can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for development or upgrading of the National Grid will be granted under section 104D of the RMA, even where minor non-compliances with stormwater conditions under rules WH.R2, WH.R3, or WH.R4 can be appropriately addressed through consent conditions. In the context of the National Grid, this does not appropriately give effect to policy 2 of the NPSET, as it does not provide for the effective upgrading and development of the electricity transmission network.</p> <p>Transpower considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet permitted activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity. Non-complying activity status should be reserved for activities that are clearly contrary to the objectives and policies of the Plan (as they relate to stormwater discharges), rather than all discharges that do not meet permitted activity standards.</p> <p>Transpower however considers that non-complying activity status should be retained for proposals that do not provide a Stormwater Impact Assessment under rule WH.R11, as this would clearly be contrary to the objectives and policies of the Plan.</p> | <p><u>groundwater, that is not permitted by Rule WH.R2, or</u></p> <p>(b) <u>discharge of <b>stormwater</b> into water or onto or into land where it may enter a <b>surface water body</b> or coastal water, that is not permitted by Rule WH.R3, or a restricted discretionary activity under Rules WH.R8 or WH.R9, or</u></p> <p>(c) <u>discharge of <b>stormwater</b> from a <b>high risk industrial or trade premise</b> that is not permitted by Rule WH.R4, <del>or the use of land for the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces</b> and the associated discharge of <b>stormwater</b> from a <b>high risk industrial or trade premise</b> that does not meet the conditions of Rule WH.R11, or</del></u></p> <p><del>(d) <u>use of land for the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces</b> and the associated discharge of <b>stormwater</b> into water or onto or into land where it may enter water, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or WH.R7, or a discretionary activity under Rule WH.R10 or WH.R11, or a prohibited activity under WH.R13,</u></del></p> <p><u>is a <del>non-complying discretionary</del> activity.</u></p> <p><b>As a consequential amendment, provide a new non-complying activity rule for stormwater discharges that are not a discretionary activity under rule WH.R11.</b></p> |

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| <p><b><u>Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity</u></b></p> <p><u>The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development direct into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or proposed stormwater network, is a prohibited activity.</u></p> <p><i>Note</i></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.</u></p> | Oppose   | <p>Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary to the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development</p> | Delete rule.  |

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|   |          | <p>area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this rule is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this rule.</p>   |  |
| <p><b><u>Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body is a permitted activity provided the following conditions are met:</u></b></p> <p><b><u>(a) the vegetation clearance is:</u></b></p> <p style="padding-left: 40px;"><b><u>(i) to implement an action in the erosion risk treatment plan for the farm, or</u></b></p> <p style="padding-left: 40px;"><b><u>(ii) for the control of pest plants, and</u></b></p> <p><b><u>(b) debris from the vegetation clearance is not placed where it can enter a surface water body.</u></b></p> | Amend    | <p>Notwithstanding concerns raised in this submission regarding the mapping of ‘highest erosion risk land (woody vegetation)’, Transpower seeks amendment to R17.</p> <p>Acknowledging the operative definition of Vegetation Clearance applies to the rule, Transpower considers several amendments are necessary to the rule.</p> <p>Firstly, regular vegetation clearance to prevent vegetation from encroaching on National Grid transmission lines and structures (beyond that provided in the Electricity (Hazards from Trees) Regulations 2003) is a necessary part of maintaining the safe and efficient operation of the electricity transmission network. Providing for vegetation clearance underneath or near National Grid transmission lines or structures as a permitted activity is necessary in order to give effect to policy 5 of the NPSET, which requires that the reasonable operational and maintenance requirements of the National Grid are provided for, and policy 10 of the NPSET, which requires</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body is a permitted activity provided the following conditions are met:</u></b></p> <p><b><u>(a) the vegetation clearance is:</u></b></p> <p style="padding-left: 40px;"><b><u>(i) for no more than a total area of 200m<sup>2</sup> per property in any consecutive 12-month period, or</u></b></p> <p style="padding-left: 40px;"><b><u>(ii) to implement an action in the erosion risk treatment plan for the farm, or</u></b></p> <p style="padding-left: 40px;"><b><u>(iii) for the control of pest plants, <del>and</del> or</u></b></p> <p style="padding-left: 40px;"><b><u>(iv) for the purposes of operating or maintaining the National Grid, and</u></b></p> |

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|   |              | <p>that the operation and maintenance of the electricity transmission network is not compromised.</p> <p>Secondly, a subclause should be added to clause (a) to clarify that vegetation clearance of less than 200m<sup>2</sup> per property per year is a permitted activity (on the basis that clearance of more than 200m<sup>2</sup> is a controlled activity under rule WH.R18). This is necessary to avoid clearance of less than 200m<sup>2</sup> becoming an innominate activity (and therefore discretionary).</p> <p>Clarification is also sought as to how the 200m<sup>2</sup> is calculated – is it the actual identified woody vegetation or on a site which contains an area of woody vegetation.</p> <p>In addition to these matters, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation and seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p> | <p><u>(b) debris from the <b>vegetation clearance</b> is not placed where it can enter a <b>surface water body</b>.</u></p> <p><b>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p>   |
| <p><b><u>Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation), of more than a total area of 200m<sup>2</sup> per property in any consecutive 12-month period, and any associated discharge of sediment to a surface water body is a controlled activity provided an erosion and sediment management plan has been prepared in accordance with Schedule 33 (vegetation clearance plan) and submitted with the application for resource consent under this Rule.</u></b></p> <p><i>Matters of control</i></p> <p>1. <u>The content of the <b>erosion and sediment management plan</b>, including the actions, management practices and mitigation measures necessary to ensure that discharge of sediment will not exceed that which occurred</u></p> | <p>Amend</p> | <p>Subject to Transpower’s relief being granted on rule WH.R17 (providing for vegetation clearance for the purposes of operating or maintaining the National Grid as a permitted activity), Transpower is generally neutral on the proposed rule, noting NESETA regulation 32 would apply (and prevail) where the works are not permitted.</p> <p>Notwithstanding this, Transpower considers that the rehabilitation of areas of cleared vegetation (under matter of control 3) should not be undertaken in a manner or in locations where vegetation would encroach on National Grid lines or structures. Transpower considers that an additional matter of control is necessary to address this matter.</p> <p>In addition to this, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation and seeks that it</p>  | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation), of more than a total area of 200m<sup>2</sup> per property in any consecutive 12-month period, and any associated discharge of sediment to a surface water body is a controlled activity provided an erosion and sediment management plan has been prepared in accordance with Schedule 33 (vegetation clearance plan) and submitted with the application for resource consent under this Rule.</u></b></p> <p><i>Matters of control</i></p> <p>1. <u>The content of the <b>erosion and sediment management plan</b>, including the actions, management practices and mitigation measures</u></p> |

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| <p><u>from the land prior to the <b>vegetation clearance</b> occurring</u></p> <p>2. <u>The area, location and method of <b>vegetation clearance</b></u></p> <p>3. <u><b>Stabilisation</b> and rehabilitation of the area cleared</u></p> <p>4. <u>The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the <b>erosion and sediment management plan</b></u></p> <p>5. <u>The timing, frequency and requirements for review, audit and amendment of the <b>erosion and sediment management plan</b></u></p> <p>6. <u>The time and circumstances under which the resource consent conditions may be reviewed</u></p> |               | <p>be reallocated to the Part 1 Schedule 1 planning instrument.</p>   | <p><u>necessary to ensure that discharge of sediment will not exceed that which occurred from the land prior to the <b>vegetation clearance</b> occurring</u></p> <p>2. <u>The area, location and method of <b>vegetation clearance</b></u></p> <p>3. <u><b>Stabilisation</b> and rehabilitation of the area cleared</u></p> <p>4. <u>The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the <b>erosion and sediment management plan</b></u></p> <p>5. <u>The timing, frequency and requirements for review, audit and amendment of the <b>erosion and sediment management plan</b></u></p> <p>6. <u>The time and circumstances under which the resource consent conditions may be reviewed</u></p> <p>7. <u>The need for any rehabilitated areas of vegetation to be clear of <b>National Grid</b> transmission lines and support structures.</u></p> <p><b>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p> |
| <p><b>Rule WH.R19: Vegetation clearance – discretionary activity</b></p> <p><u><b>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule WH.R17 or Rule WH.R18 is a discretionary activity.</b></u></p>   | <p>Oppose</p> | <p>Subject to Transpower’s relief being granted on rule WH.R17 (providing for vegetation clearance for the purposes of operating or maintaining the National Grid as a permitted activity), Transpower is neutral on the proposed rule, noting NESETA regulation 32 would apply (and prevail) where the works are not permitted.</p> <p>Notwithstanding this, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land</p> | <p><b>Reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p>   |

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|  |          | use for the purposes of soil conservation and seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.   |  |
| <p><b>Rule WH.R23: Earthworks – permitted activity</b></p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and</u></p> <p>(d) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and</u></p> <p>(e) <u>soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(g) <u>there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(h) <u>erosion and sediment control measures shall be used to prevent a discharge of sediment where a</u></p> | Amend    | <p>The effect of the use of “and” at the end of condition (b) is to exclude all earthworks that are not related to implementing farm erosion risk treatment plans or farm environmental plans from the permitted activity rule. As a result, all other earthworks, regardless of size or whether they meet conditions (c) to (h) will be a restricted discretionary activity under rule WH.R24. Transpower understands this is an error and acknowledges that the Council have corrected this under clause 16 of Schedule 1 to the RMA by way of a memo published on 6 December 2023. Notwithstanding this, for completeness Transpower have submitted on the rule as notified.</p> <p>Transpower also notes that the Council’s proposed approach is to remove associated discharges from the earthworks rule, and instead, discharges associated with earthworks are permitted under the separate “minor discharges” rule (R91). Given that rule WH.R23 is not a discharge rule, Transpower considers that it should not include condition (g), which is a discharge condition. In any case, Transpower considers that condition (g) is inappropriate on the basis that it is not consistent with the minor discharges rule, which permits a minor discharge of suspended solids to surface water bodies or coastal water. In addition to this, Transpower considers that given that the minor discharges rule provides for discharge of suspended solids, condition (h) should be amended to reflect that the purpose of erosion and sediment control is to prevent the uncontrolled discharge of sediment, rather than all discharge of sediment.</p> <p>Any further changes to this rule will be dependent on how “Earthworks” are defined and any exclusions.</p> <p>Further to the matters set out above, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the</p> | <p><b>Amend rule as follows:</b></p> <p><b>Rule WH.R23: Earthworks – permitted activity</b></p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, <del>and or</del></u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and</u></p> <p>(d) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and</u></p> <p>(e) <u>soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p><del>(g) <u>there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</u></del></p> <p>(h) <u>erosion and sediment control measures shall be used to prevent <del>a</del> the uncontrolled discharge of sediment where a preferential flow path connects</u></p> |

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| <p><u>preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</u></p> <p><i>Note</i></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p>   |              | <p>rule is to manage land use for the purposes of soil conservation. Given that the rule does not provide for discharges associated with earthworks, there is no justification for including it in the freshwater planning instrument, and Transpower and seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p>   | <p><u>with a surface water body or the coastal marine area, including via a stormwater network.</u></p> <p><i>Note</i></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p> <p><b>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p>   |
| <p><b><u>Rule WH.R24: Earthworks – restricted discretionary activity</u></b></p> <p><u>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is restricted discretionary activity, provided the following conditions are met:</u></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m<sup>3</sup>, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m<sup>3</sup>, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> | <p>Amend</p> | <p>Depending on the outcome of other submission points, Transpower considers that several amendments to the rule are necessary.</p> <p>Firstly, the chapeau of the rule should be restructured to locate the “associated discharge” element of the rule to follow on from “Earthworks that do not comply with Rule WH.R23”. This is because discharges associated with permitted earthworks are not provided for under rule WH.R23 (which only permits earthworks). Discharges from permitted earthworks are instead provided for under the “minor discharges” rule R91.</p> <p>Secondly, Transpower considers that a condition requiring earthworks to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of regionally significant infrastructure (including the National Grid).</p> <p>Transpower recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time,</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R24: Earthworks – restricted discretionary activity</u></b></p> <p><del><u>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23, and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, is a restricted discretionary activity, provided the following conditions are met:</u></del></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m<sup>3</sup>, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m<sup>3</sup>, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> |

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| <p>(ii) <u>30% in any other river, and</u></p> <p>(b) <u>earthworks shall not occur between 1<sup>st</sup> June and 30<sup>th</sup> September in any year.</u></p> <p><i>Matters for discretion</i></p> <ol style="list-style-type: none"> <li>1. <u>The location, area, scale, volume, duration and staging and timing of works</u></li> <li>2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u></li> <li>3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u></li> <li>4. <u>The proportion of unstabilised land in the catchment</u></li> <li>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></li> <li>6. <u>Any adverse effects on:</u> <ol style="list-style-type: none"> <li>(i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u></li> </ol> </li> </ol> |          | <p>and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Transpower notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in policy WH.P31 (and in the note to permitted activity rule WH.R23), provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). Transpower considers that, rather than a blanket restriction on all earthworks over this period, reference is made to the matters set out under section G5.0 of the guideline as a matter of discretion for earthworks. This will ensure consistency between the rules and the Council’s technical guidance for the management of earthworks, and provide for appropriate conditions to manage works over the winter period to be included in resource consents.</p> <p>Transpower also considers that the note directing Plan users to the <i>GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021)</i> that is included under permitted activity rule WH.R23 also be provided for under this rule.</p> | <p>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>(ii) <u>30% in any other river, and</u></p> <p><del>(b) <u>earthworks shall not occur between 1<sup>st</sup> June and 30<sup>th</sup> September in any year.</u></del></p> <p><i>Matters for discretion</i></p> <ol style="list-style-type: none"> <li>1. <u>The location, area, scale, volume, duration and staging and timing of works</u></li> <li>2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u></li> <li>3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u></li> <li>4. <u>The proportion of unstabilised land in the catchment</u></li> <li>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></li> <li>6. <u>Any adverse effects on:</u> <ol style="list-style-type: none"> <li>(i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or</u></li> </ol> </li> </ol> |

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| <p>(ii) <u>group drinking water supplies and community drinking water supplies</u></p> <p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1<sup>st</sup> June to 30<sup>th</sup> September each year) and any maintenance activities required during this period</u></p> <p>9. <u>Monitoring and reporting requirements</u></p> |          |            | <p><u>Schedule I (important trout fishery rivers and spawning waters)</u></p> <p>(ii) <u>group drinking water supplies and community drinking water supplies</u></p> <p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <del><u>Preparation required for the close-down period (from 1<sup>st</sup> June to 30<sup>th</sup> September each year) and any maintenance activities required during this period</u></del> <u>Where earthworks will be undertaken within the period from 1 June to 30 September, the matters set out under section G5.0 of the <i>Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021)</i></u></p> <p>9. <u>Monitoring and reporting requirements</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the <i>Greater Wellington Regional Council, Erosion and</i></u></p> |

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| <p><b><u>Rule WH.R25: Earthworks – non-complying activity</u></b></p> <p><u>Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water from earthworks, including via a stormwater network, that does not comply with Rule WH.R24 is a non-complying activity.</u></p> | Amend    | <p>The operative NRP provides for earthworks that are not otherwise provided for as a discretionary activity under rule R107.</p> <p>Transpower considers that the move to non-complying activity status for all other earthworks is not clearly explained or justified in the section 32 evaluation report. Non-compliance with conditions under rule WH.R25 will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of the National Grid, which due to the linear nature of the Grid can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for development or upgrading of the National Grid will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately addressed through consent conditions. In the context of the National Grid, this does not appropriately give effect to policy 2 of the NPSET, as it does not provide for the effective upgrading and development of the electricity transmission network.</p> <p>Transpower considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet restricted discretionary activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity.</p> | <p><i><u>Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></i></p> <p><b>Amend rule as follows:</b></p> <p><b><u>Rule WH.R25: Earthworks – non-complying discretionary activity</u></b></p> <p><u>Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water from earthworks, including via a stormwater network, that does not comply with Rule WH.R24 is a non-complying discretionary activity.</u></p> |

