

31

1/4



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands)
to the Regional Plan: Water for Otago
Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

OTAGO REGIONAL COUNCIL
 RECEIVED DUNEDIN
 29 JUL 2011
 FILE NO: [handwritten]
 DIR TO: [handwritten]
 Office use only

Full name of submitter: Simon Broekhuizen
 Name of organisation (if applicable): Brookhouse Farm Ltd
 Postal address: 207 Benhar Road Balcutha RD 2
 Postcode: 9272
 Telephone: 021 1200564 Fax: 03 4181335
 Email: brookhouse_simon@gmail.com

I wish / do not wish (circle preference) to be heard in support of my submission.
 If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: [Signature] Date: 29/07/11
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)
 I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter: [Signature]

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

Lake Tuakiritoto Map F43

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

see attached letter of submission

2/4

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

Please consider our proposed boundary and decide whether this should be reviewed.

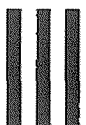
Fold

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 29 JULY 2011.

Please fold and secure with a small piece of tape.

Fold

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team

3/4

Submission

It is our understanding that as part of the Proposed Plan Change 2 Regionally Significant Wetlands, the boundary of the Lake Tuakitoto Wetland will be only slightly adjusted.

However, it has always been our opinion that some of this land on the far Western boundary of the wetland should not be classified as Regionally Significant Wetland. We have had previous communication with several persons at the ORC about this matter but never received any formal response.

We'd like to take this opportunity to propose an alternative boundary on an attached copy of Map F43 and the area of concern is marked 'a'. The remainder of the area in concern is marked 'b'.

Our rationale is that current minimum water levels will ever result in 'area a' being effectively used for natural beauty or wetland.

What always has supported our opinion and intent is the aerial photos showing that 'area a' is not at all the same vegetation as is conveniently assumed for the creation of Map F43.

Hence, our argument is that 'area a' does not exhibit any of the values listed in Policy 10.4.1

We have always recognised a clear difference between these two areas. Rushes only sparsely populated the far western boundary of the Lake Tuakitoto Wetland 'area a', the remainder of the flora population being grasses that are capable of surviving a waterlogged winter.

The reason for such a difference in vegetation is that 'area a' is significantly higher than 'area b'. It is simply waterlogged during wet periods and might flood once or twice per year after storm events.

We have managed 'area a' as intensively as soil conditions allowed and believe that it has been more intensively grazed in years before 2005, when we took ownership of the Benhar dairy farm.

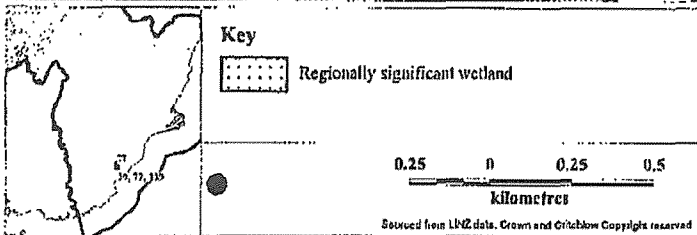
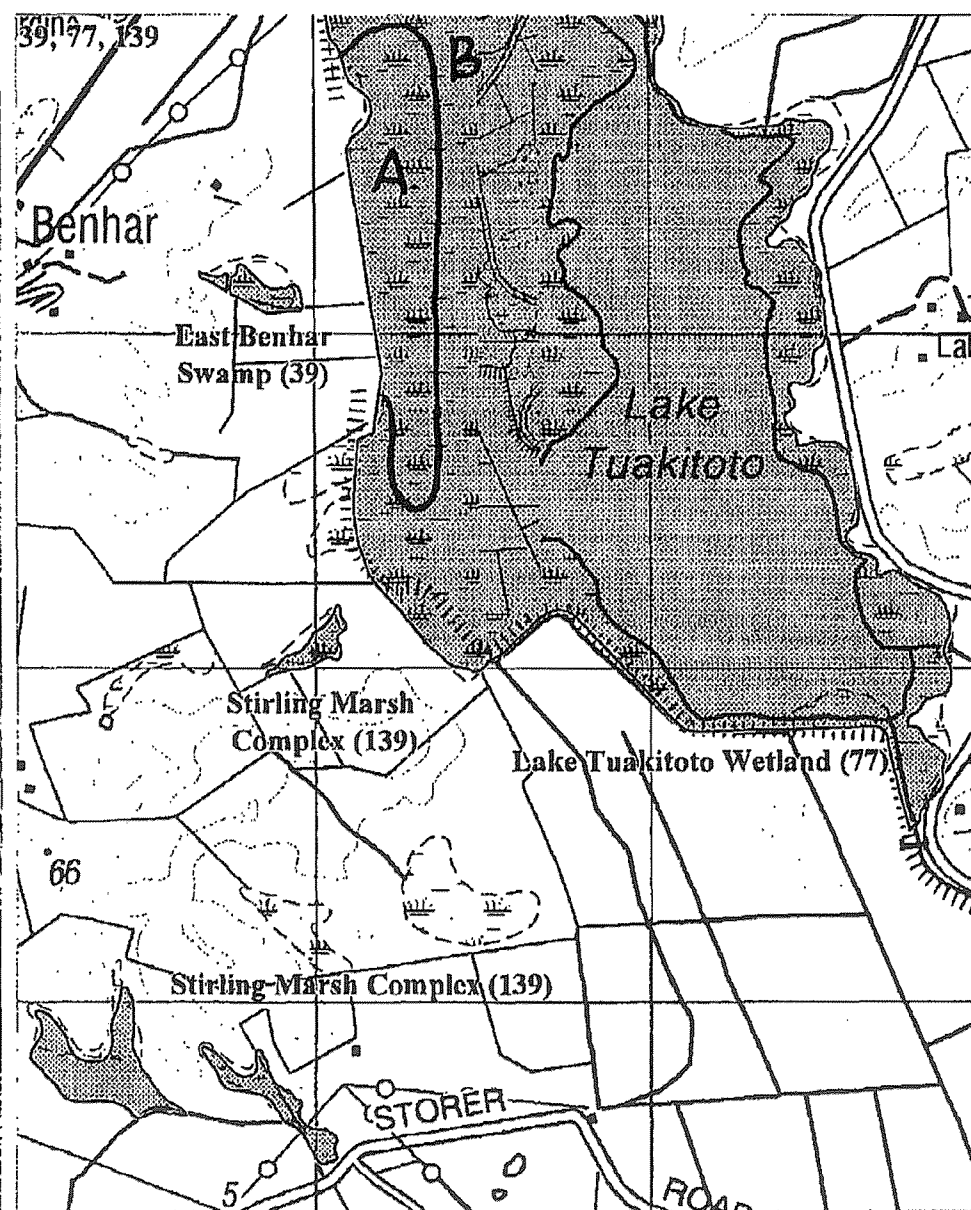
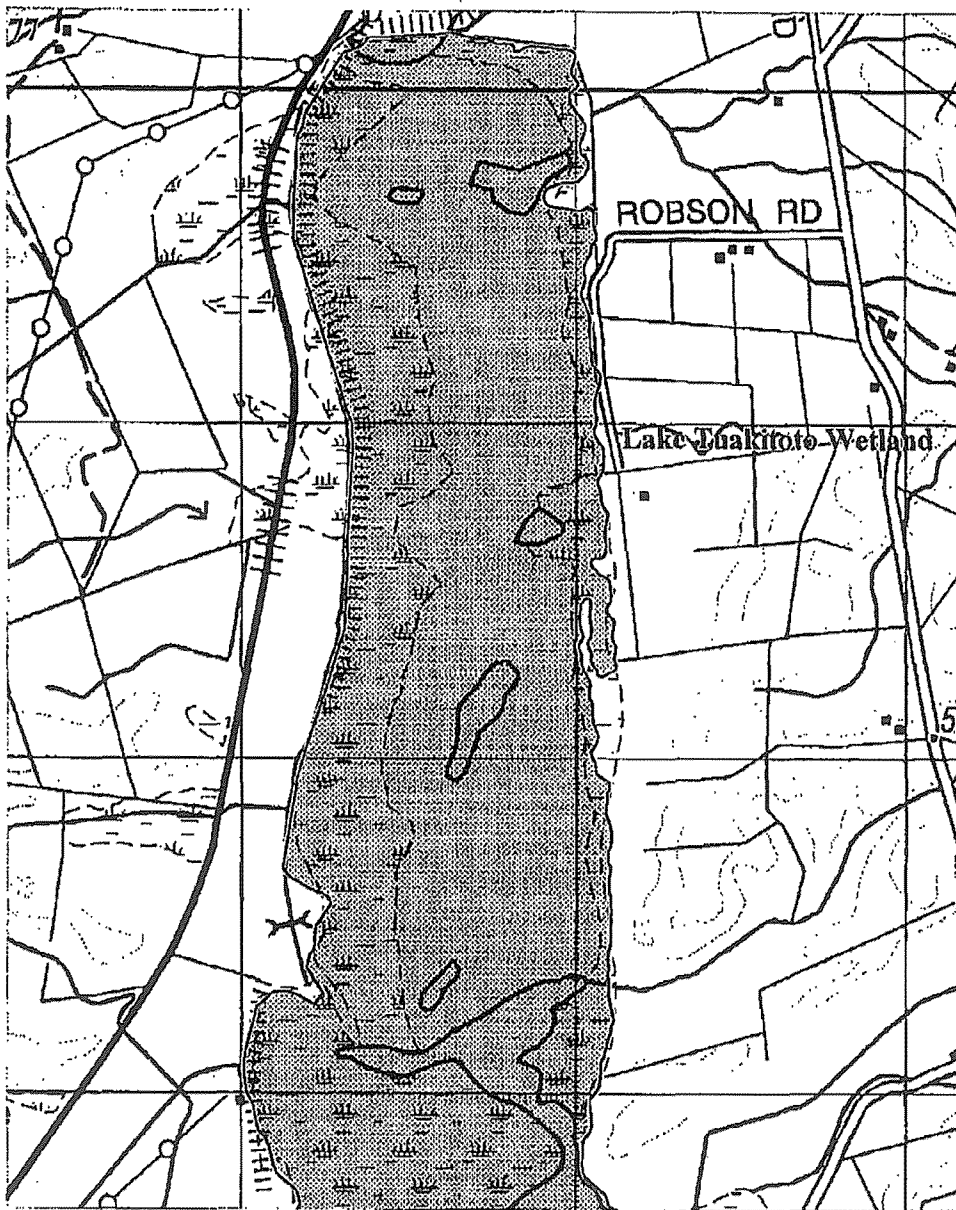
Ultimately, our opinion is that this land should be drained. The remainder of the Western boundary of the lake bed should be left undisturbed with no animal access, which clearly already deserves the high degree of naturalness. But our submission will be limited to our proposed boundary.