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| <b>Chapter 9: Te Awarua-o-Porirua Whaitua   Section 9.1: Objectives</b>  |              |  |   |
| <p><b>Objective P.01</b></p> <p><u>The health of Te Awarua-o-Porirua’s groundwater, rivers, lakes, <b>natural wetlands</b>, estuaries, harbours and coastal marine area is progressively improved and is wai ora by 2100.</u></p> <p><u>Note</u></p> <p><u>In the wai ora state:</u></p> <ul style="list-style-type: none"> <li>• <u>Te Awarua-o-Porirua is a taonga of Ngāti Toa Rangatira and must be respected by others</u></li> <li>• <u>Mauri is restored and waters are in a natural state</u></li> <li>• <u>Ecological health is excellent in freshwater and coastal water environments</u></li> <li>• <u>Rivers flow naturally, with ripples and the river beds are stony</u></li> <li>• <u>Mahinga kai, taonga, mahinga ika and kaimoana species are healthy, abundant, diverse, present across all stages of life, sizeable, and able to be culturally harvested by mana whenua</u></li> <li>• <u>Mahinga kai, taonga, mahinga ika and kai moana species are safe to harvest and eat or use, including for mana whenua to exercise manaakitanga</u></li> <li>• <u>Mana whenua and communities are able to undertake a full range of activities</u></li> <li>• <u>Mana whenua are able to undertake cultural activities and practices</u></li> </ul> | <p>Amend</p> | <p>Transpower supports the progressive improvement of the health and wai ora of freshwater bodies and the coastal marine area.</p> <p>However, the restoration of waters to a natural state is not a reasonably achievable objective where existing regionally significant infrastructure (such as the National Grid) is located over or within freshwater bodies or the coastal marine area. Achieving restoration of waters to their natural state implies that existing regionally significant infrastructure may need to be removed, and that new regionally significant infrastructure may be inappropriate.</p> <p>Transpower considers that the objective should acknowledge that complete restoration of waters to their natural state may not be possible in all instances, particularly as it relates to regionally significant infrastructure. Transpower notes that clause 3.3(2) of the NPS-FM requires long-term visions for freshwater to be ambitious but reasonable (that is, difficult to achieve but not impossible), and considers that the objective needs to be amended to recognise this.</p> | <p><b>Amend objective as follows:</b></p> <p><b>Objective P.01</b></p> <p><u>The health of Te Awarua-o-Porirua’s groundwater, rivers, lakes, <b>natural wetlands</b>, estuaries, harbours and coastal marine area is progressively improved and is wai ora by 2100.</u></p> <p><u>Note</u></p> <p><u>In the wai ora state:</u></p> <ul style="list-style-type: none"> <li>• <u>Te Awarua-o-Porirua is a taonga of Ngāti Toa Rangatira and must be respected by others</u></li> <li>• <u>Mauri is restored and waters are in a natural state, to the extent that this is possible</u></li> <li>• <u>Ecological health is excellent in freshwater and coastal water environments</u></li> <li>• <u>Rivers flow naturally, with ripples and the river beds are stony</u></li> <li>• <u>Mahinga kai, taonga, mahinga ika and kaimoana species are healthy, abundant, diverse, present across all stages of life, sizeable, and able to be culturally harvested by mana whenua</u></li> <li>• <u>Mahinga kai, taonga, mahinga ika and kai moana species are safe to harvest and eat or use, including for mana whenua to exercise manaakitanga</u></li> <li>• <u>Mana whenua and communities are able to undertake a full range of activities</u></li> <li>• <u>Mana whenua are able to undertake cultural activities and practices</u></li> </ul> |

| Specific Plan Change provision as notified  | Position | Submission   | Relief sought   |
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| <b>Chapter 9: Te Awarua-o-Porirua Whaitua   Section 9.2: Policies</b>   |          |  |   |
| <u>In addition to the policies in this Chapter, the policies in Chapter 4 of the Plan also apply in Te Awarua-o-Porirua <b>Whaitua</b>, unless the policy in Chapter 4 is specifically identified as not applying to Te Awarua-o-Porirua <b>Whaitua</b>.</u>  | Support  | Transpower supports this note (which appears under the heading to section 9.2), as it provides for a range of existing operative policies to continue to apply within the whaitua (including those policies that recognise the beneficial use and development of regionally significant infrastructure and the National Grid).   | <b>Retain as notified.</b>  |
| <p><b><u>Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives</u></b></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land-use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p>(a) <u>prohibiting <b>unplanned greenfield development</b> and for other greenfield developments <b>minimising</b> the contaminants and requiring financial contributions as to offset adverse effects from residual <b>stormwater</b> contaminants, and</u></p> <p>(b) <u>encouraging <b>redevelopment</b> activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing <b>hydrological controls</b> on urban development and <b>stormwater</b> discharges to rivers, and</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban <b>wastewater</b> and <b>stormwater</b> networks, and</u></p> <p>(e) <u>stabilising stream banks by excluding <b>livestock</b> from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of <b>earthworks</b>, <b>forestry</b>, <b>cultivation</b>, and <b>vegetation clearance</b> activities, and</u></p> | Amend    | <p>Transpower considers that several amendments are necessary to clause (a) of the policy.</p> <p>Firstly, Transpower considers that this policy is inappropriate because the definition of “unplanned greenfield development” is broad, uncertain, and could prohibit the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid). On this basis, Transpower considers that the prohibition on unplanned greenfield development is inappropriate and must be removed. Notwithstanding this, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full (as sought in an earlier submission point), Transpower would adopt a neutral position on this aspect of the policy.</p> <p>Secondly, Transpower considers that amendment to the policy is necessary to ensure that it is consistent with the effects management hierarchy set out in the NPS-FM. Aquatic offsetting is only necessary where residual adverse effects are more than minor, and resource consent applicants should be encouraged to minimise residual adverse effects so that they are no more than minor (in which case aquatic offsetting is not required). Further, where aquatic offsetting is required, the financial contributions regime proposed by PC1 should be available as a discretionary option for achieving offsetting, but not a mandatory requirement. If applicants can provide alternative effective methods of aquatic offsetting as part of their proposal in accordance with Appendix 6 of the</p> | <p><b>Amend policy as follows:</b></p> <p><b><u>Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives</u></b></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land-use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p>(a) <u><del>prohibiting <b>unplanned greenfield development</b> and for other greenfield developments <b>minimising</b> the discharge of <b>stormwater</b> contaminants from <b>greenfield development</b>, and where residual adverse effects from the discharge of <b>stormwater</b> contaminants are more than minor, requiring aquatic offsetting or compensation (which may include financial contributions) as to offset adverse effects from residual <b>stormwater</b> contaminants, and</del></u></p> <p>(b) <u>encouraging <b>redevelopment</b> activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing <b>hydrological controls</b> on urban development and <b>stormwater</b> discharges to rivers, and</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban <b>wastewater</b> and <b>stormwater</b> networks, and</u></p> |

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| <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>(h) <u>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>   |              | <p>NPS-FM, then financial contributions should not be required.</p>   | <p>(e) <u>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>requiring <b>farm environment plans</b> (including Freshwater Farm Plans) to improve <b>farm</b> practices that impact on freshwater.</p>   |
| <p><b><u>Policy P.P11: Discharges of a contaminant in stormwater from high risk industrial or trade premises</u></b></p> <p>The discharge of <b>stormwater</b> to water from a <b>high risk industrial or trade premise</b> shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding contaminants or hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the</u></p> | <p>Amend</p> | <p>It is impracticable to avoid contaminants being entrained in stormwater. This is acknowledged in the section 32 evaluation report, and by policies such as P.P14, which recognises that there may be residual stormwater contaminants associated with development.</p> <p>Given that the focus of the policy is on the management of hazardous substances prepared, used or stored at high risk industrial and trade premises, reference to contaminants generally should be removed from the policy, in order that the policy is implementable and retains a clear focus on the management of hazardous substances.</p> <p>Management of stormwater contaminants generally is provided for under policies WH.P10 and WH.P14, which will also apply to high risk industrial or trade premises.</p> | <p><b>Amend policy as follows:</b></p> <p><b><u>Policy P.P11: Discharges of a contaminant hazardous substances in stormwater from high risk industrial or trade premises</u></b></p> <p>The discharge of <b>stormwater</b> to water from a <b>high risk industrial or trade premise</b> shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding <del>contaminants or</del> hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the</u></p> |

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| <p><u>stormwater network, a surface water body or coastal water, and</u></p> <p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p>   |          |  | <p><u>stormwater network, a surface water body or coastal water, and</u></p> <p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p>  |
| <p><b><u>Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces</u></b></p> <p>The adverse effects of <b>stormwater</b> discharges from <u>new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable upon redevelopment, through implementing:</u></p> <p>(a) <u>an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</u></p> <p style="padding-left: 40px;">(i) <u>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</u></p> <p style="padding-left: 40px;">(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and</u></p> <p>(b) <u>where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</u></p> | Amend    | <p>Clause (a)(ii) refers to raingardens and bioretention devices, however neither term is defined in the plan. To provide sufficient certainty to plan users, Transpower considers that definitions of both terms need to be added to the Plan.</p>  | <p><b>Amend the definitions section to include a definition of “raingarden” and “bioretention device”.</b></p>  |
| <p><b><u>Policy P.P14: Stormwater contaminant offsetting for new greenfield development</u></b></p> <p>The adverse effects of residual (post-treatment) <b>stormwater</b> contaminants from <u>new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or coastal water, including via an existing or new stormwater network, are to be offset by way of a</u></p>   | Amend    | <p>Transpower considers that this policy needs to be amended so that it is consistent with the effects management hierarchy set out in the NPS-FM, which requires that aquatic offsetting or compensation is provided in circumstances where residual adverse effects are more than minor.</p> <p>Further, Transpower considers that the financial contributions should not be a mandatory means of providing for aquatic offsetting, and resource consent</p> | <p><b>Amend policy as follows:</b></p> <p><b><u>Policy P.P14: Stormwater contaminant offsetting or compensation for new greenfield development</u></b></p> <p><del>The More than minor</del> adverse effects of residual (post-treatment) <b>stormwater</b> contaminants from <u>new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or</u></p> |

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| <p><u>financial contribution in accordance with Schedule 30 (financial contribution).</u></p>   |               | <p>applicants should have a reasonable opportunity provide aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM as part of their proposal.</p>  | <p><u>coastal water, including via an existing or new stormwater network, are to be offset by way of:</u></p> <p>(a) <u>aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the National Policy Statement on Freshwater Management 2020; or</u></p> <p>(b) <u>a financial contribution in accordance with Schedule 30 (financial contribution).</u></p> |
| <p><b><u>Policy P.P15: Stormwater discharges from new unplanned greenfield development</u></b></p> <p><u>Avoid all new stormwater discharges from unplanned greenfield development where the discharge will enter a surface water body or coastal water, including through an existing local authority stormwater network.</u></p> <p><i>Note</i></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the regional plan alongside any required plan change to rezone land within the relevant district plan.</u></p> | <p>Oppose</p> | <p>Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary of the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation</p> | <p><b>Delete policy.</b></p>   |

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|  |          | <p>(because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this policy is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this policy.</p> |  |
| <p><b><u>Policy P.P27: Management of earthworks sites</u></b></p> <p><u>The risk of sediment discharges from earthworks shall be managed by:</u></p> <p>(a) <u>requiring retention of soil and sediment on the site using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing</u></p> | Amend    | <p>Transpower considers several amendments are necessary to this policy.</p> <p>Firstly, Transpower considers the word “risk” should be replaced with “adverse effects” in the chapeau, on the basis that resource management policies should seek to manage actual or potential adverse effects of an activity, rather than risks generally.</p> <p>Secondly, the requirement to retain soil and sediment on site under clause (a) does not recognise that soil and sediment may need to be removed from site in a controlled manner (for example, to a cleanfill area) as part</p>  | <p><b><u>Policy P.P27: Management of earthworks sites</u></b></p> <p><u>The risk adverse effects of sediment discharges from earthworks shall be managed by:</u></p> <p>(a) <del>requiring retention</del> <u>minimising the uncontrolled loss of soil and sediment on the site using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region</u></p> |

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| <p><u>Activities in the Wellington Region (2021), for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p>  |          | <p>of the works associated with the maintenance, upgrading, or development of regionally significant infrastructure (including the National Grid). To recognise this, Transpower considers that clause (a) should be amended to seek that the uncontrolled loss of soil and sediment from site is minimised, rather than requiring all soil and sediment to be retained on site.</p> <p>Thirdly, Transpower considers that clause (b) should be qualified with “where practicable” to recognise that any limits placed on land disturbance should be reasonable and proportionate, particularly in the context of the good management practices already required by clause (a).</p> | <p><u>(2021), for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting, where practicable, the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p> |
| <p><b>Policy P.P28: Discharge standard for earthworks sites</b></p> <p><u>The discharge of sediment from earthworks over an area greater than 3,000m<sup>2</sup> shall:</u></p> <p>(a) <u>not exceed a discharge standard of 100g/m<sup>3</sup> at the point of discharge where the discharge is to a surface water body, coastal water, stormwater network or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m<sup>3</sup>, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p style="padding-left: 40px;">(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 40px;">(ii) <u>30% in any other river, and</u></p> <p>(b) <u>be managed using good management practices in accordance with the Greater Wellington</u></p> | Support  | Transpower considers the standards set out in the policy to be reasonable.  | Retain as notified.   |

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| <p><u>Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021)</u>, to achieve the discharge standard in (a), and</p> <p>(c) <u>monitoring of the discharge shall be performed by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></p>   |          |   |   |
| <p><b>Policy P.P29: Winter shut down of earthworks</b></p> <p><b>Earthworks</b> over 3,000m<sup>2</sup> in area shall:</p> <p>(a) <u>be shut down from 1<sup>st</sup> June to 30<sup>th</sup> September each year, and</u></p> <p>(b) <u>prior to shut down, be <b>stabilised</b> against erosion and have sediment controls in place using <b>good management practices</b> in accordance with the <u>Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021).</u></u></p> | Oppose   | <p>Transpower considers that a policy requiring all earthworks over 3,000m<sup>2</sup> to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of regionally significant infrastructure (including the National Grid).</p> <p>Transpower recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Transpower notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in the policy, provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline), and Transpower considers that pathway should continue to be available to applicants through the consent process.</p> | Delete policy.  |
| <b>Chapter 9: Te Awarua-o-Porirua Whaitua   Section 9.3: Rules</b>   |          |   |   |
| <b>Rules - Interpretation section</b>  | Amend    | Transpower seeks reference in the NRP to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009  | <p><b>Insert the following to the Interpretation section of the chapter:</b></p> <p><u>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity</u></p> |

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|  |              | <p>("NESETA") so as to highlight the NESETA to plan users and assist with plan interpretation.</p> <p>While Transpower accepts a statement is not absolutely required, it would be helpful to highlight to plan users the relationship that exists between the NESETA and plan rules. This is particularly relevant given the potential difference in the standards and activity status. By way of example a similar type of statement is provided in the Infrastructure chapter of the Auckland Unitary Plan (operative in part) . In contrast, the general statement in Section 1.5.1 of the NPR does not specifically comment on the relationship between the NESETA and the plan rules.</p> | <p><a href="#"><u>transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</u></a></p>   |
| <p><b><u>Rule P.R2: Stormwater to land – permitted activity</u></b></p> <p><u>The discharge of stormwater onto or into land, including where contaminants may enter groundwater</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority stormwater network</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p> <p>(c) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(d) <u>the discharge shall not cause or exacerbate the flooding of any other property, and</u></p> <p>(e) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water.</u></p> <p><u>Note</u></p> | <p>Amend</p> | <p>Transpower considers permitted activity conditions to be reasonable on the basis that they are generally consistent with the conditions for discharges to surface water or coastal water under the operative NRP.</p> <p>However, Transpower considers that the note at the end of the rule should be amended to improve its clarity. In addition to this, Transpower considers the note should be amended to reflect that rule P.R10 regulates discharges from new high risk industrial and trade premises (as opposed to new discharges from high risk industrial and trade premises, be they existing or new premises).</p>   | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R2: Stormwater to land – permitted activity</u></b></p> <p><u>The discharge of stormwater onto or into land, including where contaminants may enter groundwater</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority stormwater network</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p> <p>(c) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(d) <u>the discharge shall not cause or exacerbate the flooding of any other property, and</u></p> <p>(e) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water.</u></p> <p><u>Note</u></p> |

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| <p>In respect of a discharge from an existing <b>high risk industrial or trade premise</b> refer to Rule P.R4, and for new discharges refer to Rule P.R10. For existing discharges from or into a local authority <b>stormwater network</b> refer to Rule P.R5.</p>  |              |   | <p>In respect of a discharge <b>of stormwater</b> from an existing <b>high risk industrial or trade premise</b> refer to Rule P.R4, and for <b>new</b> discharges <b>of stormwater from new high risk industrial or trade premises</b> refer to Rule P.R10. For existing discharges from or into a local authority <b>stormwater network</b> refer to Rule P.R5.</p>  |
| <p><b>Rule P.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</b></p> <p>The discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, from an existing individual <b>property</b></p> <p>(a) <u>that is not from a <b>high risk industrial or trade premise</b>, or</u></p> <p>(b) <u>that is not from a state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority <b>stormwater network</b></u></p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(d) <u>the discharge is not from, onto or into <b>SLUR Category III land</b>, unless the <b>stormwater</b> does not come into contact with <b>SLUR Category III land</b>, and</u></p> <p>(e) <u>the discharge does not contain <b>wastewater</b>, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 40px;">(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal</u></p> | <p>Amend</p> | <p>Transpower considers permitted activity conditions to be reasonable on the basis that they are generally consistent with the conditions for discharges to surface water or coastal water under the operative NRP.</p> <p>However, Transpower considers that the note at the bottom of the rule should be amended to improve its clarity.</p> | <p><b>Amend rule as follows:</b></p> <p><b>Rule P.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</b></p> <p>The discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, from an existing individual <b>property</b></p> <p>(a) <u>that is not from a <b>high risk industrial or trade premise</b>, or</u></p> <p>(b) <u>that is not from a state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority <b>stormwater network</b></u></p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(d) <u>the discharge is not from, onto or into <b>SLUR Category III land</b>, unless the <b>stormwater</b> does not come into contact with <b>SLUR Category III land</b>, and</u></p> <p>(e) <u>the discharge does not contain <b>wastewater</b>, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 40px;">(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal</u></p> |

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| <p>sites), or Schedule H1 (contact recreation), or</p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water, and</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p><u>In respect of the discharge from an <b>high risk industrial or trade premise</b> refer to Rule P.R4. For discharges from an existing individual property into the <b>stormwater network</b> refer to Rule P.R5.</u></p> |          |            | <p>sites), or Schedule H1 (contact recreation), or</p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water, and</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p><u>In respect of the discharge of <b>stormwater</b> from an <b>high risk industrial or trade premise</b> refer to Rule P.R4. For discharges from an existing individual property into the <b>stormwater network</b> refer to Rule P.R5.</u></p> |

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| <p><b><u>Rule P.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</u></b></p> <p><u>The discharge of stormwater from an existing high risk industrial or trade premise, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 40px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 40px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p> <p>(d) <u>any contaminants stored or used on site, or hazardous substances, cannot be entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or</u></p> <p style="padding-left: 40px;">(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p style="padding-left: 40px;">(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an</u></p> | <p>Amend</p> | <p>Limiting the application of this rule to only existing high risk industrial or trade premises would result in new substations or switchyards for the National Grid being a discretionary activity under rule P.R10. This is inappropriate as it does not give effect to policy 2 of the NPSET. Subject to amendment to condition (d), Transpower considers the conditions are appropriate to manage the potential adverse effects associated with stormwater discharges from existing or new high risk industrial or trade premises, and on this basis both should be provided for under the same rule.</p> <p>Transpower considers that condition (d) of the rule should be amended to remove reference to contaminants generally and retain a focus on hazardous substances. The term “contaminants” is too broad and given that the purpose of managing high risk industrial or trade premises is to manage the potential adverse effects associated with the discharge hazardous substances, it is appropriate that condition (d) manages only hazardous substances, rather than contaminants more broadly (which are managed under the remainder of the conditions).</p> <p>Transpower also considers that the note at the end of the rule must be deleted as part of giving effect to the relief sought in this submission, as well as the relief sought by Transpower in relation to the rules for new or redeveloped impervious surfaces.</p> | <p><b>Amend as follows:</b></p> <p><b><u>Rule P.R4: Stormwater from <del>a</del> existing high risk industrial or trade premise – permitted activity</u></b></p> <p><u>The discharge of stormwater from <del>a</del> existing high risk industrial or trade premise, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 40px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 40px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p> <p>(d) <u>any <del>contaminants stored or used on site, or hazardous substances stored or used on site,</del> cannot be entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or</u></p> <p style="padding-left: 40px;">(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p style="padding-left: 40px;">(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an</u></p> |

| Specific Plan Change provision as notified  | Position | Submission | Relief sought   |
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| <p><u>interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> <p>(e) <u>if the discharge is into a <b>surface water body</b>, coastal water or via an existing local authority <b>stormwater network</b>, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing local authority <b>stormwater network</b> the discharge shall also not:</u></p> <p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> |          |            | <p><u>interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> <p>(e) <u>if the discharge is into a <b>surface water body</b>, coastal water or via an existing local authority <b>stormwater network</b>, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing local authority <b>stormwater network</b> the discharge shall also not:</u></p> <p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 40px;">1. <u>20% in a River class 1 and in any river identified as having</u></p> |

| Specific Plan Change provision as notified  | Position | Submission  | Relief sought   |
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| <p>1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i><br/>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to P.R10.</p>  |          |   | <p><u>high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i><br/><del>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to P.R10.</del></p>  |
| <p><b><u>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</u></b></p> <p><u>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment activities of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or new local authority stormwater network, that is not a high risk industrial or trade premise or unplanned greenfield development, is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of existing impervious areas of</u></p> | Amend    | <p>Transpower’s substations throughout the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition.</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises (including National Grid substations) a discretionary activity under rule P.R10. This is inappropriate in the context of policy 2 of the NPSET, which requires that the regional plan recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid, and policy 5, which requires that the reasonable operational, maintenance and minor upgrading of National Grid assets is enabled. Further, this could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces would generally be less effective at containing contaminants (including the</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</u></b></p> <p><u>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment activities of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or new local authority stormwater network, that is not a high risk industrial or trade premise or unplanned greenfield development, is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m<sup>2</sup> (baseline property existing</u></p> |

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| <p><u>less than 1,000m<sup>2</sup> (baseline property existing impervious area as at 30<sup>th</sup> October 2023) and</u></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials and</u></p> <p>(c) <u>the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;">(i) <u>for all impervious areas associated with a greenfield development, or</u></p> <p style="padding-left: 40px;">(ii) <u>for all redeveloped and new impervious areas involving greater than 30m<sup>2</sup> of impervious area of a redevelopment (of an existing urbanised property), and</u></p> <p>(d) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 40px;">(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> |          | <p>accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at National Grid substations, Transpower considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions. Transpower considers that the additional conditions under (d) of rule P.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule P.R5 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, Transpower considers the following amendments to the rule are also necessary:</p> <ul style="list-style-type: none"> <li>• Condition (a) should be amended to replace the fixed baseline with a time period. Transpower considers that a fixed baseline would be unworkable, particularly with respect to redevelopment, as it could result in consecutive redevelopment of the same impervious surface being a controlled or discretionary activity, even where the surface is less than 1,000m<sup>2</sup>. Transpower also questions how compliance with the fixed baseline will be monitored with respect to redevelopment (as this cannot be readily measured). Transpower considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily implementable, and is able to be effectively monitored.</li> <li>• Condition (c)(ii) should be amended so that hydrological control is only required for new impervious surfaces, on the basis that</li> </ul> | <p><del>impervious area as at 30 October 2023) per property in any consecutive 12-month period and</del></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials and</u></p> <p>(c) <u>the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;">(i) <del>for all impervious areas</del> <u>impervious surfaces</u> <del>associated with a greenfield development, or</del></p> <p style="padding-left: 40px;">(ii) <del>for all redeveloped and new impervious areas</del> <u>impervious surfaces involving greater than 30m<sup>2</sup> of impervious area of a-associated with redevelopment (of an existing urbanised property), and</u></p> <p>(d) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 40px;">(i) <u>50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</u></p> |

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| <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing or new local authority <b>stormwater network</b>:</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>    1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>    2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by <b>farm</b> animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p><u>Where a <b>property</b> connects to a local authority <b>stormwater network</b>, additional connection requirements and authorisations may be required by the network utility operator.</u></p> |          | <p>redevelopment of existing impervious surfaces will not change the quantity of runoff from impervious surfaces (in other words, there are no new adverse effects to be managed);</p> <ul style="list-style-type: none"> <li>References to “impervious areas” (which is an undefined term) in conditions (c)(i) and (ii) should be replaced with “impervious surfaces” (which is a defined term);</li> <li>Minor amendments should be made to condition (c)(ii) to improve the clarity of the condition.</li> </ul> | <p>(ii) <u>100g/m<sup>3</sup> where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing or new local authority <b>stormwater network</b>:</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the <b>zone of reasonable mixing</b>:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <p>    1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>    2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by <b>farm</b> animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>and where the new or <b>redeveloped impervious surface</b> is for a <b>high risk industrial or trade premise</b>:</u></p> <p>(i) <u>any <b>hazardous substances</b> stored or used on site cannot be entrained in <b>stormwater</b> and enter a <b>surface water body</b> or coastal water, including via the <b>stormwater network</b>, or</u></p> |

| Specific Plan Change provision as notified   | Position | Submission  | Relief sought  |
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| <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to Rule P.R10.</p>  |          |   | <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><i>Note</i></p> <p>Where a <b>property</b> connects to a local authority <b>stormwater network</b>, additional connection requirements and authorisations may be required by the network utility operator.</p> <p><del>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to Rule P.R10.</del></p> |
| <p><b>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity</b></p> <p>The use of land for the creation of new <b>impervious surfaces</b> for greenfield development and the associated discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, including through an existing local authority <b>stormwater network</b>, that is not a <b>high risk industrial or trade premise</b> or <b>unplanned greenfield development</b>, is a controlled activity, provided the following conditions are met:</p> <p>(a) <u>the proposal involves the creation of new <b>impervious surfaces</b> of between 1,000m<sup>2</sup> and</u></p> | Amend    | <p>Transpower’s substations throughout the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition.</p> <p>The proposed rule makes new impervious surfaces at high risk industrial or trade premises (including National Grid substations) a discretionary activity under rule WH.R11. This is inappropriate in the context of policy 2 of the NPSET, which requires that the regional plan recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at National Grid substations, Transpower considers that it is necessary to provide for new and redeveloped impervious</p> | <p><b>Amend rule as follows:</b></p> <p><b>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity</b></p> <p>The use of land for the creation of new <b>impervious surfaces</b> for greenfield development and the associated discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, including through an existing local authority <b>stormwater network</b>, that is not <del>a high risk industrial or trade premise or unplanned greenfield development</del>, is a controlled activity, provided the following conditions are met:</p>  |

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| <p><u>3,000m<sup>2</sup> (baseline property existing impervious area as at 30 October 2023)</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation new <b>impervious surfaces</b> of less than 1,000m<sup>2</sup>, but is not permitted under the conditions of Rule P.R6,</u></p> <p>and,</p> <p>(c) <u>a financial contribution is paid for the purpose of offsetting the adverse effects of residual <b>stormwater</b> contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</u></p> <p>(d) <u>where <b>stormwater</b> directly or indirectly (through an existing local authority <b>stormwater network</b>) discharges to a river, <b>hydrological control</b> is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater network</b> that has been sized to accommodate the proposed <b>stormwater</b> discharges, and</u></p> <p>(e) <u><b>stormwater</b> contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a <b>stormwater treatment system</b> that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater treatment</b></u></p> |          | <p>surfaces as permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions. Transpower considers that the additional conditions under (d) of rule P.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule P.R6 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, in line with Transpower’s submission on policy P.P14, Transpower considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Transpower considers that it is inappropriate to require financial contributions as a condition, and that instead, matter of control 6 should be amended to refer to policy P.P14. This would ensure that appropriate aquatic offsetting or compensation (which may include financial contributions under Schedule 30) can be considered on a case by case basis, where this is required.</p> <p>Finally, condition (a) should be amended to replace the fixed baseline with a time period. Transpower considers that a fixed baseline would be unworkable, particularly with respect to future redevelopment, as it could result in consecutive redevelopment of the same impervious surface being a discretionary activity, even where the surface is less than 3,000m<sup>2</sup>. It could also result in situations where minor future additions to impervious surfaces will always be a discretionary activity, where the 3,000m<sup>2</sup> has been exceeded in the past. Transpower also questions how compliance with the fixed baseline will be</p> | <p>(a) <u>the proposal involves the creation of new <b>impervious surfaces</b> of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> (<del>baseline property existing impervious area as at 30 October 2023</del>) per property in any consecutive 12-month period</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation new <b>impervious surfaces</b> of less than 1,000m<sup>2</sup>, but is not permitted under the conditions of Rule P.R6,</u></p> <p>and,</p> <p><del>(c) <u>a financial contribution is paid for the purpose of offsetting the adverse effects of residual <b>stormwater</b> contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</u></del></p> <p>(d) <u>where <b>stormwater</b> directly or indirectly (through an existing local authority <b>stormwater network</b>) discharges to a river, <b>hydrological control</b> is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater network</b> that has been sized to accommodate the proposed <b>stormwater</b> discharges, and</u></p> <p>(e) <u><b>stormwater</b> contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a <b>stormwater treatment system</b> that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority <b>stormwater network</b> or</u></p> |

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| <p style="text-align: center;"><u>system that has capacity to treat contaminant loads from the site.</u></p> <p><i>Matters of control</i></p> <ol style="list-style-type: none"> <li>1. <u>The design and layout of the on-site <b>stormwater treatment system</b>, including the ongoing operational and management measures necessary to ensure that <b>stormwater</b> quality will meet the requirements of condition (e) of this rule</u></li> <li>2. <u>The adequacy of <b>hydrological control</b> measures either on-site or off- site, where <b>stormwater</b> will enter a river</u></li> <li>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></li> <li>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></li> <li>5. <u>Whether sufficient use of <b>water sensitive urban design</b> measures have been applied to the site design and layout</u></li> <li>6. <u>A financial contribution as required by Schedule 30 (financial contributions)</u></li> <li>7. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule</u></li> </ol> <p><i>Notification</i></p> <p><u>In respect of Rule P.R6, applications are precluded from limited and public notification (unless special circumstances exist).</u></p> |          | <p>monitored with respect to redevelopment (particularly with respect to redevelopment, which cannot be readily measured). Transpower considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily implementable, and is able to be effectively monitored.</p> | <p style="text-align: center;"><u>privately owned <b>stormwater treatment system</b> that has capacity to treat contaminant loads from the site.,</u></p> <p><u>and where the new <b>impervious surface</b> is for a <b>high risk industrial or trade premise</b>:</u></p> <p>(f) <u>any <b>hazardous substances</b> stored or used on site cannot be entrained in <b>stormwater</b> and enter a <b>surface water body</b> or coastal water, including via the <b>stormwater network</b>, or</u></p> <p style="padding-left: 40px;">(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p style="padding-left: 40px;">(ii) <u>the <b>stormwater</b> contains no <b>hazardous substances</b> except petroleum hydrocarbons, and in that situation, the <b>stormwater</b> is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><i>Matters of control</i></p> <ol style="list-style-type: none"> <li>1. <u>The design and layout of the on-site <b>stormwater treatment system</b>, including the ongoing operational and management measures necessary to ensure that <b>stormwater</b> quality will meet the requirements of condition (e) of this rule</u></li> <li>2. <u>The adequacy of <b>hydrological control</b> measures either on-site or off- site, where <b>stormwater</b> will enter a river</u></li> <li>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability</u></li> </ol> |

| Specific Plan Change provision as notified   | Position | Submission  | Relief sought   |
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| <p><u>Note</u></p> <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to Rule P.R10.</p>                                     |          |   | <p><u>(timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></p> <p>5. <u>Whether sufficient use of <b>water sensitive urban design</b> measures have been applied to the site design and layout</u></p> <p>6. <del><u>A financial contribution as required by Schedule 30 (financial contributions)-Any aquatic offsetting or compensation proposed in accordance with policy P.P14</u></del></p> <p>7. <del><u>For <b>high risk industrial or trade premises</b>, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of <b>hazardous substances</b></u></del></p> <p>8. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d), <del>and (e), and (f)</del> of this rule</u></p> <p><u>Notification</u></p> <p><u>In respect of Rule P.R6, applications are precluded from limited and public notification (unless special circumstances exist).</u></p> <p><del><u>Note</u></del></p> <p><del><u>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to Rule P.R10.</u></del></p> |
| <p><b><u>Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></b></p> <p><u>The use of land for the creation of new and/or <b>redevelopment</b> of <b>impervious surfaces</b> of an existing</u></p> | Amend    | <p>Transpower’s substations throughout the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition.</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises (including</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></b></p>  |