Thank you for your attention.

Yours sincerely,

Simon Broekhuizen & Directors of Brookhouse Farm Ltd





**Proposed Plan Change 2
 Regionally Significant Wetlands
 Map F43**



4/4

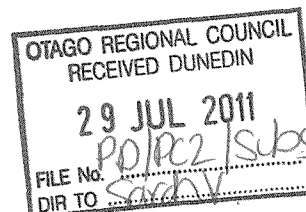
Harveys Land Information New Zealand Topos Maps
 Notified 2 July 2011

SUBMISSION ON PROPOSED PLAN CHANGE UNDER CLAUSE
SIX OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: Chief Executive
Attention: Policy Group
Otago Regional Council
Private Bag 1954
DUNEDIN 9054

Submitter: Meridian Energy Limited
PO Box 2454
CHRISTCHURCH 8140

Attention: Andrew Feierabend
Phone: (03) 357 9731
Mobile: 021 878143
Email: andrew.feierabend@meridianenergy.co.nz



Meridian Energy Limited ("Meridian") makes the general and specific submissions on Proposed Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water for Otago ("Plan Change 2") set out in the attached document.

Meridian would like to be heard in support of its submission.

If other persons make a similar submission then Meridian would consider presenting joint evidence at the time of the hearing.

Andrew Feierabend

For and behalf of Meridian Energy Limited

Dated this 29th day of July 2011

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Part One: Overview and Background – Reasons for Submission

- Section A: Overview of Meridian;
- Section B: Electricity Generation Overview; and
- Section C: Background and Reasons for Submission.

Part Two: Specific Submissions to the Plan Change 2

- Objective 10.3.1;
- Policy 10.4.1;
- Policy 10.4.1A;
- Policy 10.4.2;
- Policy 10.4.2A and Section 17.1;
- Rule 12.1.1A.1;
- Rules 12.1.2.4, 12.1.2.5, 12.1.2.6, 12.2.2.5, 12.2.2.6, 12.3.2.1, 12.3.2.2, 12.3.2.3, 12.5.1.1 and 13.5.1.3;
- Rules 12.1.4.8, 12.2.3.4, 12.3.3.1, 12.4.2.1, 12.5.2.1, 13.2.2.1 and 13.3.2.1;
- Rule 12.3.1A.1;
- Schedule 9 and Maps F29 and F30; and
- Schedule 9 and Map F26.

PART ONE: OVERVIEW AND BACKGROUND (REASONS FOR SUBMISSION)

SECTION A: OVERVIEW OF MERIDIAN

1. Meridian is a limited liability company wholly owned by the New Zealand Government. It is one of three companies formed from the split of the Electricity Corporation of New Zealand ("ECNZ") on the 1st of April 1999.
2. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand.
3. Meridian is the single largest generator of electricity in New Zealand. Meridian's hydro generation and storage capacity accounts for approximately 28% of New Zealand's electricity generating capacity and 48% of its storage capacity. Meridian is the largest wind farm developer in New Zealand. The company's asset base includes:
 - The Te Uku Wind Farm near Raglan;
 - Part of the Waitaki Power Scheme in the Waitaki Catchment;
 - The Manapouri Power Scheme in Fiordland;
 - The Te Apiti Wind Farm in the Manawatu;
 - The Brooklyn Wind Turbine in Wellington;
 - The White Hill Wind Farm in Southland, and
 - The West Wind Wind Farm near Wellington.
4. Meridian has recently been granted resource consents for new wind and hydro developments. These include:
 - Project Hayes Wind Farm in Central Otago (directed by the High Court back to the Environment Court for consideration);
 - Project Central Wind near Waiouru;
 - Mill Creek Wind Farm near Wellington (under appeal);
 - Mokihinui Hydro Scheme in the Buller District (under appeal);
 - North Bank Tunnel Concept on the Lower Waitaki River;
 - Hunter Downs Irrigation Scheme in North Otago (under appeal); and
 - Pukaki Hydro Scheme in the Waitaki Catchment.
5. Meridian is also actively investigating and pursuing options for new renewable generation capacity and is investigating a number of sites that have potential for wind and hydro development. As part of its on-going business, Meridian is continually investigating options to improve and remove constraints from its asset portfolio to increase generation output and thereby continue to get more generation from, its existing assets.
6. Meridian has a proven track record in the development and operation of energy projects both in New Zealand and overseas. This proven record in the development and operation of projects within sensitive areas includes the World Heritage listed Fiordland National Park (Manapouri Power Scheme), and an exemplary record of environmental compliance in new projects such as the Te Apiti wind farm. In all the projects it is involved in Meridian has adopted a "best

practice" philosophy. The Manapouri second tailrace project - New Zealand's largest energy efficiency project to date - was completed to the highest environmental standards and was a finalist in the 2002 Financial Times Global Energy Awards.

SECTION B: ELECTRICITY GENERATION OVERVIEW

1. As well as being New Zealand's largest generator of electricity, Meridian is also the country's largest generator of renewable energy.
2. There is scope to develop renewable energy in many parts of New Zealand. This strengthens the electricity system's responsiveness and avoids concentration of risk. Dispersed development means that each region can make a contribution to a national system, one that is greater than the sum of all its parts.
3. New Zealand has a high intensity wind resource by international standards. Wind generation tends to have a lower capacity factor (meaning it produces less energy per installed megawatt) than hydro or thermal generation. However, when wind farms are generating, hydro inflows can be held in storage. When wind generation is low, reserved hydro capacity can make up for the shortfall. Wind variability tends to be over a few days, while hydro storage varies over a longer timeframe (typically six months), so wind and hydro together make an excellent combination for a secure supply.

Electricity is a Necessity for Modern Life

4. The electricity system, from its generation to its local distribution, is critical infrastructure in the New Zealand economy. Over the past 120 years electricity has reshaped how New Zealanders live and work. Electricity has also become so central to day to day life that there are frequently no substitutes, yet its availability is often taken for granted. This is due to its unique advantages over other forms of energy, specifically:
 - flexibility – it can be transmitted over large distances instantly in the quantity required;
 - versatility – it can be converted into three major uses of energy: heat, light and motion power;
 - efficiency – it can be controlled and used with unparalleled precision; and
 - availability – it can be produced from a number of different sources.
5. As a result, reliable and cost-effective access to electricity is fundamental to the on-going growth of both New Zealand and its economy.
6. Demand for electricity has increased consistently over the past 20 years. Electricity consumption has increased since 1990 at an average growth rate of 2% per annum. While it is difficult to determine longer term trends in demand growth rates from observed trends, most analysts have assumed that demand growth would continue at around 1.3% to 2% per annum accepting that shorter term variations would occur. Although energy efficiency and conservation measures provide a contribution to reducing demand in the future, they are not sufficient in themselves to meet anticipated future demand. This will require significant investment in planning and construction of new generation facilities.

While a number of technologies are options for fulfilling supply demand, hydro, wind and geothermal are economic propositions now which depend on the identification of new sites which have the resource with the appropriate attributes to develop. Marine and solar are technologies of the future. Given the generation resources of the South Island, it is highly likely that new generation developed will be either hydro or wind based (i.e. rivers in Canterbury or West Coast and wind resources in Southland and Otago).

7. Consistent electricity supply is also critical to the on-going operation of communication networks and other infrastructure, as well as the operation of banks, hospitals, schools and other public and private institutions that are the fabric of social, economic, and cultural wellbeing and the health and safety, of people and communities.
8. Given the above, it is important that New Zealand's electricity infrastructure and associated activities to establish maintain and operate that infrastructure is recognised in regional and district planning document as being nationally significant and that undue constraints are not placed on the development, operation and maintenance of this infrastructure.

Renewable Energy and Government Policy

9. Electricity is vital to everyday life in New Zealand. It provides a critical contribution to the economy – it underpins and integrates the functioning of the New Zealand economy. Electricity has enabled economic growth throughout New Zealand and will continue to do so in the future. Reliability of supply of electricity is critical to economic growth and social well-being.
10. The New Zealand Government recognises that the electricity sector plays a critical role in underpinning the Government's growth and is vital to achieving its objective of sustainable economic development.
11. The Emissions Trading Scheme legislation is in force and will impose liabilities on electricity generators relying on fossil fuels. Such policies aim to reduce emissions and in doing so promote renewable energy generation.
12. The *New Zealand Energy Strategy* and the *New Zealand Energy Efficiency and Conservation Strategy* are currently under review. Drafts were released for submissions in July 2010. The Draft Energy Strategy continues with the previous Government's aspirational, but achievable, target that 90% of electricity generation should be from renewable sources by 2025 (in an average hydrological year) providing this does not affect security of supply. The Draft Energy Strategy also continues with priorities to reduce energy-related greenhouse gas emissions, with an economy-wide target for a 50% reduction in New Zealand's carbon-equivalent net emissions, compared to 1990 levels, by 2050.
13. The Government has not rescinded the previous government's National Policy Statement on electricity transmission and has recently gazetted the National Policy Statement for Renewable Energy. In particular, the preamble to the NPS on Electricity Transmission notes that:

"ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the

government's objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required."

14. The policies attached to the National Policy Statement for Renewable Energy 2011 seek to:
 - Recognise the national significance of the benefits of renewable energy activities;
 - Acknowledge the practical constraints associated with the development, upgrading, maintenance and operation of new and existing renewable energy generation activities;
 - Enabling identification of renewable electricity generation possibilities; and
 - Supporting small and community scale renewable electricity generation.
15. Finally, for the status of renewable generation options, an even more important point is that the new government has shown no inclination to rescind ratification by New Zealand of the Kyoto Protocol and New Zealand has continued to participate in international discussions aimed at developing an agreement to take the place of the Kyoto Protocol from the beginning of 2013. The proposed action that the government took to the round of negotiations in Copenhagen in December 2009 was that, subject to securing a global agreement, New Zealand aim to reduce its greenhouse gas emissions to between 10% and 20% below their 1990 levels by 2020.
16. In addition to the Government initiatives outlined above, sections 7(i) and 7(j) of the Resource Management Act 1991 ("RMA") expressly require all persons exercising functions and powers under it to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. These include having particular regard to these matters in the preparation of regional and district planning documents).
17. Meridian submits that these matters should be taken into account to ensure there is an enabling policy framework for renewable energy production statutory planning documents are being prepared and determined.
18. Meridian is firmly committed to assist the Government meet its national targets on renewables and assist local communities to meet their energy needs in a way that is sustainable and seeks to minimise effects on local natural and physical resources.