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| <p><u>urbanised property and the associated discharge of stormwater into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, including through an existing local authority <b>stormwater network</b>, that is not a <b>high risk industrial or trade premise</b>, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or <b>redevelopment of impervious surfaces</b> of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> (baseline property existing impervious area as at 30 October 2023)</u></p> <p><u>or,</u></p> <p>(b) <u>the proposal involves the creation of new, or <b>redevelopment</b> of impervious areas of less than 1,000m<sup>2</sup> but is not permitted under the conditions of Rule P.R6,</u></p> <p><u>and,</u></p> <p>(c) <u>where <b>stormwater</b> directly or indirectly (through an existing local authority <b>stormwater network</b>) discharges to a river, <b>hydrological control</b> is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater network</b> that has been sized to accommodate the proposed <b>stormwater</b> discharges,</u><br/><u>and</u></p> <p>(d) <u>contaminant treatment of <b>stormwater</b> is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site through a <b>stormwater treatment system</b>, or</u></p> |          | <p>National Grid substations) a discretionary activity under rule P.R10. This is inappropriate in the context of policy 2 of the NPSET, which requires that the regional plan recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid, and policy 5, which requires that the reasonable operational, maintenance and minor upgrading of National Grid assets is enabled. Further, this could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces would generally be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at National Grid substations, Transpower considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions. Transpower considers that the additional conditions under (d) of rule P.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule P.R7 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, the rule reference in the notification preclusion should be corrected to refer to rule P.R7.</p> <p>Finally, condition (a) should be amended to replace the fixed baseline with a time period. Transpower considers that a fixed baseline would be unworkable, particularly with respect to future redevelopment, as it could result in consecutive redevelopment of the same impervious surface being a discretionary activity, even where the surface is less than 3,000m<sup>2</sup>. It could also result in</p> | <p><u>The use of land for the creation of new and/or <b>redevelopment of impervious surfaces</b> of an existing urbanised property and the associated discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, including through an existing local authority <b>stormwater network</b>, <del>that is not a high risk industrial or trade premise,</del> is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or <b>redevelopment of impervious surfaces</b> of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> (<del>baseline property existing impervious area as at 30 October 2023</del>) per <u>property in any consecutive 12-month period</u></u></p> <p><u>or,</u></p> <p>(b) <u>the proposal involves the creation of new, or <b>redevelopment</b> of impervious areas of less than 1,000m<sup>2</sup> but is not permitted under the conditions of Rule P.R6,</u></p> <p><u>and,</u></p> <p>(c) <u>where <b>stormwater</b> directly or indirectly (through an existing local authority <b>stormwater network</b>) discharges to a river, <b>hydrological control</b> is provided either:</u></p> <p style="padding-left: 40px;">(i) <u>on-site, or</u></p> <p style="padding-left: 40px;">(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater network</b> that has been sized to accommodate the proposed <b>stormwater</b> discharges, and</u></p> <p>(d) <u>contaminant treatment of <b>stormwater</b> is provided either:</u></p> |

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| <p>(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater treatment system</b> that has capacity to treat contaminant loads from the site</u></p> <p><u>Matters of control</u></p> <p>1. <u>Whether the design and layout of the on-site <b>stormwater treatment system</b> incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual <b>stormwater</b> runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></p> <p>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of <b>hydrological control</b> measures either on-site or off-site, where <b>stormwater</b> will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></p> <p>5. <u>Whether there are topographical limitations influencing the provision of <b>stormwater hydrological control</b> and contaminant treatment</u></p> <p>6. <u>Whether sufficient use of <b>water sensitive urban design</b> methods have been applied to the site design and layout</u></p> <p>7. <u>Conditions to monitor compliance associated with any <b>stormwater treatment system</b> or hydrological control measures.</u></p> |          | <p>situations where minor future additions to impervious surfaces will always be a discretionary activity, where the 3,000m<sup>2</sup> has been exceeded in the past. Transpower also questions how compliance with the fixed baseline will be monitored with respect to redevelopment (particularly with respect to redevelopment, which cannot be readily measured). Transpower considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily implementable, and is able to be effectively monitored.</p> | <p>(i) <u>on-site through a <b>stormwater treatment system</b>, or</u></p> <p>(ii) <u>off-site through an existing local authority <b>stormwater network</b> or privately owned <b>stormwater treatment system</b> that has capacity to treat contaminant loads from the site</u></p> <p><u>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</u></p> <p>(e) <u>any <b>hazardous substances</b> stored or used on site cannot be entrained in <b>stormwater</b> and enter a <b>surface water body</b> or coastal water, including via the <b>stormwater network</b>, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the <b>stormwater</b> contains no <b>hazardous substances</b> except petroleum hydrocarbons, and in that situation, the <b>stormwater</b> is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><u>Matters of control</u></p> <p>1. <u>Whether the design and layout of the on-site <b>stormwater treatment system</b> incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual <b>stormwater</b> runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></p> <p>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of</u></p> |

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| <p><u>Notification</u></p> <p>In respect of Rule P.R(NEWRULE), applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><u>Note</u></p> <p>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to refer to Rule P.R8.</p> |          |            | <p><b>hydrological control</b> measures either on- site or off-site, where <b>stormwater</b> will enter a river</p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) <b>stormwater treatment system</b> is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the <b>stormwater treatment system</b></u></p> <p>5. <u>Whether there are topographical limitations influencing the provision of <b>stormwater hydrological control</b> and contaminant treatment</u></p> <p>6. <u>Whether sufficient use of <b>water sensitive urban design</b> methods have been applied to the site design and layout</u></p> <p>7. <u>For <b>high risk industrial or trade premises</b>, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of <b>hazardous substances</b></u></p> <p>8. <u>Conditions to monitor compliance associated with any <b>stormwater treatment system</b>, <del>or</del> hydrological control measures, or measures required under condition (e).</u></p> <p><u>Notification</u></p> <p>In respect of Rule P.R(NEWRULE)7, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><u>Note</u></p> <p><del>For the creation of new or <b>redevelopment</b> of existing <b>impervious surfaces for high risk industrial and trade premises</b> and the associated discharge of <b>stormwater</b>, refer to refer to Rule P.R8.</del></p> |

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| <p><b><u>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></b></p> <p><u>The use of land for the creation of new or redevelopment of existing impervious surfaces (including greenfield development and redevelopment of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including via an existing local authority stormwater network, that is not permitted by Rule P.R5, or a controlled activity under Rule P.R6 or Rule P.R7, or prohibited under P.R12 is a discretionary activity provided the following conditions are met:</u></p> <p>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and</u></p> <p>(b) <u>if the proposal is for greenfield development, a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</u></p> | Amend    | <p>Transpower oppose default discretionary activity status for new or redeveloped impervious surfaces at high risk industrial or trade premises (including National Grid substations), for the reasons set out in its submissions of rules P.R5, P.R6 and P.R7. Transpower considers that a reasonable level of new or redeveloped impervious surfaces should be provided for as a permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions to manage the potential adverse effects associated with hazardous substances.</p> <p>In addition to this, in line with Transpower’s submission on policy P.P14, Transpower considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Transpower considers that it is inappropriate to require financial contributions as a condition.</p> <p>In any case, where aquatic offsetting or compensation (which may include financial contributions under Schedule 30) is considered to be necessary, this can be provided for as a condition of consent with reference to the requirements of policy P.P14.</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></b></p> <p><u>The use of land for the creation of new or redevelopment of existing impervious surfaces (including greenfield development and redevelopment of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including via an existing local authority stormwater network, that is not permitted by Rule P.R5, or a controlled activity under Rule P.R6 or Rule P.R7, or prohibited under P.R12 is a discretionary activity provided the following conditions <del>s-are-is</del> met:</u></p> <p>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment); and.</u></p> <p><del>(b) if the proposal is for greenfield development, a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</del></p> |
| <p><b><u>Rule P.R11: All other stormwater discharges – non-complying activity</u></b></p> <p><u>The:</u></p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule P.R2, or</u></p>   | Amend    | <p>The operative NRP provides for stormwater discharges that are not otherwise provided for as a discretionary activity under rule R55.</p> <p>Transpower considers that the move to non-complying activity status for all other stormwater discharges is not clearly explained or justified in the section 32 evaluation report. Of particular concern to Transpower is the jump between permitted activity status for stormwater discharges under rules P.R2, P.R3, and P.R4, and non-</p>   | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R11: All other stormwater discharges – <del>non-complying-discretionary</del> activity</u></b></p> <p><u>The:</u></p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule P.R2, or</u></p>   |

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| <p>(b) <u>discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule P.R3, or a restricted discretionary activity under Rule P.R8, or</u></p> <p>(c) <u>discharge of stormwater from a high risk industrial or trade premise that is not permitted by Rule P.R4, or the use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater from a high risk industrial or trade premise that does not meet the conditions of Rule P.R10, or</u></p> <p>(d) <u>use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater water or onto or into land where it may enter water, that is not permitted by Rule P.R5, or a controlled activity under Rules P.R6 or P.R7, or a discretionary activity under Rule P.R9, or a prohibited activity under Rule P.R12,</u></p> <p><u>is a non-complying activity.</u></p> |          | <p>complying activity status under this rule. As a result, minor non-compliances with conditions under these rules will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of the National Grid, which due to the linear nature of the Grid can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for development or upgrading of the National Grid will be granted under section 104D of the RMA, even where minor non-compliances with stormwater conditions under rules P.R2, P.R3, or P.R4 can be appropriately addressed through consent conditions. In the context of the National Grid, this does not appropriately give effect to policy 2 of the NPSET, as it does not provide for the effective upgrading and development of the electricity transmission network.</p> <p>Transpower considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet permitted activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity. Non-complying activity status should be reserved for activities that are clearly contrary to the objectives and policies of the Plan (as they relate to stormwater discharges), rather than all discharges that do not meet permitted activity standards.</p> <p>Transpower however considers that non-complying activity status should be retained for proposals that do not provide a Stormwater Impact Assessment under rule P.R10, as this would clearly be contrary to the objectives and policies of the Plan.</p> | <p>(b) <u>discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule P.R3, or a restricted discretionary activity under Rule P.R8, or</u></p> <p>(c) <u>discharge of stormwater from a high risk industrial or trade premise that is not permitted by Rule P.R4, or the use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater from a high risk industrial or trade premise that does not meet the conditions of Rule P.R10, or</u></p> <p><del>(d) <u>use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater water or onto or into land where it may enter water, that is not permitted by Rule P.R5, or a controlled activity under Rules P.R6 or P.R7, or a discretionary activity under Rule P.R9, or a prohibited activity under Rule P.R12,</u></del></p> <p><u>is a non-complying discretionary activity.</u></p> <p><b>As a consequential amendment, provide a new non-complying activity rule for stormwater discharges that are not a discretionary activity under rule P.R10.</b></p> |

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| <p><b><u>Rule P.R12: Stormwater discharges from new unplanned greenfield development – prohibited activity</u></b></p> <p><u>The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development direct into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or proposed stormwater network, is a prohibited activity.</u></p> <p><u>Note</u></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.</u></p> | Oppose   | <p>Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary to the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development</p> | Delete rule.  |

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|  |          | <p>area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this rule is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this rule.</p>   |   |
| <p><b><u>Rule P.R16: Vegetation clearance on highest erosion risk land – permitted activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body is a permitted activity provided the following conditions are met:</u></b></p> <p><b><u>(a) the vegetation clearance is:</u></b></p> <p style="padding-left: 40px;"><b><u>(i) to implement an action in the erosion risk treatment plan for the farm, or</u></b></p> <p style="padding-left: 40px;"><b><u>(ii) for the control of pest plants, and</u></b></p> <p><b><u>(b) debris from the vegetation clearance is not placed where it can enter a surface water body.</u></b></p> | Oppose   | <p>Notwithstanding concerns raised in this submission regarding the mapping of ‘highest erosion risk land (woody vegetation)’, Transpower seeks amendment to R17.</p> <p>Acknowledging the operative definition of Vegetation Clearance applies to the rule, Transpower considers several amendments are necessary to the rule.</p> <p>Firstly, regular vegetation clearance to prevent vegetation from encroaching on National Grid transmission lines and structures (beyond that provided in the Electricity (Hazards from Trees) Regulations 2003) is a necessary part of maintaining the safe and efficient operation of the electricity transmission network. Providing for vegetation clearance underneath or near National Grid transmission lines or structures as a permitted activity is necessary in order to give effect to policy 5 of the NPSET, which requires that the reasonable operational and maintenance requirements of the National Grid are provided for, and policy 10 of the NPSET, which requires</p> | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R16: Vegetation clearance on highest erosion risk land – permitted activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body is a permitted activity provided the following conditions are met:</u></b></p> <p><b><u>(a) the vegetation clearance is:</u></b></p> <p style="padding-left: 40px;"><b><u>(i) for no more than a total area of 200m<sup>2</sup> per property in any consecutive 12-month period, or</u></b></p> <p style="padding-left: 40px;"><b><u>(ii) to implement an action in the erosion risk treatment plan for the farm, or</u></b></p> <p style="padding-left: 40px;"><b><u>(iii) for the control of pest plants, <del>and</del> or</u></b></p> <p style="padding-left: 40px;"><b><u>(iv) for the purposes of operating or maintaining the National Grid, and</u></b></p> |

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|  |              | <p>that the operation and maintenance of the electricity transmission network is not compromised.</p> <p>Secondly, a subclause should be added to clause (a) to clarify that vegetation clearance of less than 200m<sup>2</sup> per property per year is a permitted activity (on the basis that clearance of more than 200m<sup>2</sup> is a controlled activity under rule P.R17). This is necessary to avoid clearance of less than 200m<sup>2</sup> becoming an innominate activity (and therefore discretionary).</p> <p>Clarification is also sought as to how the 200m<sup>2</sup> is calculated – is it the actual identified woody vegetation or on a site which contains an area of woody vegetation.</p> <p>In addition to these matters, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation and seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p> | <p>(b) <u>debris from the <b>vegetation clearance</b> is not placed where it can enter a <b>surface water body</b>.</u></p> <p><b>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p>  |
| <p><b><u>Rule P.R17: Vegetation clearance on highest erosion risk land – controlled activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation), of more than a total area of 200 m<sup>2</sup> per property in any consecutive 12-month period, and any associated discharge of sediment to a surface water body, is a controlled activity provided an erosion and sediment management plan has been prepared in accordance with Schedule 33 (vegetation clearance plan) and submitted with the application for resource consent under this rule.</u></b></p> <p><i>Matters of control</i></p> <p>1. <u>The content of the <b>erosion and sediment management plan</b>, including the actions, management practices and mitigation measures necessary to ensure that discharge of sediment will not exceed that which occurred</u></p> | <p>Amend</p> | <p>Subject to Transpower’s relief being granted on rule P.R6 (providing for vegetation clearance for the purposes of operating or maintaining the National Grid as a permitted activity), Transpower is generally neutral on the proposed rule, noting NESETA regulation 32 would apply (and prevail) where the works are not permitted.</p> <p>Notwithstanding this, Transpower considers that the rehabilitation of areas of cleared vegetation (under matter of control 3) should not be undertaken in a manner or in locations where vegetation would encroach on National Grid lines or structures. Transpower considers that an additional matter of control is necessary to address this matter.</p> <p>In addition to this, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation and seeks that it</p>   | <p><b>Amend rule as follows:</b></p> <p><b><u>Rule P.R17: Vegetation clearance on highest erosion risk land – controlled activity</u></b></p> <p><b><u>Vegetation clearance on highest erosion risk land (woody vegetation), of more than a total area of 200 m<sup>2</sup> per property in any consecutive 12-month period, and any associated discharge of sediment to a surface water body, is a controlled activity provided an erosion and sediment management plan has been prepared in accordance with Schedule 33 (vegetation clearance plan) and submitted with the application for resource consent under this rule.</u></b></p> <p><i>Matters of control</i></p> <p>1. <u>The content of the <b>erosion and sediment management plan</b>, including the actions, management practices and mitigation measures</u></p> |