SECTION C: REASONS FOR SUBMISSION

1. Meridian's primary interest in the Otago Region relates to the land area proposed for Project Hayes. Project Hayes is a proposal by Meridian to establish, build and operate a wind farm on the Lammermoor Range to the west of Old Dunstan Road. The site is situated within the Central Otago District and is located approximately 69 km to the north-west of Dunedin City, approximately 40 km to the south of Ranfurly and 15 km west of Middlemarch.
2. Project Hayes is intended to ensure that the South Island has a balanced and secure supply of electricity generation over the coming years. The proposed development will cover approximately 92 km² and will include up to 176 wind

turbines. The annual production from the wind farm will generate enough energy to supply up to 263,000 homes on an annual basis.

3. Meridian lodged resource consent applications with the Central Otago District Council ("CODC") in July 2006 and with the Otago Regional Council ("ORC") in October 2006.
4. Resource consents were granted by both the CODC and ORC. However, the Councils' decisions were appealed to the Environment Court and the Environment Court cancelled the decisions of the CODC and ORC in their decision dated 28th of October 2009¹. Meridian appealed the Environment Court's Decision to the High Court, and the High Court decision was released on the 16th of August 2010. The High Court upheld Meridian's appeal, and referred the case back to the same division of the Environment Court which heard the application².
5. Meridian is also a landowner in the Otago Region and has an interest in how PC2 may affect existing water permits and land use activities.
6. Against this background, Meridian's detailed submission points are made in Part Two below.

¹ Judge JR Jackson, Environment Court Commissioner HA McConachy, Environment Court Commissioner AJ Sutherland and Deputy Environment Commissioner KDF Fletcher (28.10.2009) *Environment Court Decision C103/2009*.

² Judges Chisholm, J. and Fogarty, J. (16.08.2010) *Meridian Energy Ltd v Central Otago District Council*, High Court Dunedin: CIV-2009-412-980 (Reference Number 100819CA-2780).

PART TWO: OVERVIEW AND BACKGROUND (REASONS FOR SUBMISSION)

Submission 1 - Objective 10.3.1

1. Objective 10.3.1 is supported by Meridian. The objective provides appropriate direction to resource users with respect to the management expectations for wetland values in the Otago Region. Meridian considers the focus on the maintenance or enhancement of wetland values to be an appropriate management expectation and one which would allow for the modification of wetland systems in exchange for the enhancement of alternative sites.
2. Meridian seeks the following relief from the Otago Regional Council:
 - Retain Objective 10.3.1 as notified in Plan Change 2.
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 2 - Policy 10.4.1

1. Policy 10.4.1 sets out the characteristics by which wetlands can be identified as being 'regionally significant' in the Otago Region. Plan Change 2 has proposed the introduction of three new characteristics / identification criteria in Policy 10.4.1; being (i) a high diversity of indigenous flora and fauna, (ii) regionally significant habitat for waterfowl, and (iii) significant hydrological values including maintaining water quality, low flows, or reducing flood flows.
2. Meridian considers that the new characteristics / identification criteria listed in A7 to A8 of Policy 10.4.1 effectively duplicate the matters already listed in A1 to A6. In this regard, the characteristic of "*high diversity of indigenous flora and fauna*" is captured by matters A1, A2, A3, A4 and A5. Likewise, the characteristic of "*regional significant habitat for waterfowl*" is already captured by matters A1, A2 and A3.
3. In light of the above, Meridian submits that the inclusion of the new characteristics / identification criteria listed in A7 to A8 is unnecessary and should be deleted from Policy 10.4.1.
4. Meridian seeks the following relief from the Otago Regional Council:
 - Amend Policy 10.4.1 as follows:

"The regionally significant wetland values of Otago's wetlands are:

A1 *Habitat for regionally, nationally or internationally rare or threatened species or communities;*

A2 *Critical habitat for the life cycles of indigenous fauna which are dependent on wetlands;*

A3 *High diversity of habitat types;*

- A4 Wetland with a high degree of naturalness;
- A5 Wetland scarce in Otago in terms of its ecological or physical character;
- A6 Wetland which is highly valued by Kai Tahu for mahika kai or other waahi taoka;
- ~~A7 High diversity of indigenous flora and fauna;~~
- ~~A8 Regionally significant habitat for waterfowl; and~~
- A79 Significant hydrological values including maintaining water quality or low flows, or reducing flood flows."

- Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 3 - Policy 10.4.1A

1. Policy 10.4.1.A defines what constitutes a Regionally Significant Wetland for the purpose of Plan Change 2. In this regard, Regionally Significant Wetlands are those wetlands which are identified in Schedule 9, or a wetland within a wetland management area in Schedule 9, or a wetland that happens to be located at an elevation higher than 800 metres above sea level.
2. Meridian supports the identification and classification of wetlands as Regional Significant Wetlands via ground-truthing and incorporation in Schedule 9. Meridian is, however, opposed to the arbitrary classification of wetlands as 'regionally significant' purely because they exist at an elevation higher than 800 metres.
3. Many of the wetlands at elevations higher than 800 metres will be located in, and amongst, areas of pasture and will have been extensively modified from their natural state. As such, it cannot be stated that any wetland at an elevation higher than 800 metres will exhibit the habitat, flora, fauna or cultural values identified in Policy 10.4.1 as being characteristics of Regionally Significant Wetlands.
4. Furthermore, it is inappropriate to place more restrictive management requirements on wetlands higher than 800 metres via the policy and rule framework of Plan Change 2 when the exact values of those wetlands are not known. Meridian considers that only those wetlands which have been identified and classified as being 'significant' based on an assessment against the characteristics set out in Policy 10.4.1 should be classified as Regionally Significant Wetlands.
5. Meridian seeks the following relief from the Otago Regional Council:
 - Amend Policy 10.4.1A as follows:

"A Regionally Significant Wetland is:

 - (a) *A wetland identified in Schedule 9 (this not a wetland management area); or*
 - (b) *A wetland physically within a wetland management area listed in Schedule 9. or*
 - ~~(c) A wetland higher than 800 metres above sea level.~~
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 4 - Policy 10.4.2

1. Meridian consider that the approach to the management of adverse effects in Policy 10.4.2 is overly restrictive and that the policy fails to acknowledge that the remediation or mitigation of adverse effects may be appropriate in more circumstances than simply when adverse effects cannot be avoided. The issue of what prominence is given to the avoidance, remediation or mitigation of adverse effects will depend on the facts of a particular case and the application of section 5 of the RMA to those facts. A judgement of the options must be made by decision-makers which allows a comparison of conflicting considerations and the scale or degree of them.
2. In addition, the approach of prioritising the avoidance of adverse effects is not considered to reflect the intent of Objective 10.3.1. In this regard, the objective is focused on the maintenance or enhancement of wetlands and their values. Meridian considers that such a desired outcome does not preclude the use of remediation and mitigation techniques to address the effects of activities on wetlands in the manner set out in Policy 10.4.2.
3. Given the above, Meridian considers that Policy 10.4.2 should be amended to reflect that section 5(2)(c) of the RMA is not a strict hierarchy and that the remediation or mitigation of adverse effects on wetlands may be entirely valid measures to ensure a proposal achieves the sustainable management of natural and physical resources.
4. Meridian seeks the following relief from the Otago Regional Council:
 - Delete Policy 10.4.2 and replace it with the following:

"The adverse effects of activities on Regionally Significant Wetland shall be avoided where practicable and, otherwise, remedied or mitigated."
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 5 - Policy 10.4.2A and Section 17.1

1. Meridian supports the use of financial contributions to improve or enhance wetland values where the adverse effects of activities on Regionally Significant Wetlands cannot be avoided, remedied or mitigated. For this reason, the Company is supportive of Policy 10.4.2A and the mechanism it creates to allow for the use of financial contributions.
2. Notwithstanding its support for Policy 10.4.2A, Meridian is concerned with the explanation to the use of financial contributions provided in Section 17.1 of Plan Change 2. In this regard, Section 17.1 states that financial contributions may apply to the offsetting of adverse effects that cannot be fully avoided, completely remedied, or adequately mitigated. This explanation suggests that financial contributions will be used to address residual effects which cannot be avoided, remedied or mitigated. This is not consistent with the direction offered in Policy 10.4.2A, where it is stated that financial

contributions are an available mechanism where the direct avoidance, remediation or mitigation of effects is not possible – potentially due to the nature of works proposed.

3. Given that the RMA is not a 'no effects' statute, Meridian considers that the explanation in Section 17.1 of Proposed Plan Change 2 requires amendment to reflect the direction actually provided towards the use of financial contributions in Policy 10.4.2A.
4. Meridian seeks the following relief from the Otago Regional Council:
 - Amend the sixth paragraph of Section 17.1 as follows:

"Works and services apply to remediation or mitigation activities, while financial contributions may apply to the offsetting of adverse effects that cannot be directly fully avoided, or completely remedied or, in the Council's opinion, adequately mitigated, perhaps due to the nature of activity that needs to occur within the vicinity of the Regionally Significant Wetland."
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 6 – Rule 12.1.1A.1

1. Meridian considers that it should be explicit that the direct take and use of water from any Regionally Significant Wetland is a non-complying activity under Rule 12.1.1A.1 of Plan Change 2. Many of the Regionally Significant Wetlands identified in Schedule 9 border, or form parts of, rivers or lakes. For example, the Upper Taieri Wetland Complex effectively forms part of the Taieri River. As such, Rule 12.1.1A.1 should be made explicit that only a proposed take of water directly from an area identified as a Regionally Significant Wetland should be a non-complying activity.
2. In addition to the above, Rule 12.1.1A.1 highlights the issue with any wetland above 800 metres in elevation being classified as a Regionally Significant Wetland. In this regard, where the boundaries of wetlands are not clearly defined (as is the case with those above 800 metres) it can become difficult to determine whether a proposed take of water is 'from' a wetland or a river or lake. As such, it is important that all Regionally Significant Wetlands are mapped and defined so that rules such as Rule 12.1.1A.1 can be enforced effectively.
3. Meridian seeks the following relief from the Otago Regional Council:
 - Amend Rule 12.1.1A.1 as follows:

*"Unless covered by Rules 12.1.1.1, 12.1.1.2, 12.1.2.1 and 12.1.2.3, the taking and use of surface water directly from any Regionally Significant Wetland is a **non-complying activity.**"*
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 7 – Rules 12.1.2.4, 12.1.2.5, 12.1.2.6, 12.2.2.5, 12.2.2.6, 12.3.2.1, 12.3.2.2, 12.3.2.3, 12.5.1.1 and 13.5.1.3

1. Meridian is opposed to the proposed amendment to the permitted activity conditions of Rules 12.1.2.4, 12.1.2.5, 12.1.2.6, 12.2.2.5, 12.2.2.6, 12.3.2.1, 12.3.2.2, 12.3.2.3, 12.5.1.1 and 13.5.1.3, which now refer to there being “no change to the water level or hydrological function, or no damage to the flora, fauna or its habitat, in or on any Regionally Significant Wetland”. Meridian considers that this permitted activity condition fails to provide certainty to enable compliance to be objectively assessed. In this regard, a determination as to whether a take of water (or other activity) will change the hydrological function of a wetland or damage habitat requires a subjective analysis and is not suitable as a condition on a permitted activity rule.
2. Meridian seeks the following relief from the Otago Regional Council:
 - Delete all clauses in Rules 12.1.2.4, 12.1.2.5, 12.1.2.6, 12.2.2.5, 12.2.2.6, 12.3.2.1, 12.3.2.2, 12.3.2.3, 12.5.1.1 and 13.5.1.3 which state:

“There is no change to the water level or hydrological function, or no damage to the flora, fauna or its habitats, in or on any Regionally Significant Wetland.”
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 8 – Rules 12.1.4.8, 12.2.3.4, 12.3.3.1, 12.4.2.1, 12.5.2.1, 13.2.2.1 and 13.3.2.1

1. Rules 12.1.4.8, 12.2.3.4, 12.3.3.1, 12.4.2.1, 12.5.2.1, 13.2.2.1 and 13.3.2.1 all refer to the Otago Regional Council considering whether any financial contribution is required for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected by a water take (or other activity).
2. Meridian consider that the assessment matter in the various rules regarding the need for a financial contribution should more accurately reflect Policy 10.4.2A as to the circumstances when a financial contribution may be required. In particular, the various rules should reflect that a financial contribution may be required in circumstances where the direct avoidance, remediation or mitigation of adverse effects is not possible (perhaps due to the nature of the activity proposed). Such an amendment will ensure there is consistency between the policies and rules of Plan Change 2 as to the circumstances when a financial contribution may be necessary / appropriate.
3. Meridian seeks the following relief from the Otago Regional Council:
 - Delete all clauses in Rules 12.1.4.8, 12.2.3.4, 12.3.3.1, 12.4.2.1, 12.5.2.1, 13.2.2.1 and 13.3.2.1 regarding the consideration of the need for a financial contribution and replace them with the following:

"In circumstances where adverse effects on Regionally Significant Wetlands cannot be avoided, remedied or mitigated, whether a financial contribution is necessary and the appropriate value of any contribution."

- Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 9 – Rule 12.3.1A.1

1. Rule 12.3.1A.1 states that any damming or diversion of water that 'affects' the water level of any Regionally Significant Wetland is a non-complying activity. Meridian considers that the drafting of Rule 12.3.1A.1 fails to provide adequate certainty to resource consent applicants as to whether a proposed dam or diversion will be a non-complying activity. In this respect, a determination as to whether a diversion will 'affect' the water level of any Regionally Significant Wetland requires a subjective analysis and is not suitable language for determining whether is non-complying or not.
2. In addition, it is unclear why a diversion of water is treated differently compared to the taking and use of surface water. Rule 12.1.1A.1 appears to only apply to direct takes from Regionally Significant Wetlands (although Meridian's submission has sought to clarify this) and does include the qualifier regarding water takes that 'affect' the water level of any Regionally Significant Wetland. Given that many resource consent applications will involve the take and diversion of water it is inappropriate to treat diversion activities differently from water takes.
3. Meridian considers that it should be explicit that the direct damming and diversion of water from any Regionally Significant Wetland is a non-complying activity under Rule 12.3.1A.1 of Plan Change 2. Many of the Regionally Significant Wetlands identified in Schedule 9 border, or form parts of, rivers or lakes. For example, the Upper Taieri Wetland Complex effectively forms part of the Taieri River. As such, any diversion upstream of the Upper Taieri Wetland Complex would be a non-complying activity under Rule 12.3.1A.1 given that they would 'affect' the water level of any Regionally Significant Wetland.
4. Finally, Rule 12.3.1A.1 appears to have been drafted on the premise that change in the water level of a Regionally Significant Wetland will create adverse effects. However, in many circumstances a diversion may improve water flow to a wetland which will enable the enhancement of wetland values. In these circumstances a non-complying activity status is considered to be overly restrictive.
5. Meridian seeks the following relief from the Otago Regional Council:

- Amend Rule 12.3.1A.1 as follows:

"Unless covered by Rules 12.3.1.1 to 12.3.1.4, and 12.3.3.1(i):

- (i) The direct damming or diversion of water ~~from~~ ~~or~~ within any Regionally Significant Wetland; ~~or~~*
- (ii) ~~The damming or diversion of water that affects the water level of any Regionally Significant Wetland.~~*

is a non-complying activity.

- Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

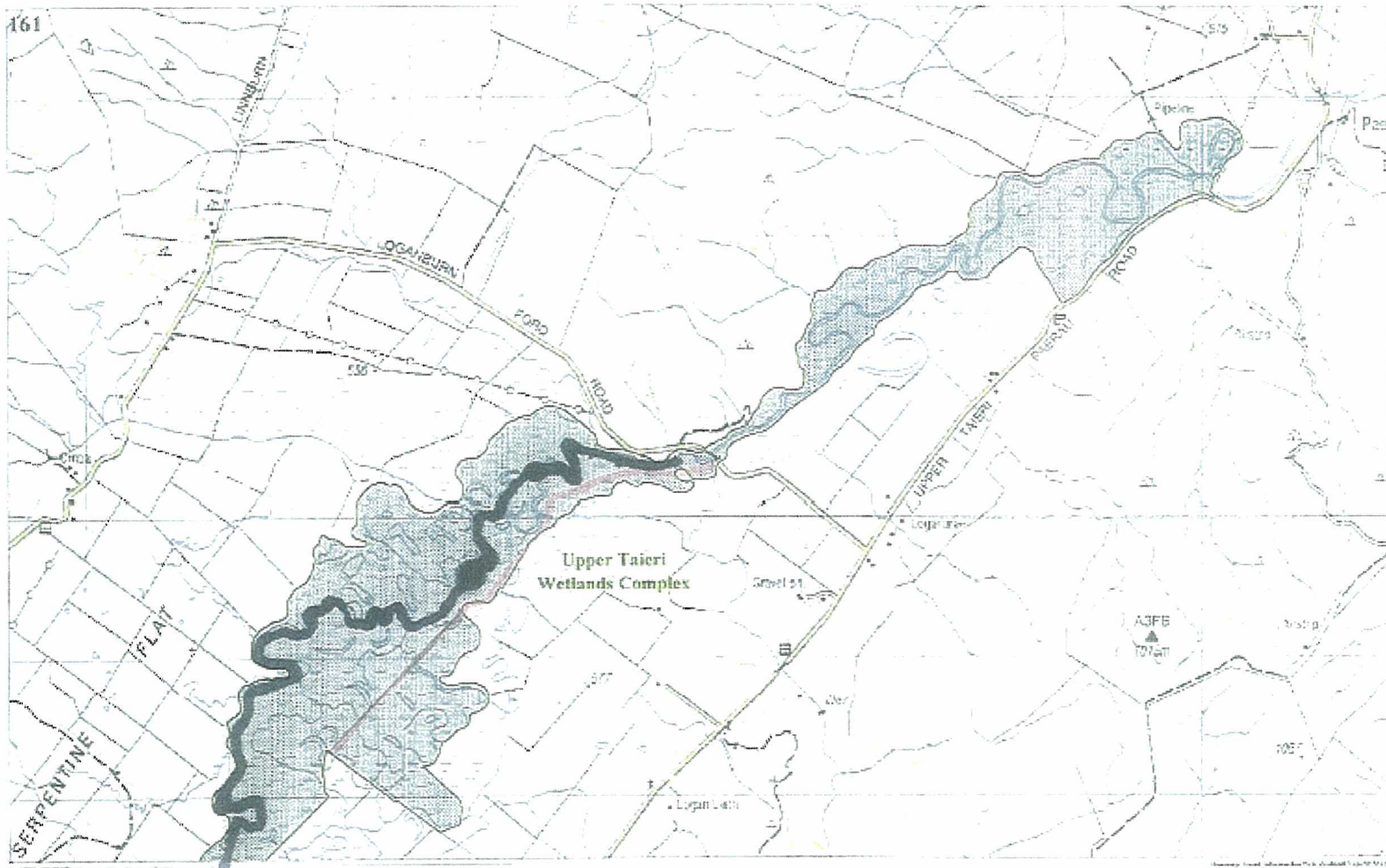
Submission 10 – Schedule 9 and Maps F29 and F30

1. Meridian supports Maps F29 and 30 which identify the boundaries of the Great Moss Swamp, which is identified as being a Regionally Significant Wetland. Meridian's support for Maps F29 and 30 is on the basis that the boundaries of the wetland now more accurately reflect the existing human influences within the area. In particular, the wetland boundaries break for the roads that cut across the margins of the wetland.
2. Meridian seeks the following relief from the Otago Regional Council:
 - Retain Maps F29 and 30 as notified in Plan Change 2.
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Submission 11 – Schedule 9 and Map F26

1. Meridian opposes Schedule 9 and Map F26 as it relates to the identified boundary of the Upper Taieri Wetlands Complex. In this regard, Meridian does not consider that that the south-eastern boundary of the Upper Taieri Wetland Complex (i.e. the boundary closest to the Upper Taieri Paerau Road) defined in Map F26 accurately reflects the true extent of the wetland complex. Much of the area within the south-eastern boundary of the Upper Taieri Wetland Complex is actually pasture, which is regularly utilised to graze stock. In particular, the area in question does not contain the hydrological characteristics of a wetland and it does not contain any of the ecological or habitat values identified in Policy 10.4.1 of Plan Change 2.
2. In light of the above, Meridian submit that the boundary of the Upper Taieri Wetland Complex should be altered, as outlined in Annexure One to this submission, so that it only captures those areas with the hydrological and ecological characteristics of a wetland – and not areas which are pasture. This will ensure consistency in the treatment of those properties to the west and east of the land affected by this classification.
3. Meridian seeks the following relief from the Otago Regional Council:
 - Amend the boundary of the Upper Taieri Wetland Complex to reflect the approximate boundary changes outlined in Annexure One to this submission (changes to boundary indicated in pink).
 - Any similar or consequential amendments to Plan Change 2 that stem from the submissions and general relief sought.