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| <p><u>from the land prior to the <b>vegetation clearance</b> occurring</u></p> <p>2. <u>The area, location and method of <b>vegetation clearance</b></u></p> <p>3. <u>Stabilisation and rehabilitation of the area cleared</u></p> <p>4. <u>The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the <b>erosion and sediment management plan</b></u></p> <p>5. <u>The timing, frequency and requirements for review, audit and amendment of the <b>erosion and sediment management plan</b></u></p> <p>6. <u>The time and circumstances under which the resource consent conditions may be reviewed</u></p> |               | <p>be reallocated to the Part 1 Schedule 1 planning instrument.</p>   | <p><u>necessary to ensure that discharge of sediment will not exceed that which occurred from the land prior to the <b>vegetation clearance</b> occurring</u></p> <p>2. <u>The area, location and method of <b>vegetation clearance</b></u></p> <p>3. <u>Stabilisation and rehabilitation of the area cleared</u></p> <p>4. <u>The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the <b>erosion and sediment management plan</b></u></p> <p>5. <u>The timing, frequency and requirements for review, audit and amendment of the <b>erosion and sediment management plan</b></u></p> <p>6. <u>The time and circumstances under which the resource consent conditions may be reviewed</u></p> <p>7. <u>The need for any rehabilitated areas of vegetation to be clear of <b>National Grid</b> transmission lines and support structures</u></p> <p><b>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p> |
| <p><b>Rule P.R18: Vegetation clearance – discretionary activity</b></p> <p><u><b>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule P.R16 or Rule P.R17 is a discretionary activity.</b></u></p>   | <p>Oppose</p> | <p>Subject to Transpower’s relief being granted on rule P.R16 (providing for vegetation clearance for the purposes of operating or maintaining the National Grid as a permitted activity), Transpower is neutral on the proposed rule., noting NESETA regulation 32 would apply (and prevail) where the works are not permitted.</p> <p>Notwithstanding this, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land</p> | <p><b>Reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p>   |

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|   |          | use for the purposes of soil conservation and seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.  |   |
| <p><b>Rule P.R22: Earthworks – permitted activity</b></p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and</u></p> <p>(d) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and</u></p> <p>(e) <u>soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(g) <u>there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(h) <u>erosion and sediment control measures shall be used to prevent a discharge of sediment where a</u></p> | Amend    | <p>The effect of the use of “and” at the end of condition (b) is to exclude all earthworks that are not related to implementing farm erosion risk treatment plans or farm environmental plans from the permitted activity rule. As a result, all other earthworks, regardless of size or whether they meet conditions (c) to (h) will be a restricted discretionary activity under rule P.R23.</p> <p>Transpower understands this is an error and acknowledges that the Council have corrected this under clause 16 of Schedule 1 to the RMA by way of a memo published on 6 December 2023. Notwithstanding this, for completeness Transpower have submitted on the rule as notified.</p> <p>Transpower also notes that the Council’s proposed approach is to remove associated discharges from the earthworks rule, and instead, discharges associated with earthworks are permitted under the separate “minor discharges” rule (R91). Given that rule P.R22 is not a discharge rule, Transpower considers that it should not include condition (g), which is a discharge condition. In any case, Transpower considers that condition (g) is inappropriate on the basis that it is not consistent with the minor discharges rule, which permits a minor discharge of suspended solids to surface water bodies or coastal water. In addition to this, Transpower considers that given that the minor discharges rule provides for discharge of suspended solids, condition (h) should be amended to reflect that the purpose of erosion and sediment control is to prevent the uncontrolled discharge of sediment, rather than all discharge of sediment.</p> <p>Any further changes to this rule will be dependent on how “Earthworks’ are defined and any exclusions.</p> | <p><b>Amend rule as follows:</b></p> <p><b>Rule P.R22: Earthworks – permitted activity</b></p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and or</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and</u></p> <p>(d) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and</u></p> <p>(e) <u>soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p><del>(g) there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</del></p> <p>(h) <u>erosion and sediment control measures shall be used to prevent a the uncontrolled discharge of</u></p> |

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| <p><u>preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</u></p> <p><i>Note</i></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p>  |              | <p>Further to the matters set out above, Transpower opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation. Given that the rule does not provide for discharges associated with earthworks, there is no justification for including it in the freshwater planning instrument, and Transpower and seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p>   | <p><u>sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</u></p> <p><i>Note</i></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p> <p><b>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b></p>   |
| <p><b><u>Rule P.R23: Earthworks – restricted discretionary activity</u></b></p> <p><u>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule P.R22 is a restricted discretionary activity, provided the following conditions are met:</u></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m<sup>3</sup>, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m<sup>3</sup>, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p style="padding-left: 40px;">(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> | <p>Amend</p> | <p>Depending on the outcome of other submission points, Transpower considers that several amendments to the rule are necessary.</p> <p>Firstly, the chapeau of the rule should be restructured to locate the “associated discharge” element of the rule to follow on from “Earthworks that do not comply with Rule P.R22”. This is because discharges associated with permitted earthworks are not provided for under rule P.R22 (which only permits earthworks). Discharges from permitted earthworks are instead provided for under the “minor discharges” rule R91.</p> <p>Secondly, Transpower considers that a condition requiring earthworks to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of regionally significant infrastructure (including the National Grid).</p> <p>Transpower recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be</p> | <p><b><u>Rule P.R23: Earthworks – restricted discretionary activity</u></b></p> <p><del><u>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule P.R22, and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, is a restricted discretionary activity, provided the following conditions are met:</u></del></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m<sup>3</sup>, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m<sup>3</sup>, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> |

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| <p>(ii) <u>30% in any other river, and</u></p> <p>(b) <u>earthworks shall not occur between 1<sup>st</sup> June and 30<sup>th</sup> September in any year.</u></p> <p><i>Matters for discretion</i></p> <ol style="list-style-type: none"> <li>1. <u>The location, area, scale, volume, duration and staging and timing of works</u></li> <li>2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u></li> <li>3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u></li> <li>4. <u>The proportion of unstabilised land in the catchment</u></li> <li>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></li> <li>6. <u>Any adverse effects on:</u> <ol style="list-style-type: none"> <li>(i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u></li> </ol> </li> </ol> |          | <p>instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Transpower notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in policy P.P29 (and in the note to permitted activity rule P.R22), provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). Transpower considers that, rather than a blanket restriction on all earthworks over this period, reference is made to the matters set out under section G5.0 of the guideline as a matter of discretion for earthworks. This will ensure consistency between the rules and the Council’s technical guidance for the management of earthworks, and provide for appropriate conditions to manage works over the winter period to be included in resource consents.</p> <p>Transpower also considers that the note directing Plan users to the <i>GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021)</i> that is included under permitted activity rule P.R22 also be provided for under this rule.</p> | <p>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>(ii) <u>30% in any other river, and</u></p> <p><del>(b) <u>earthworks shall not occur between 1<sup>st</sup> June and 30<sup>th</sup> September in any year.</u></del></p> <p><i>Matters for discretion</i></p> <ol style="list-style-type: none"> <li>1. <u>The location, area, scale, volume, duration and staging and timing of works</u></li> <li>2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u></li> <li>3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u></li> <li>4. <u>The proportion of unstabilised land in the catchment</u></li> <li>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></li> <li>6. <u>Any adverse effects on:</u> <ol style="list-style-type: none"> <li>(i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or</u></li> </ol> </li> </ol> |

| Specific Plan Change provision as notified   | Position | Submission | Relief sought   |
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| <p>(ii) <u>group drinking water supplies and community drinking water supplies</u></p> <p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1<sup>st</sup> June to 30<sup>th</sup> September each year) and any maintenance activities required during this period</u></p> <p>9. <u>Monitoring and reporting requirements</u></p> |          |            | <p><u>Schedule I (important trout fishery rivers and spawning waters)</u></p> <p>(ii) <u>group drinking water supplies and community drinking water supplies</u></p> <p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1<sup>st</sup> June to 30<sup>th</sup> September each year) and any maintenance activities required during this period-Where earthworks will be undertaken within the period from 1 June to 30 September, the matters set out under section G5.0 of the <i>Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021)</i></u></p> <p>9. <u>Monitoring and reporting requirements</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the <i>Greater Wellington Regional Council, Erosion and</i></u></p> |

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|--|----------|--|---|
|  |          |  | <a href="#"><u>Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></a>   |
| <p><b>Rule P.R24: Earthworks – non-complying activity</b></p> <p><u>Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule P.R23 is a non-complying activity.</u></p> | Amend    | <p>The operative NRP provides for earthworks that are not otherwise provided for as a discretionary activity under rule R107.</p> <p>Transpower considers that the move to non-complying activity status for all other earthworks is not clearly explained or justified in the section 32 evaluation report. Non-compliance with conditions under rule P.R24 will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of the National Grid, which due to the linear nature of the Grid can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for development or upgrading of the National Grid will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately addressed through consent conditions. In the context of the National Grid, this does not appropriately give effect to policy 2 of the NPSET, as it does not provide for the effective upgrading and development of the electricity transmission network.</p> <p>Transpower considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet restricted discretionary activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity.</p> | <p><b>Amend rule as follows:</b></p> <p><b>Rule P.R24: Earthworks – <del>non-complying-discretionary</del> activity</b></p> <p><u>Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule P.R23 is a <del>non-complying</del> discretionary activity.</u></p> |
| <b>Schedule 28: Stormwater Contaminant Treatment</b>   |          |  |   |
| <b>Schedule 28: Stormwater Contaminant Treatment</b>   | Amend    | Transpower is generally neutral on Schedule 28 as notified. However Transpower considers that amendment  | <b>Amend schedule as follows:</b>   |

| Specific Plan Change provision as notified  | Position         | Submission | Relief sought |                            |     |     |  |  |   |                  |        |      |                            |     |     |
|---|------------------|------------|---------------|----------------------------|-----|-----|--|--|---|------------------|--------|------|----------------------------|-----|-----|
| <p><u>This schedule relates to Rules WH.R6, WH.R7, P.R6 and P.R7.</u></p> <p><b>Target Load Reductions</b></p> <p><u>All new and redeveloped impervious surfaces are to be treated to meet an equivalent target load reduction for copper and zinc to those set out for a raingarden/bioretention device, as per Table 1.</u></p> <p><b>Table 1: Target Load Reductions for Copper and Zinc</b></p> <table border="1" data-bbox="208 539 716 692"> <thead> <tr> <th>Treatment Device</th> <th>Copper</th> <th>Zinc</th> </tr> </thead> <tbody> <tr> <td>Bioretention (rain garden)</td> <td>90%</td> <td>90%</td> </tr> </tbody> </table> <p><b>Equivalent Target Load Reduction</b></p> <p><u>A treatment train approach may be used to achieve an Equivalent Target Load Reduction set out in Table 1. The equation below provides an example of how the total load reduction factor of a given treatment chain can be calculated:</u></p> $R = A + B - [(A \times B)/100]$ <p><u>Where:</u></p> <p><u>R = Total load reduction factor</u></p> <p><u>A = Load reduction factor or the first or upstream treatment device</u></p> <p><u>B = Load reduction factor or the second or downstream treatment device</u></p> <p><b>Additional Device Load Reductions</b></p> <p><u>Where alternative treatment devices to that of a bioretention/raingarden device are utilised, the specified load reduction factors set out in Table 2 must be used to determine whether an Equivalent Target Load Reduction (i.e inputs for A and B) is</u></p> | Treatment Device | Copper     | Zinc          | Bioretention (rain garden) | 90% | 90% |  | <p>to the first sentence under the heading “Target Load Reductions” is necessary in order to clarify that the rules require stormwater discharges from impervious surfaces to be treated (as distinct from the surfaces themselves being treated).</p> | <p><b>Schedule 28: Stormwater Contaminant Treatment</b></p> <p><u>This schedule relates to Rules WH.R6, WH.R7, P.R6 and P.R7.</u></p> <p><b>Target Load Reductions</b></p> <p><u>All-Stormwater discharges from new and redeveloped impervious surfaces are to be treated to meet an equivalent target load reduction for copper and zinc to those set out for a raingarden/bioretention device, as per Table 1.</u></p> <p><b>Table 1: Target Load Reductions for Copper and Zinc</b></p> <table border="1" data-bbox="1482 616 1993 769"> <thead> <tr> <th>Treatment Device</th> <th>Copper</th> <th>Zinc</th> </tr> </thead> <tbody> <tr> <td>Bioretention (rain garden)</td> <td>90%</td> <td>90%</td> </tr> </tbody> </table> <p><b>Equivalent Target Load Reduction</b></p> <p><u>A treatment train approach may be used to achieve an Equivalent Target Load Reduction set out in Table 1. The equation below provides an example of how the total load reduction factor of a given treatment chain can be calculated:</u></p> $R = A + B - [(A \times B)/100]$ <p><u>Where:</u></p> <p><u>R = Total load reduction factor</u></p> <p><u>A = Load reduction factor or the first or upstream treatment device</u></p> <p><u>B = Load reduction factor or the second or downstream treatment device</u></p> <p><b>Additional Device Load Reductions</b></p> <p><u>Where alternative treatment devices to that of a bioretention/raingarden device are utilised, the specified load reduction factors set out in Table 2 must</u></p> | Treatment Device | Copper | Zinc | Bioretention (rain garden) | 90% | 90% |
| Treatment Device  | Copper           | Zinc       |               |                            |     |     |  |  |   |                  |        |      |                            |     |     |
| Bioretention (rain garden)  | 90%              | 90%        |               |                            |     |     |  |  |   |                  |        |      |                            |     |     |
| Treatment Device  | Copper           | Zinc       |               |                            |     |     |  |  |   |                  |        |      |                            |     |     |
| Bioretention (rain garden)  | 90%              | 90%        |               |                            |     |     |  |  |   |                  |        |      |                            |     |     |

| Specific Plan Change provision as notified   | Position         | Submission   | Relief sought  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
|--|------------------|--|--|---------------------|-----|-----|--------|-----|-----|--|--|--|------------------|--------|------|---------------------|-----|-----|--------|-----|-----|
| <p><u>achieved to that of the Target Load Reduction specified in Table 1.</u></p> <p><b>Table 2: Additional Devices and Specified Load Reductions for Copper and Zinc</b></p> <table border="1" data-bbox="206 391 719 592"> <thead> <tr> <th>Treatment Device</th> <th>Copper</th> <th>Zinc</th> </tr> </thead> <tbody> <tr> <td>Constructed Wetland</td> <td>80%</td> <td>80%</td> </tr> <tr> <td>Swales</td> <td>50%</td> <td>65%</td> </tr> </tbody> </table>  | Treatment Device | Copper   | Zinc   | Constructed Wetland | 80% | 80% | Swales | 50% | 65% |  |  | <p><u>be used to determine whether an Equivalent Target Load Reduction (i.e inputs for A and B) is achieved to that of the Target Load Reduction specified in Table 1.</u></p> <p><b>Table 2: Additional Devices and Specified Load Reductions for Copper and Zinc</b></p> <table border="1" data-bbox="1480 419 1993 620"> <thead> <tr> <th>Treatment Device</th> <th>Copper</th> <th>Zinc</th> </tr> </thead> <tbody> <tr> <td>Constructed Wetland</td> <td>80%</td> <td>80%</td> </tr> <tr> <td>Swales</td> <td>50%</td> <td>65%</td> </tr> </tbody> </table> | Treatment Device | Copper | Zinc | Constructed Wetland | 80% | 80% | Swales | 50% | 65% |
| Treatment Device   | Copper           | Zinc   |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| Constructed Wetland  | 80%              | 80%  |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| Swales   | 50%              | 65%  |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| Treatment Device   | Copper           | Zinc   |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| Constructed Wetland  | 80%              | 80%  |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| Swales   | 50%              | 65%  |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| <b>Schedule 29: Stormwater Impact Assessments</b>  |                  |  |  |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |
| <p><b>Schedule 29: Stormwater Impact Assessments</b></p> <p>A <b>stormwater</b> impact assessment shall include the following analysis:</p> <ol style="list-style-type: none"> <li><u>Site evaluation: the site must be assessed for its topography, soil type, land use, drainage patterns (including wetlands/water courses), natural features, topographical and geotechnical constraints and potential flood areas.</u></li> <li><u>Catchment evaluation: analyse catchment wide characteristics and requirements (utilising existing local authority <b>stormwater management strategies</b> where available) to consider the proposed development in a broader <b>stormwater</b> discharge and receiving environment context to understand relevant catchment issues, including flooding, climate change projections (frequency and volume), water quality and any additional design or mitigation measures required to address wider catchment matters.</u></li> <li><u><b>Stormwater</b> discharge calculation: calculation of <b>stormwater</b> discharge volumes and flow rates</u></li> </ol> | Amend            | <p>Transpower considers that several amendments are necessary to Schedule 29.</p> <p>Firstly, point 3 should be amended to remove reference to redeveloped impervious surfaces. There is no benefit in calculating the volume and flow rate of discharges from redeveloped impervious surfaces, as there will be no change to the discharge volume and flow rate (when compared to existing).</p> <p>Secondly, bullet point 5 should be amended to remove references to wording that is both extraneous and difficult to interpret. The wording sought to be deleted is generally covered by the definition of “water sensitive urban design”.</p> <p>Thirdly, bullet point 2 under the list of matters specific to high risk industrial and trade premises should be amended to replace the term “contaminants” with “hazardous substances”, on the basis that the purpose of the rules is to manage potential entrainment of hazardous substances within stormwater (rather than contaminants generally).</p> <p>Fourthly, with respect to cultural considerations (under bullet point 8), Transpower supports engagement with</p> | <p>Amend schedule as follows:</p> <p><b>Schedule 29: Stormwater Impact Assessments</b></p> <p>A <b>stormwater</b> impact assessment shall include the following analysis:</p> <ol style="list-style-type: none"> <li><u>Site evaluation: the site must be assessed for its topography, soil type, land use, drainage patterns (including wetlands/water courses), natural features, topographical and geotechnical constraints and potential flood areas.</u></li> <li><u>Catchment evaluation: analyse catchment wide characteristics and requirements (utilising existing local authority <b>stormwater management strategies</b> where available) to consider the proposed development in a broader <b>stormwater</b> discharge and receiving environment context to understand relevant catchment issues, including flooding, climate change projections (frequency and volume), water quality and any additional design or mitigation measures required to address wider catchment matters.</u></li> <li><u><b>Stormwater</b> discharge calculation: calculation of <b>stormwater</b> discharge volumes and flow rates</u></li> </ol> |                     |     |     |        |     |     |  |  |  |                  |        |      |                     |     |     |        |     |     |

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| <p><u>along with analysis of <b>stormwater</b> contaminant generation from and new and/or redeveloped <b>impervious surfaces</b>.</u></p> <p>4. <u>Identification of actual and potential <b>stormwater</b> impacts: undertake evaluation of the actual and potential impacts on the receiving environment, including water quality, natural flow regimes of waterways, soil erosion, flooding, changes in hydrology and climate change (frequency and volume).</u></p> <p>5. <u>Implementation of <b>Water Sensitive Urban Design</b> principles: provide an analysis of how <b>Water Sensitive Urban Design</b> measures have been identified and incorporated into the site design and layout, building and road/paving materials and features and how existing natural features and new <b>stormwater treatment systems</b> have been enhanced and integrated to mimic <b>natural processes</b>.</u></p> <p>6. <u>Mitigation measures: Assessment of proposed mitigations to reduce the effect of <b>stormwater</b> discharges on water quantity and quality, including the approach to treat in accordance with Schedule 28 (contaminant treatment) and implement hydrological control. Measures must support achieving relevant target attribute states (beyond zinc and copper) for ecosystem health, including nutrients, visual clarity and E. coli or enterococci.</u></p> <p>7. <u>Operation and maintenance of <b>stormwater management systems</b>: analyse the long-term (life-cycle) operational and maintenance requirements including funding mechanisms and identification of persons responsible for ongoing maintenance.</u></p> |          | <p>mana whenua, but seeks clarity about what is anticipated and required by the Council. In particular:</p> <ul style="list-style-type: none"> <li>Which mana whenua groups do the Council expect applicants to engage with? Is it expected that applicants engage with all mana whenua groups, or rather mandated iwi authorities?</li> <li>Is it intended that engagement responds to the significance of the receiving environment? Specifically, should engagement be focussed on discharges to water bodies that are identified as being significant to mana whenua (Schedule B and Schedule C sites)?</li> <li>To ensure efficiency for all parties, would it be acceptable for applicants to rely on iwi/mana whenua planning documents (such as iwi management plans) with respect to addressing cultural considerations, particularly where it may be inefficient or impractical to engage with mana whenua groups, or where the scale/sensitivity of the discharge does not warrant this?</li> </ul> <p>Transpower supports engagement with mana whenua, however Transpower is also mindful of the burden that this can place on the resources of mana whenua and applicants particularly when engagement is not appropriately targeted or responsive to the scale and significance of the proposal. While Transpower generally supports bullet point 8, Transpower would also support improved clarity on the Council's expectations with respect to these matters.</p> | <p><u>along with analysis of <b>stormwater</b> contaminant generation from and new <del>and/or redeveloped</del> <b>impervious surfaces</b>.</u></p> <p>4. <u>Identification of actual and potential <b>stormwater</b> impacts: undertake evaluation of the actual and potential impacts on the receiving environment, including water quality, natural flow regimes of waterways, soil erosion, flooding, changes in hydrology and climate change (frequency and volume).</u></p> <p>5. <u>Implementation of <b>Water Sensitive Urban Design</b> principles: provide an analysis of how <b>Water Sensitive Urban Design</b> measures have been identified and incorporated into the site design and layout, building and road/paving materials and <del>features and how existing natural features and new stormwater treatment systems have been enhanced and integrated to mimic natural</del> <b>processes</b>.</u></p> <p>6. <u>Mitigation measures: Assessment of proposed mitigations to reduce the effect of <b>stormwater</b> discharges on water quantity and quality, including the approach to treat in accordance with Schedule 28 (contaminant treatment) and implement hydrological control. Measures must support achieving relevant target attribute states (beyond zinc and copper) for ecosystem health, including nutrients, visual clarity and E. coli or enterococci.</u></p> <p>7. <u>Operation and maintenance of <b>stormwater management systems</b>: analyse the long-term (life-cycle) operational and maintenance requirements including funding mechanisms and identification of persons responsible for ongoing maintenance.</u></p> <p>8. <u>Cultural considerations: to be informed by engagement with <b>mana whenua</b>.</u></p> |

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| <p>8. <u>Cultural considerations: to be informed by engagement with mana whenua.</u></p> <p>Where the application includes a <b>high risk industrial or trade premise</b> the <b>stormwater</b> impact assessment analysis must also consider the following:</p> <ol style="list-style-type: none"> <li>1. <u>Procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, to ensure these are not entrained in <b>stormwater</b>, and</u></li> <li>2. <u>Management practices proposed to avoid or <b>minimise</b> entrainment of contaminants into <b>stormwater</b>, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring.</u></li> </ol> |          |  | <p>Where the application includes a <b>high risk industrial or trade premise</b> the <b>stormwater</b> impact assessment analysis must also consider the following:</p> <ol style="list-style-type: none"> <li>1. <u>Procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, to ensure these are not entrained in <b>stormwater</b>, and</u></li> <li>2. <u>Management practices proposed to avoid or <b>minimise</b> entrainment of <b>contaminants hazardous substances</b> into <b>stormwater</b>, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring.</u></li> </ol>  |
| <b>Schedule 30: Financial Contributions</b>  |          |  |  |
| <p><b>A Context</b></p> <p><u>Under section 108(2)(a) and (10) of the Resource Management Act 1991, a consent authority may impose a condition on a resource consent requiring a financial contribution to be made for the purpose of offsetting an environmental adverse effect.</u></p> <p><u>The creation of <b>impervious surfaces</b> through new greenfield development, new roads (not directly associated with a greenfield development) and state highways will result in an increase of <b>stormwater</b> contaminants entering freshwater receiving environments. <b>Stormwater</b> contaminant treatment will be required of new development proposals, however, treatment of contaminants is only practicable for a portion of the contaminant load received from the site. This results in a residual</u></p>    | Amend    | <p>Transpower considers several amendments are required to section A of the schedule.</p> <p>Firstly, references to offsetting should be accompanied by references to compensation. This is because there is insufficient certainty about whether the financial contribution will be used (as set out in section E) to address the residual stormwater contaminants from new impervious surfaces discharged within the catchment (which is offsetting), or whether it will be used to improve water quality across a range of values, not limited to impervious surface contaminants, in the whaitua generally (which is compensation).</p> <p>Secondly, in line with Transpower's submissions on policies WH.P15 and P.P14, Transpower considers that applicants should be given a reasonable opportunity to undertake their own aquatic offsetting or compensation to address more than minor residual adverse effects, in line with the effects management hierarchy provided for</p> | <p><b>Amend schedule as follows:</b></p> <p><b>A Context</b></p> <p><u>Under section 108(2)(a) and (10) of the Resource Management Act 1991, a consent authority may impose a condition on a resource consent requiring a financial contribution to be made for the purpose of offsetting, <b>or compensating for</b>, an environmental adverse effect.</u></p> <p><u>The creation of <b>impervious surfaces</b> through new greenfield development, new roads (not directly associated with a greenfield development) and state highways will result in an increase of <b>stormwater</b> contaminants entering freshwater receiving environments. <b>Stormwater</b> contaminant treatment will be required of new development proposals, however, treatment of contaminants is only practicable for a portion of the contaminant load</u></p> |

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| <p><u>contaminant load still entering freshwater and coastal water receiving environments.</u></p> <p><u>The National Policy Statement for Freshwater Management 2020 requires freshwater quality to be maintained or improved. A financial contribution is required to offset the adverse environmental effects of the residual <b>stormwater</b> contaminants entering freshwater receiving environments where policy WH.P15 and P.P13 anticipates a deterioration of water quality could arise.</u></p>   |          | <p>under the NPS-FM. To recognise this, Transpower considers that “is required” must be replaced with “may be required” in the final paragraph of the section.</p> <p>Thirdly, in line with Transpower’s submissions on policies WH.P15 and P.P14, Transpower considers that amendment to the final paragraph is necessary to reflect that the NPS-FM only requires offsetting or compensation in circumstances where the residual adverse effects are more than minor.</p>  | <p><u>received from the site. This results in a residual contaminant load still entering freshwater and coastal water receiving environments.</u></p> <p><u>The National Policy Statement for Freshwater Management 2020 requires freshwater quality to be maintained or improved. A financial contribution <del>is</del> <b>may be required to offset or compensate for the adverse environmental effects (where they are more than minor)</b> of the residual <b>stormwater</b> contaminants entering freshwater receiving environments where policy WH.P15 and P.P13 anticipates a deterioration of water quality could arise.</u></p>   |
| <p><b><u>B Purpose</u></b></p> <p><u>A financial contribution is required for all greenfield development, new roads and state highways requiring a resource consent to offset residual contaminant load from <b>stormwater</b> discharges entering freshwater and coastal water receiving environments to ensure the maintenance or improvement of water quality within the affected <b>whaitua</b>. Financial contributions collected will be utilised to fund and construct new, or <b>upgrade</b> existing, catchment scale <b>stormwater treatment systems</b> serving existing urban development, within the same <b>whaitua</b> and if practicable, the same <b>part Freshwater Management Unit</b>.</u></p> | Amend    | <p>Transpower considers several amendments are required to section B of the schedule.</p> <p>Secondly, in line with Transpower’s submissions on policies WH.P15 and P.P14, Transpower considers that applicants should be given a reasonable opportunity to undertake their own aquatic offsetting or compensation to address more than minor residual adverse effects, in line with the effects management hierarchy provided for under the NPS-FM. To recognise this, Transpower considers that “is required” must be replaced with “may be required”.</p> <p>Secondly, Transpower considers that amendments are necessary to clarify that the financial contribution is not for greenfield development generally, but new impervious surfaces created as part of greenfield development.</p> <p>Thirdly, references to offsetting should be accompanied by references to compensation. This is because there is insufficient certainty about whether the financial contribution will be used (as set out in section E) to address the residual stormwater contaminants from new impervious surfaces discharged within the catchment (which is offsetting), or whether it will be used to improve water quality across a range of values, not limited to</p> | <p><b><u>Amend schedule as follows:</u></b></p> <p><b><u>B Purpose</u></b></p> <p><u>A financial contribution <del>is</del> <b>may be required for all the creation of new impervious surfaces as part of new</b> greenfield development, new roads and state highways requiring a resource consent to offset <b>or compensate for more than minor</b> residual contaminant load from <b>stormwater</b> discharges entering freshwater and coastal water receiving environments to ensure the maintenance or improvement of water quality within the affected <b>whaitua</b>. Financial contributions collected will be utilised to fund and construct new, or <b>upgrade</b> existing, catchment scale <b>stormwater treatment systems</b> serving existing urban development, within the same <b>whaitua</b> and if practicable, the same <b>part Freshwater Management Unit</b>.</u></p> |

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|--|----------|---|--|
|  |          | <p>impervious surface contaminants, in the whitua generally (which is compensation).</p> <p>Fourthly, in line with Transpower’s submissions on policies WH.P15 and P.P14, Transpower considers that amendment to the paragraph is necessary to reflect that the NPS-FM only requires offsetting or compensation in circumstances where the residual adverse effects are more than minor.</p>  |  |
| <p><b>C Definition of an Equivalent Household Unit</b></p> <p><u>An Equivalent Household Unit (EHU) is the basis for assessing the residual environmental impact (measured for copper and zinc contaminants in this instance) of the development of an average-sized residential unit for the purposes of calculating a financial contribution. Each average-sized new residential unit is deemed to create one unit of impact (one EHU).</u></p> <p><u>Because non-residential developments and new roads/state highways (not in direct support of a greenfield development) also impact contaminant levels, but can vary dramatically in size, every 100m<sup>2</sup> of roofing or roading/hardstand area is deemed to create one unit of impact, rather than using the EHU unit of measure used for residential development.</u></p> <p><u>Financial contributions are calculated based on the number of EHUs expected to be delivered in greenfield areas in the two whitua. Non-residential and new road/state highway financial contributions are calculated based on the amount of roofing and roading/hardstand expected.</u></p> | Amend    | <p>Transpower considers that consistent terminology should be used across the policies, rules and Schedule 30 when referring to impervious surfaces. As such the terms “roofing or roading/hardstand area” should be replaced with “new impervious surfaces”. The term “new” is important, as the financial contribution should be calculated on the basis of new surfaces, not redeveloped ones.</p> <p>Transpower also considers that the term “dramatically” is unnecessary and should be removed.</p> | <p><b>Amend schedule as follows:</b></p> <p><b>C Definition of an Equivalent Household Unit</b></p> <p><u>An Equivalent Household Unit (EHU) is the basis for assessing the residual environmental impact (measured for copper and zinc contaminants in this instance) of the development of an average-sized residential unit for the purposes of calculating a financial contribution. Each average-sized new residential unit is deemed to create one unit of impact (one EHU).</u></p> <p><u>Because non-residential developments and new roads/state highways (not in direct support of a greenfield development) also impact contaminant levels, but can vary <del>dramatically</del> in size, every 100m<sup>2</sup> of <del>roofing or roading/hardstand area</del> <b>new impervious surface</b> is deemed to create one unit of impact, rather than using the EHU unit of measure used for residential development.</u></p> <p><u>Financial contributions are calculated based on the number of EHUs expected to be delivered in greenfield areas in the two whitua. Non-residential and new road/state highway financial contributions are calculated based on the amount of <del>roofing and roading/hardstand</del> <b>new impervious surface</b> expected.</u></p> |