Annexure One
Proposed Boundary Changes to Upper Taieri
Wetlands Complex (Map F26)



Key

Regionally significant wetland

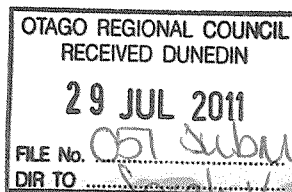
0.5 0 0.5 1
kilometres

Source: NZLRI, NZLRI, Crown Copyright

**Proposed Plan Change 2
Regionally Significant Wetlands
Map F26**



Updated 3 July 2013



Otago Regional Council
Private Bag 1954
Dunedin 9054

Submission Form -
Form Name: Proposed Plan
Change 2
Application ID: ORCNDFCH1/17
Application Date: July 29, 2011
Applicant Name: Vivienne Kerr
Application Status: New

ORCNDFCH1

Submission Form - Proposed Plan Change 2

(Regionally Significant Wetlands)

to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

SUBMITTER DETAILS

1A Contact details: *

Name: Vivienne Kerr
Address: RD 1 Waikouaiti
City: Otago
Phone: 03 4657856
Email: vivk17@hotmail.com

1B

Organisation name (if applicable): ()
Postcode: (9471)
Fax no: ()

1C I wish to be heard in support of my submission:*

No

1D If others made a similar submission, I will consider presenting a joint case with them at a hearing:*

No

Please note that all submissions are made available for public inspection.

Trade competitor's declaration

(if applicable)

- 1E** No (not checked) I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

ORCNDFCH1

Submission Form - Proposed Plan Change 2

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM FRIDAY 29 JULY 2011

2A The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

R001, R002, R003, R004, R005, R016, R017, R018, R019 & R020

2B My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

I am in support of the proposed plan change, but wish to make the following comments.

I am concerned that in the Proposed Plan Change 2 of 2nd July 2011 the Introduction (R001) and the Issues (R002, R003, R004) as in draft of May 2010 have been removed and the that the Objective (R005) has been reduced to a single statement. Also that the 'Anticipated Environmental Effects' (R016, R017, R018, R019) have been removed, as has reference to monitoring (R020).

I believe this has the effect of downplaying the essential role wetlands play in the ecosystems of the Otago region in the plan document and in the public mind .

I request that parts R001, R002, R003, R004, R005, R016, R017, R018, R019 & R020 as they appear in the draft document of May 2010, be re-instated in the final plan.

I also suggest that a statement on the importance of wetlands be included in each & every consent to ensure that the public are reminded of the essential part wetlands play in the ecology of the Otago region.

I also propose that a "register of interest" , or similar, be established by which those with an interest in the ecological health (including, but not limited to owners and/or lessees of Regionally Significant Wetlands) be notified of all consent applications (new & renewed) in the (geographical) catchments of those wetlands that may impact on those wetlands.

2C I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

The decision I seek is that the consent authority approve the proposed plan 2 change with the following ammendment, I request that parts R001, R002, R003, R004, R005, R016, R017, R018, R019 & R020 as they appear in the draft document of May 2010, be re-instated in the final plan.

2D Please upload any documents in support of your submission:

[No files have been uploaded]

Click on **Finish** to send your submission to the Council.

2E Office use only

Submission redirected to:



CLUTHA DISTRICT COUNCIL

34

Address all correspondence to:
The Chief Executive

Our Reference

RECEIVED
29 JUL 2011
BY: *sf* 1:56pm

SP15/8

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
29 JUL 2011
FILE No *PP/WP/PC2/subs*
DIR TO *Sarah V.*

29 July 2011

Otago Regional Council
Private Bag 1954
DUNEDIN 9054

Dear Sir/Madam

SUBMISSION ON PROPOSED PLAN CHANGE 2, REGIONAL PLAN WATER

Enclosed please find the submission of the Clutha District Council on this proposed Plan Change. If you have any queries, please contact me directly.

Yours sincerely

Murray Brass
PLANNING AND ENVIRONMENT MANAGER

Form 5
Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

To: **OTAGO REGIONAL COUNCIL**

Name of submitter: **CLUTHA DISTRICT COUNCIL**

This is a submission on a proposed change to the following plan (the **proposal**):

Regional Plan: Water for Otago Proposed Plan Change 2 (Regionally Significant Wetlands).

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

The specific provisions of the proposal that our submission relates to are:

Provisions relating land use activities and impacts.

Our submission is:

The Clutha District Council considered the proposed Plan Changes at its Regulatory Services Committee meeting on 28 July 2011, and has adopted this submission.

Overall, the Council supports the proposed Plan Change. Wetlands have significant biodiversity values, and fulfil vital roles in catchment functioning. The Clutha District is like most of New Zealand in having lost the vast majority of its wetlands. Council therefore supports appropriate protection for remaining significant wetlands.

The Clutha District Plan is currently in the process of review, and it will be written so as to integrate with the Regional Plan: Water provisions – ie where there are land use activities that are not covered in the Regional Plan, the District Plan should address impacts on wetlands (eg activities on wetland margins), but where the Regional Plan does address activities we will not seek to replicate those controls. We also note that given the more extensive coverage of wetlands in the Clutha District now proposed for the Regional Plan, we are unlikely to require any second tier or ‘local’ wetland controls in the District Plan.

However, to achieve the best environmental results there is also a need for non-regulatory measures. We note that the Clutha District Council now provides biodiversity funding which is available for wetland protection and enhancement, and there is scope to usefully collaborate more with the Otago Regional Council and other territorial authorities.

In terms of the specific content of the Proposed Plan Change, we make the following comments:

Policy 10.4.2

Council considers the requirement to always avoid adverse effects where possible is too strict and inflexible. It is counter to the regime set up in Part 5 of the RMA, which treats ‘avoid’, ‘remedy’ and ‘mitigate’ equally, and is also contrary to the established principle

that the Act contemplates that activities can have adverse effects and still be acceptable. If this provision remains it is inevitable that proposals will be opposed on the basis that effects can always be avoided by not doing anything.

Policy 10.4.2A

Council supports the use of financial contributions to offset adverse effects, as they can help ensure the best environmental outcome.

Policy 10.4.6

Council supports monitoring and provision of information, and suggests that this could usefully be done in coordination with TAs and other agencies

Chapter 13 Rules

Council strongly support the addition of Regionally Significant Wetlands into existing rules controlling activities on lake and river beds. This addresses an existing gap between the Regional Council and Territorial Authority functions, which allowed significant impacts on wetlands from activities such as the erection of structures, disturbance, planting, and vegetation removal.

Rule 13.6.2

The rule as currently written would allow the planting of any native plant. However, some native plants can be inappropriate in wetlands (eg non-wetland species which could be invasive or encourage succession away from wetland species, or non-local genetic stock). This rule could be re-worded to address this.

Schedule

Council supports the inclusion of additional wetlands in the Clutha District, recognizing that the affected landowners need to be involved in finalising the details of wetland boundaries.