| <p><b>D Calculation of level of contribution</b></p> <p>Financial contributions shall be calculated per EHU for residential greenfield development (Table D1), or per 100m<sup>2</sup> for non-residential greenfield development and new roads/state highways (not in direct support of a greenfield development) (Table D2).</p> <p><b>Table D1. Financial contribution calculations for residential greenfield development</b></p> <table border="1"> <thead> <tr> <th>Whaitua</th> <th>Residential Financial Contribution per EHU*</th> </tr> </thead> <tbody> <tr> <td>Whaitua Te Whanganui-a-Tara</td> <td>\$4, 240</td> </tr> <tr> <td>Te Awarua-o-Porirua</td> <td>\$4, 599</td> </tr> <tr> <td>Whaitua</td> <td></td> </tr> </tbody> </table> <p>*dwellings with &lt;55m<sup>2</sup> of roof site coverage shall be charged at 0.6 of the financial contribution rate</p> <p><b>Table D2. Financial contribution calculations for non-residential greenfield development and new roads/state highways</b></p> <table border="1"> <thead> <tr> <th>Whaitua</th> <th>Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m<sup>2</sup></th> <th>New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td>Whaitua Te Whanganui-a-Tara</td> <td>\$858</td> <td>\$360</td> </tr> <tr> <td>Te Awarua-o-Porirua</td> <td>\$858</td> <td>\$360</td> </tr> <tr> <td>Whaitua</td> <td></td> <td></td> </tr> </tbody> </table> | Whaitua   | Residential Financial Contribution per EHU*   | Whaitua Te Whanganui-a-Tara | \$4, 240 | Te Awarua-o-Porirua | \$4, 599 | Whaitua |  | Whaitua | Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m <sup>2</sup> | New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m <sup>2</sup> | Whaitua Te Whanganui-a-Tara | \$858 | \$360 | Te Awarua-o-Porirua | \$858 | \$360 | Whaitua |  |  | <p>Amend</p> | <p>Transpower considers that section D of the schedule needs to be amended to clarify that the financial contribution is based on the area of new impervious surface, not the total area of the development.</p> | <p><b>Amend schedule as follows:</b></p> <p><b>D Calculation of level of contribution</b></p> <p>Financial contributions shall be calculated per EHU for residential greenfield development (Table D1), or per 100m<sup>2</sup> of new impervious surface area for non-residential greenfield development and new roads/state highways (not in direct support of a greenfield development) (Table D2).</p> <p><b>Table D1. Financial contribution calculations for residential greenfield development</b></p> <table border="1"> <thead> <tr> <th>Whaitua</th> <th>Residential Financial Contribution per EHU*</th> </tr> </thead> <tbody> <tr> <td>Whaitua Te Whanganui-a-Tara</td> <td>\$4, 240</td> </tr> <tr> <td>Te Awarua-o-Porirua</td> <td>\$4, 599</td> </tr> <tr> <td>Whaitua</td> <td></td> </tr> </tbody> </table> <p>*dwellings with &lt;55m<sup>2</sup> of roof site coverage shall be charged at 0.6 of the financial contribution rate</p> <p><b>Table D2. Financial contribution calculations for non-residential greenfield development and new roads/state highways</b></p> <table border="1"> <thead> <tr> <th>Whaitua</th> <th>Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m<sup>2</sup> of new impervious surface</th> <th>New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m<sup>2</sup> of new impervious surface</th> </tr> </thead> <tbody> <tr> <td>Whaitua Te Whanganui-a-Tara</td> <td>\$858</td> <td>\$360</td> </tr> </tbody> </table> | Whaitua | Residential Financial Contribution per EHU* | Whaitua Te Whanganui-a-Tara | \$4, 240 | Te Awarua-o-Porirua | \$4, 599 | Whaitua |  | Whaitua | Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m <sup>2</sup> of new impervious surface | New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m <sup>2</sup> of new impervious surface | Whaitua Te Whanganui-a-Tara | \$858 | \$360 |
|--|---|---|-----------------------------|----------|---------------------|----------|---------|--|---------|---|---|-----------------------------|-------|-------|---------------------|-------|-------|---------|--|--|--------------|--|--|---------|---|-----------------------------|----------|---------------------|----------|---------|--|---------|---|---|-----------------------------|-------|-------|
| Whaitua  | Residential Financial Contribution per EHU*   |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua Te Whanganui-a-Tara  | \$4, 240  |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Te Awarua-o-Porirua  | \$4, 599  |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua  |   |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua  | Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m <sup>2</sup>                           | New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m <sup>2</sup>                           |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua Te Whanganui-a-Tara  | \$858   | \$360   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Te Awarua-o-Porirua  | \$858   | \$360   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua  |   |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua  | Residential Financial Contribution per EHU*   |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua Te Whanganui-a-Tara  | \$4, 240  |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Te Awarua-o-Porirua  | \$4, 599  |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua  |   |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua  | Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m <sup>2</sup> of new impervious surface | New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m <sup>2</sup> of new impervious surface |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |
| Whaitua Te Whanganui-a-Tara  | \$858   | \$360   |                             |          |                     |          |         |  |         |   |   |                             |       |       |                     |       |       |         |  |  |              |  |  |         |   |                             |          |                     |          |         |  |         |   |   |                             |       |       |

| Specific Plan Change provision as notified   | Position | Submission  | Relief sought   |                     |       |       |         |  |  |
|--|----------|---|---|---------------------|-------|-------|---------|--|--|
| <u>Financial contributions shall be imposed as a condition of consent and will be collected prior to the consent being given effect to.</u>  |          |   | <table border="1"> <tr> <td>Te Awarua-o-Porirua</td> <td>\$858</td> <td>\$360</td> </tr> <tr> <td>Whaitua</td> <td></td> <td></td> </tr> </table> <p>Financial contributions shall be imposed as a condition of consent and will be collected prior to the consent being given effect to.</p>   | Te Awarua-o-Porirua | \$858 | \$360 | Whaitua |  |  |
| Te Awarua-o-Porirua  | \$858    | \$360   |   |                     |       |       |         |  |  |
| Whaitua  |          |   |   |                     |       |       |         |  |  |
| <b>Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan</b>  |          |   |   |                     |       |       |         |  |  |
| <b><u>Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan</u></b>   | Oppose   | Transpower opposes the schedule being included within the freshwater planning instrument, on the basis that the purpose of the schedule is to manage land use for the purposes of soil conservation. Transpower seeks that the schedule be reallocated to the Part 1 Schedule 1 planning instrument.  | <b>Reallocate the schedule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</b>   |                     |       |       |         |  |  |
| <p><b><u>B Management objectives</u></b></p> <p><u>The Erosion and Sediment Management Plan must demonstrate that the measures adopted to address the identified risks will:</u></p> <p>(a) <u>minimise sediment loss from the vegetation clearance by adopting, as a minimum, good management practice, and</u></p> <p>(b) <u>avoid an increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state, and</u></p> <p>(c) <u>minimise the discharge of water and sediment resulting from the vegetation clearance into a surface water body, and</u></p> <p>(d) <u>provide for the land to be restored and revegetated with appropriate species.</u></p> | Amend    | <p>Transpower regularly undertakes maintenance activities that include trimming and clearance of vegetation, to prevent vegetation (particularly woody vegetation to which this schedule applies) from encroaching on National Grid transmission lines or structures. This provides for the safe ongoing operation of the National Grid.</p> <p>Providing for the revegetation of land below or near National Grid transmission lines or structures could compromise the safe operation of the National Grid, and Transpower considers that this should be acknowledged in objective (d) in order to give effect to Policy 10 of the NPSET.</p> | <p><b>Amend schedule as follows:</b></p> <p><b><u>B Management objectives</u></b></p> <p><u>The Erosion and Sediment Management Plan must demonstrate that the measures adopted to address the identified risks will:</u></p> <p>(a) <u>minimise sediment loss from the vegetation clearance by adopting, as a minimum, good management practice, and</u></p> <p>(b) <u>avoid an increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state, and</u></p> <p>(c) <u>minimise the discharge of water and sediment resulting from the vegetation clearance into a surface water body, and</u></p> <p>(d) <u>provide for the land to be restored and revegetated with appropriate species (except below or near National Grid transmission lines and structures, where revegetation is not appropriate).</u></p> |                     |       |       |         |  |  |

| Specific Plan Change provision as notified   | Position     | Submission   | Relief sought   |
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| <p><b><u>C Requirements of the Erosion and Sediment Management Plan</u></b></p> <p><b><u>C1 Contents of the Erosion and Sediment Management Plan</u></b></p> <p><u>The Erosion and Sediment Management Plan shall contain as a minimum:</u></p> <p>(a) <u>The following details that describe the land where the <b>vegetation clearance</b> is proposed:</u></p> <p>(i) <u>The full name, postal and physical address and contact details (including email addresses and telephone numbers) of the person responsible for <b>vegetation clearance</b> on the land, including the name of and contact details for the managers or contractors, and</u></p> <p>(ii) <u>The property location identifier, the cadastral and map references and GIS polygon reference, and</u></p> <p>(iii) <u>The legal description and ownership of each parcel of land if different from the person responsible for <b>vegetation clearance</b> on the land, and</u></p> <p>(iv) <u>The full name, postal and physical address and contact details (including email addresses and telephone numbers), qualifications and relevant experience of the person responsible for preparing the <b>Erosion and Sediment Management Plan</b>.</u></p> <p><u>Maps</u></p> | <p>Amend</p> | <p>In line with Transpower’s submission on the management objectives, Transpower considers that clause (c)(v) of section C1 should be amended to recognise that it is inappropriate to undertake revegetation on land that is located underneath or near National Grid transmission lines or support structures.</p> <p>In addition to this, Transpower considers that the terms “critical source areas” and “hotspots for sediment loss to surface water” under clause (b)(ix) are unclear, and should be defined so that it is clear to plan users what these terms mean, and what is sought to be mapped under this clause.</p> | <p><b>Amend schedule as follows:</b></p> <p><b><u>C Requirements of the Erosion and Sediment Management Plan</u></b></p> <p><b><u>C1 Contents of the Erosion and Sediment Management Plan</u></b></p> <p><u>The Erosion and Sediment Management Plan shall contain as a minimum:</u></p> <p>(a) <u>The following details that describe the land where the <b>vegetation clearance</b> is proposed:</u></p> <p>(i) <u>The full name, postal and physical address and contact details (including email addresses and telephone numbers) of the person responsible for <b>vegetation clearance</b> on the land, including the name of and contact details for the managers or contractors, and</u></p> <p>(ii) <u>The property location identifier, the cadastral and map references and GIS polygon reference, and</u></p> <p>(iii) <u>The legal description and ownership of each parcel of land if different from the person responsible for <b>vegetation clearance</b> on the land, and</u></p> <p>(iv) <u>The full name, postal and physical address and contact details (including email addresses and telephone numbers), qualifications and relevant experience of the person responsible for preparing the <b>Erosion and Sediment Management Plan</b>.</u></p> <p><u>Maps</u></p> |

| Specific Plan Change provision as notified   | Position | Submission | Relief sought  |
|--|----------|------------|--|
| <p>(b) <u>The Erosion and Sediment Management Plan must include maps at a scale not less than 1:10000 that include and show:</u></p> <ul style="list-style-type: none"> <li>(i) <u>the computer freehold register, the date, and a north arrow, and</u></li> <li>(ii) <u>the <b>vegetation clearance</b> and operational area boundaries, and</u></li> <li>(iii) <u>the public road(s) used for access, entry points to the land and rural number(s) of entry point(s), and</u></li> <li>(iv) <u>the external property boundaries within 200 m of the <b>vegetation clearance</b> areas, and</u></li> <li>(v) <u>the catchment and sub-catchment that the <b>vegetation clearance</b> area is within and a map showing the location of the <b>vegetation clearance</b> area within the catchment and sub- catchment, and</u></li> <li>(vi) <u>the location (and for named waterbodies, the names) of waterbodies on the property, including permanently or intermittently flowing including rivers, streams, drains; wetlands, lakes and springs, and specifically identifying any waterbodies where <b>vegetation clearance</b> activities are subject to <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i> or rules in the Plan, and</u></li> <li>(vii) <u>the location of any site or river included in Schedules B, C, F1 and F3 of this Plan that is within, or adjacent to, the <b>vegetation clearance</b> area, and</u></li> </ul> |          |            | <p>(b) <u>The Erosion and Sediment Management Plan must include maps at a scale not less than 1:10000 that include and show:</u></p> <ul style="list-style-type: none"> <li>(i) <u>the computer freehold register, the date, and a north arrow, and</u></li> <li>(ii) <u>the <b>vegetation clearance</b> and operational area boundaries, and</u></li> <li>(iii) <u>the public road(s) used for access, entry points to the land and rural number(s) of entry point(s), and</u></li> <li>(iv) <u>the external property boundaries within 200 m of the <b>vegetation clearance</b> areas, and</u></li> <li>(v) <u>the catchment and sub-catchment that the <b>vegetation clearance</b> area is within and a map showing the location of the <b>vegetation clearance</b> area within the catchment and sub- catchment, and</u></li> <li>(vi) <u>the location (and for named waterbodies, the names) of waterbodies on the property, including permanently or intermittently flowing including rivers, streams, drains; wetlands, lakes and springs, and specifically identifying any waterbodies where <b>vegetation clearance</b> activities are subject to <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i> or rules in the Plan, and</u></li> <li>(vii) <u>the location of any site or river included in Schedules B, C, F1 and F3 of this Plan that is within, or adjacent to, the <b>vegetation clearance</b> area, and</u></li> </ul> |

| Specific Plan Change provision as notified  | Position | Submission | Relief sought   |
|---|----------|------------|---|
| <p>(viii) <u>a 1m digital elevation model overlay of the terrain of the <b>vegetation clearance</b> area, and</u></p> <p>(ix) <u>the location of land with <b>highest erosion risk land (woody vegetation)</b>, any other critical source areas, and hotspots for sediment loss to surface water, and</u></p> <p>(x) <u>location of the proposed <b>vegetation clearance</b> operations including earthworks, land preparation, roads and formed tracks and access ways, water body entry or crossing, <b>harvesting</b> methods, skid and landing sites.</u></p> <p><i>Operating systems and practices</i></p> <p>(c) <u>A description of the planned <b>vegetation clearance</b> operations and management practices. This shall be in sufficient detail to reflect the scale of any environmental risk and the measures in place, or to be undertaken, that will mitigate the risk of sediment loss from the land as a result of <b>vegetation clearance</b> activity. At a minimum, this shall include a description of management practices to be used, including specific practices identified in relevant guidelines for:</u></p> <p>(i) <u>Planning and design for construction, maintenance and rehabilitation of roads, tracks, skid sites and landings; clearing and stripping of land; bulk earthworks; and fill placement and compaction, and</u></p> <p>(ii) <u>Erosion and sediment control measures, including structures and</u></p> |          |            | <p>(viii) <u>a 1m digital elevation model overlay of the terrain of the <b>vegetation clearance</b> area, and</u></p> <p>(ix) <u>the location of land with <b>highest erosion risk land (woody vegetation)</b>, any other critical source areas, and hotspots for sediment loss to surface water, and</u></p> <p>(x) <u>location of the proposed <b>vegetation clearance</b> operations including earthworks, land preparation, roads and formed tracks and access ways, water body entry or crossing, <b>harvesting</b> methods, skid and landing sites.</u></p> <p><i>Operating systems and practices</i></p> <p>(c) <u>A description of the planned <b>vegetation clearance</b> operations and management practices. This shall be in sufficient detail to reflect the scale of any environmental risk and the measures in place, or to be undertaken, that will mitigate the risk of sediment loss from the land as a result of <b>vegetation clearance</b> activity. At a minimum, this shall include a description of management practices to be used, including specific practices identified in relevant guidelines for:</u></p> <p>(i) <u>Planning and design for construction, maintenance and rehabilitation of roads, tracks, skid sites and landings; clearing and stripping of land; bulk earthworks; and fill placement and compaction, and</u></p> <p>(ii) <u>Erosion and sediment control measures, including structures and vegetation to manage erosion and <b>minimise</b> sediment loss, and</u></p> <p>(iii) <u><b>Vegetation clearance</b> techniques and practices with particular regard for</u></p> |

| Specific Plan Change provision as notified   | Position     | Submission  | Relief sought  |
|--|--------------|---|--|
| <p><u>vegetation to manage erosion and minimise sediment loss, and</u></p> <p>(iii) <u>Vegetation clearance techniques and practices with particular regard for <b>highest erosion risk land (woody vegetation)</b>, and</u></p> <p>(iv) <u>Managing debris and slash, and</u></p> <p>(v) <u>Rehabilitation and revegetation of <b>highest erosion risk land (woody vegetation)</b>, and</u></p> <p>(vi) <u>Recording and monitoring of management practices and performance of mitigation measures, and</u></p> <p>(vii) <u>Monitoring of effects of activities on land stability and water quality,</u></p> <p>(viii) <u>Other practices necessary to assess and mitigate the risk of sediment loss.</u></p> <p>(d) <u>The <b>Erosion and Sediment Management Plan</b> shall set out the time period over which the <b>good management practices</b> and mitigation measures will be implemented and the methods by which their implementation will be recorded and performance and effects monitored.</u></p> |              |   | <p><b>highest erosion risk land (woody vegetation)</b>, and</p> <p>(iv) <u>Managing debris and slash, and</u></p> <p>(v) <u>Rehabilitation and revegetation of <b>highest erosion risk land (woody vegetation)</b>, <b>except where the land is located underneath or near National Grid transmission lines or structures</b>, and</u></p> <p>(vi) <u>Recording and monitoring of management practices and performance of mitigation measures, and</u></p> <p>(vii) <u>Monitoring of effects of activities on land stability and water quality,</u></p> <p>(viii) <u>Other practices necessary to assess and mitigate the risk of sediment loss.</u></p> <p>(d) <u>The <b>Erosion and Sediment Management Plan</b> shall set out the time period over which the <b>good management practices</b> and mitigation measures will be implemented and the methods by which their implementation will be recorded and performance and effects monitored.</u></p> |
| <b>Chapter 13: Maps</b>  |              |   |  |
| <p><b>Map 77: Habitats of nationally threatened freshwater species Schedules A2, F1, F2, Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua</b></p>   | <p>Amend</p> | <p>The GIS mapping of riverine habitats described in Map 77 and Schedule F1 does not appear to accurately align with actual river extents.</p> <p>As an example, the figure below shows the GIS mapping of riverine habitat adjacent to the Pauatahanui Substation. The GIS mapping of the riverine habitat from Map 77 is shown in blue, with National Grid lines shown in red terminating at the substation. The mapped extent of</p> | <p><b>Amend GIS mapping of riverine environments described in Map 77 to accurately reflect the habitat extents covered by Schedule F1.</b></p>   |

| Specific Plan Change provision as notified                              | Position      | Submission  | Relief sought             |
|---|---------------|---|---------------------------|
|   |               | <p>the riverine habitat does not align with the waterbody, and fact covers land (with roads, hardstand, and buildings) that does not appear to be a waterbody.</p>  <p><i>Figure 4: Riverine habitat mapping in relation to Pauatahanui substation</i></p> <p>Plan users will rely on the mapping of scheduled riverine habitats to interpret the spatial application of Schedule F1. To ensure certainty with respect to the application of the rules that relate to scheduled riverine habitats, the habitats to which the rules apply should be accurately mapped.</p> |                           |
| <p><b>Map 86: Unplanned greenfield areas – Porirua City Council</b></p> | <p>Oppose</p> | <p>National Grid transmission lines traverse the “unplanned greenfield area” identified in Map 86. In addition to this, Pauatahanui substation is located within an “unplanned greenfield area” (see figure below).</p>   | <p><b>Delete map.</b></p> |



Figure 5: Pauatahanui substation

Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary of the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in

| Specific Plan Change provision as notified                                 | Position      | Submission   | Relief sought             |
|--|---------------|--|---------------------------|
|  |               | <p>transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this approach is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this map.</p> |                           |
| <p><b>Map 87: Unplanned greenfield areas – Wellington City Council</b></p> | <p>Oppose</p> | <p>National Grid transmission lines traverse the “unplanned greenfield area” identified in Map 87. In addition to this, Wilton substation, Takapu Road substation, and West Wind substation are all located within an “unplanned greenfield area” (see figures below). Other National Grid</p>   | <p><b>Delete map.</b></p> |



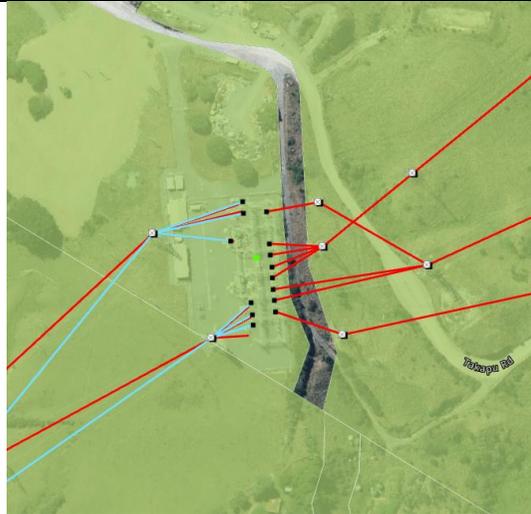


Figure 7: Takapu Road substation



Figure 8: West Wind substation

Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In

| Specific Plan Change provision as notified | Position | Submission  | Relief sought |
|--|----------|---|---------------|
|  |          | <p>particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary of the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of</p> |               |

| Specific Plan Change provision as notified                                 | Position      | Submission  | Relief sought             |
|--|---------------|---|---------------------------|
|  |               | <p>inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this approach is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this map.</p>  |                           |
| <p><b>Map 88: Unplanned greenfield areas – Upper Hutt City Council</b></p> | <p>Oppose</p> | <p>National Grid transmission lines traverse the “unplanned greenfield area” identified in Map 88.</p> <p>Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary of the objective of the NPSET, which is to facilitate 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. It would also be contrary to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to</p> | <p><b>Delete map.</b></p> |

| Specific Plan Change provision as notified                           | Position      | Submission   | Relief sought             |
|--|---------------|--|---------------------------|
|  |               | <p>facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this approach is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this map.</p> |                           |
| <p><b>Map 89: Unplanned greenfield areas – Hutt City Council</b></p> | <p>Oppose</p> | <p>National Grid transmission lines traverse the “unplanned greenfield area” identified in Map 89. In addition to this, Melling substation is located within an “unplanned</p>   | <p><b>Delete map.</b></p> |

greenfield area" (see figure below).



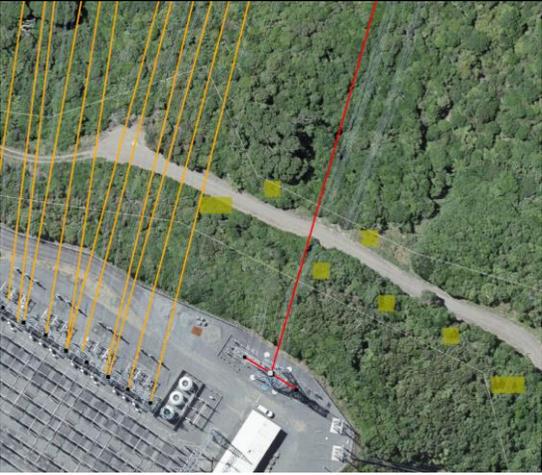
*Figure 9: Melling substation*

Transpower considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of regionally significant infrastructure (including the National Grid) in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”. If the maintenance, upgrading, or development of the National Grid was caught by the policies and rules that prohibit “unplanned greenfield development”, this would clearly be contrary of the objective of the NPSET, which is to facilitate 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. It would also be contrary

| Specific Plan Change provision as notified | Position | Submission  | Relief sought |
|--|----------|---|---------------|
|  |          | <p>to policy 14 of the NPSET, which requires that regional councils include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.</p> <p>Transpower also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Transpower notes that its principal concern with this approach is that it is unclear whether it would prohibit the upgrading or development of the National Grid. However, if the relief sought by Transpower on the definition of “unplanned greenfield development” is granted in full, Transpower would consider adopting a neutral position on this map.</p> |               |

| Specific Plan Change provision as notified   | Position     | Submission   | Relief sought  |
|--|--------------|--|--|
| <p><b>Map 91: Highest erosion risk land (Woody vegetation) Te Awarua-o-Porirua Whaitua</b></p> | <p>Amend</p> | <p>There are parts of the National Grid that are located over or near land that is mapped as “Highest erosion risk land (Woody vegetation)” in Map 91 (see figure below as an example).</p> <p>The mapping of “Highest erosion risk land (Woody vegetation)” includes many small areas of identified land that are incohesive (the size of each individual square identified in the maps is 5m by 5m). Transpower questions the value of regulating small, incohesive areas of woody vegetation, given that the controlled activity threshold for vegetation clearance is 200m<sup>2</sup>. To ensure that the maps (and the rules for vegetation removal) are efficient to administer and effective at achieving their intended outcome, Transpower considers that the maps should be amended to only identify cohesive areas of woody vegetation, and remove incohesive or isolated areas removed. For consistency with the rules, isolated areas smaller than 200m<sup>2</sup> should be removed from the maps.</p>  <p><i>Figure 10: image showing areas of "Highest erosion risk land (Woody vegetation)" (shown in green squares)</i></p> | <p><b>Amend Map 91, and the associated GIS map layer, to only identify cohesive areas of “Highest erosion risk land (Woody vegetation)”.</b></p> |

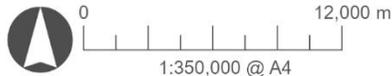
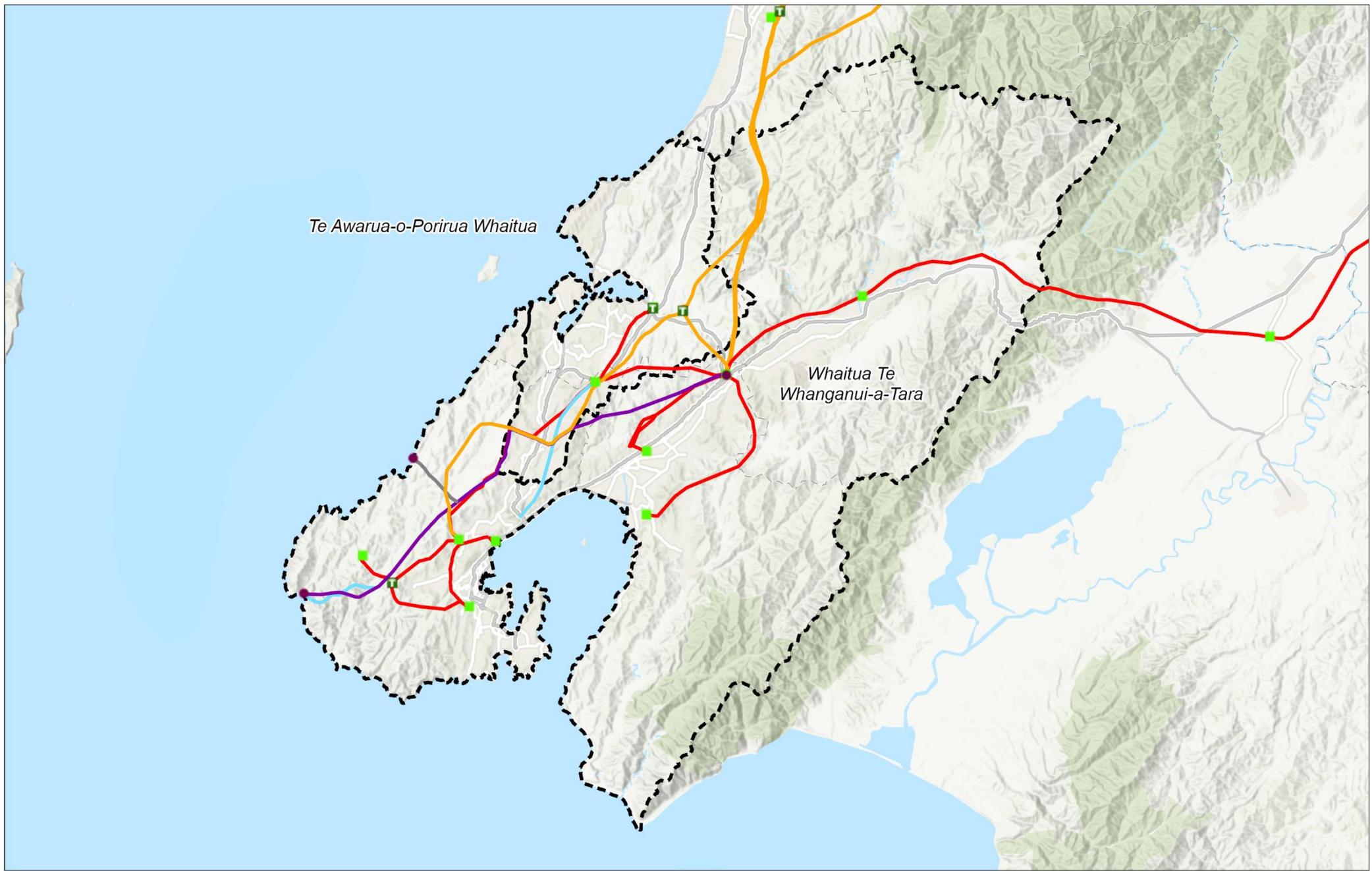
| Specific Plan Change provision as notified  | Position | Submission   | Relief sought   |
|---|----------|--|---|
|   |          | <i>around National Grid lines to the north of Judgeford. Each square measures 5m by 5m.</i>  |   |
| <b>Map 94: Highest erosion risk land (Woody vegetation) Whaitua Te Whanganui-a-Tara</b> | Amend    | <p>There are parts of the National Grid that are located over or near land that is mapped as “Highest erosion risk land (Woody vegetation)” in Map 94 (see figure below as an example).</p> <p>The mapping of “Highest erosion risk land (Woody vegetation)” includes many small areas of identified land that are incohesive (the size of each individual square identified in the maps is 5m by 5m). Transpower questions the value of regulating small, incohesive areas of woody vegetation, given that the controlled activity threshold for vegetation clearance is 200m<sup>2</sup>. To ensure that the maps (and the rules for vegetation removal) are efficient to administer and effective at achieving their intended outcome, Transpower considers that the maps should be amended to only identify cohesive areas of woody vegetation, and remove incohesive or isolated areas removed. For consistency with the rules, isolated areas smaller than 200m<sup>2</sup> should be removed from the maps.</p> | <b>Amend Map 94, and the associated GIS map layer, to only identify cohesive areas of “Highest erosion risk land (Woody vegetation)”.</b> |

| Specific Plan Change provision as notified   | Position | Submission  | Relief sought   |
|--|----------|---|---|
|  |          |  <p data-bbox="887 730 1429 847"><i>Figure 11: image showing areas of "Highest erosion risk land (Woody vegetation)" (shown in green squares) around an access track to the north of the Haywards substation. Each square measures 5m by 5m.</i></p>  |   |
| <b>Appendix 1: Provisions that no longer apply to Whaitua Te Whanganui-a-Tara and/or Te Awarua-o-Porirua Whaitua</b>   |          |   |   |
| <p data-bbox="203 927 734 1007"><b>Amend the following rule so that it no longer applies in Whaitua Te Whanganui-a-Tara and/or Te Awarua-o-Porirua Whaitua:</b></p> <p data-bbox="203 1031 633 1054"><b>Rule R101: Earthworks – permitted activity</b></p> <p data-bbox="203 1078 734 1246">The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from <b>earthworks</b> up to a total area of 3,000m<sup>2</sup> per <b>property</b> per 12 month period is a permitted activity, provided the following conditions are met:</p> <p data-bbox="203 1270 734 1350">(a) soil or debris from <b>earthworks</b> is not placed where it can enter a <b>surface water body</b> or the coastal marine area, and</p> | Oppose   | <p data-bbox="887 927 1458 1246">Transpower considers that the operative permitted activity rule for earthworks should continue to apply within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua, on the basis that rules WH.R23 and P.R22 do not provide any permitted activity threshold for earthworks that are smaller than 3,000m<sup>2</sup> per property (except for implementing farm erosion risk treatment plans or farm environment plans), and the operative rule it provides reasonable conditions for undertaking all other earthworks that are less than 3,000m<sup>2</sup> that are not otherwise permitted by WH.R23 and P.R22.</p> | <p data-bbox="1480 927 1973 1007"><b>Retain rule R101 so that it continues to apply in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</b></p> |

| Specific Plan Change provision as notified  | Position | Submission | Relief sought |
|---|----------|------------|---------------|
| <p>(b) <b>earthworks</b> will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the <b>property</b> where the <b>earthworks</b> occurs, and</p> <p>(c) any <b>earthworks</b> shall not, after the <b>zone of reasonable mixing</b>, result in any of the following effects in receiving waters:</p> <ul style="list-style-type: none"> <li>(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or</li> <li>(ii) any conspicuous change in colour or visual clarity, or</li> <li>(iii) any emission of objectionable odour, or</li> <li>(iv) the rendering of fresh water unsuitable for consumption by animals, or</li> <li>(v) any significant adverse effect on aquatic life, and</li> </ul> <p>(d) <b>earthworks</b> shall not occur within 5m of a <b>surface water body</b> except for <b>earthworks</b> undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and</p> <p>(e) work areas are <b>stabilised</b> within six months after the completion of the earthworks.</p> |          |            |               |

## **Appendix 2 – National Policy Statement on Electricity Transmission 2008**

## **Appendix 3 – Map of Transpower Assets in Te Awarua-o-Porirua Whaitua and Whaitua Te Whanganui-a-Tara**



Data Sources: Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors., Eagle Technology, Land Information New Zealand

Projection: NZGD 2000 New Zealand Transverse Mercator

|               |                         |                    |                |
|---------------|-------------------------|--------------------|----------------|
| <b>LEGEND</b> | Whaitua Boundaries      | 110 kV Overhead    | Overhead Other |
|               | National Grid           | 110 kV Underground | Substation     |
|               | $\le 66$ kV Overhead    | 220 kV Overhead    | HVDC           |
|               | $\le 66$ kV Underground | 350 kV Overhead    | TEE            |

**TRANSPower SUBMISSION ON PC1 TO THE NRP**

The National Grid in Whaitua  
Te Whanganui-a-Tara and Te  
Awarua-o-Porirua Whaitua

**Map 2.1**