We seek the following decisions from the local authority:

Policy 10.4.2

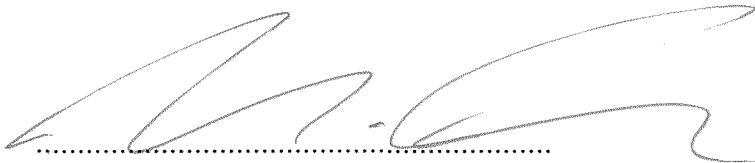
- Delete the sentence “Remedying of mitigating adverse effects will be considered only where those effects cannot be avoided”.

Rule 13.6.2 Either:

- Restrict native plants to wetland species which are native to the area; or
- Add a new condition “(d) There is no change to the water level or hydrological function, or no damage to the flora, fauna or its habitat, in or on any Regionally Significant Wetland”.

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.



Signature of submitter
(or person authorised to sign
on behalf of submitter)

29-July-11

Date

Address for service of
submitter:

PO Box 25, Balclutha 9240

Telephone:

03 419 0200

Fax/email:

murray.brass@cluthadc.govt.nz

Contact person:

Murray Brass, Planning and Environment Manager

35



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands)
to the Regional Plan: Water for Otago
Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

RECEIVED
29 JUL 2011
BY: [Signature]
Office use only

12:37

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
29 JUL 2011
FILE No. PD/WP/PCA/SC/BS
DIR TO Sarah V.

Full name of submitter: GREGORY NIANNVEY KERR

Name of organisation (if applicable):

Postal address: APES ROAD

RD1 WAIKOUAITI

Postcode: 9471

Telephone: 03-4657846

Fax:

Email: gregniannvey@actrix.co.nz

I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
(Cross out if you would not consider presenting a joint case).

Signature of submitter: [Signature]
(or person authorised to sign on behalf of person making submission).

Date: 28-7-11

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)

I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter:

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

R001, R002, R003, R004
R016, R017, R018, R019, R020

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

see attached

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

- The reinstatement of sections of Chapter 10
- Acknowledgement of the interconnectedness especially with the sea.
- Information available on catchment wide activities

Fold

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 29 JULY 2011.

Please fold and secure with a small piece of tape.

Fold

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team

Otago Regional Council Proposed Plan Change 2 **(Regionally Significant Wetlands)**

Submission from Gregory Kerr

I have lived on Apes Road near Karitane for 21 years and have connections with the local wetlands through whakapapa to Kati Huirapa, being the Runaka representative on the Hawksbury Lagoon Committee, a member of the East Otago Taiapure and part of the core group of River-Estuary Care: Waikouaiti-Karitane.

The salt marsh system of the Waikouaiti River Estuary / Hawksbury Lagoon was once the largest on the Otago Coast. It is now one of the most modified and has been so regulated that the natural cycles of changing environment have largely been eliminated. Many local initiatives are aiming at reversing this.

Takata Whenua culture is shaped by tidal and seasonal changes, based on observation and sometimes dependence on environmental resources. This knowledge is based on an understanding of physical processes, it is revealed in proverbs and the arts and encapsulates mankind's oneness with the natural environment and hence the need to uphold conservation practices.

Nationally 10% of our original wetlands are left. Less than half are legally protected compared to 80% for remaining native forest.

I largely support the Proposal but wish to make the following comments;

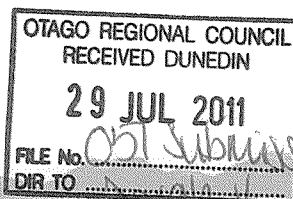
- A statement on the importance of wetlands should be present, so it can be linked or written into future consents.
- With regard to the above, I think Chapter 10's Introduction (R001), Issues (R002, R003, R004) and Anticipated Environmental Results (R016, R017, R018, R019, R020) sections should be reinstated from the Draft version.
- It is really pleasing to see our local wetlands included and expanded in the Proposed Plan Change 2. It may be better to regard them as one "complex", interconnected to each other and to the sea. Acknowledgement of this 2-way relationship and the vital link it plays in the lifecycles of so many species should be included.
- The possibility of a notification process that would inform interested parties with regard to any new activity neighbouring or within the catchment of a Regionally Significant Wetland whether a Resource Consent is needed or not. This would give us a "heads up" on any possible impacts.
- The Trustees of the Waikouaiti Maori Reserves, as legal owners were not informed of the Proposed Plan Change 2. Parts of 4 Reserves fall within identified Regionally Significant Wetlands.

Thank you for this opportunity.

Yours sincerely,



Greg Kerr
Apes Road
RD1 Waikouaiti
9471



Otago Regional Council
Private Bag 1954
Dunedin 9054

Submission Form -
Form Name: Proposed Plan
Change 2
Application ID: ORCNDFCH1/18
Application Date: July 29, 2011
Applicant Name: HERB FOX
Application Status: New

ORCNDFCH1

Submission Form - Proposed Plan Change 2

(Regionally Significant Wetlands)

to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

SUBMITTER DETAILS

1A Contact details: *

Name: HERB FOX
Address: x
42C QUARANTINE RD
City: NELSON
Phone: 035474695
Email: nelmobo@xtra.co.nz

1B

Organisation name (if applicable): ()
Postcode: ()
Fax no: ()

1C I wish to be heard in support of my submission:*

No

1D If others made a similar submission, I will consider presenting a joint case with them at a hearing:*

No

Please note that all submissions are made available for public inspection.

Trade competitor's declaration

(if applicable)

- 1E** No (not checked) I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

ORCNDFCH1

Submission Form - Proposed Plan Change 2

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM FRIDAY 29 JULY 2011

2A The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

Map F18 at area 23 - Chapman Road

2B My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

Does it matter that Map F18 shows the wetland area on top of my driveway?

I refer to my access from Chapman Road to title ref Lot 2 DP 24020 BLK 1 FRASER SD.

The boundaries of area 23 as drawn significantly exceed any area that could be considered "wetland" when viewed from the site rather than a satellite image.

2C I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

I would like the maps to be drawn to accurately reflect the position of the "wetlands" of Dry Gully as the area is known.

2D Please upload any documents in support of your submission:

[No files have been uploaded]

Click on **Finish** to send your submission to the Council.

2E Office use only

Submission redirected to:

Submission by Transpower New Zealand Limited on Plan Change 2 (Regionally Significant Wetlands) Regional Plan: Water: Otago Regional Council

July 2011

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
29 JUL 2011
FILE No. 001 Submissions
DIR TO Sarah W.

Keeping the energy flowing



TRANSPOWER



ADDRESS FOR SERVICES

David le Marquand
Burton Planning Consultants Limited
Level 1, 2-8 Northcroft Street
PO Box 33-817 Takapuna
AUCKLAND 0740
Tel: 09 917 4303
Email: dlemarquand@burtonconsultants.co.nz

File: 96/135

APPROVED FOR RELEASE



Mike Hurley – Environmental Advisor
On behalf of the Environment, Strategy and Approvals Manager

Transpower New Zealand Ltd
PO Box 1021
Wellington 6140

Tel: 04 439 7244

Note: This is not the address for service

**NOTICE OF SUBMISSION TO THE PROPOSED PLAN CHANGE 2
(REGIONALLY SIGNIFICANT WETLANDS) REGIONAL PLAN: WATER
FOR OTAGO PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF
THE RESOURCE MANAGEMENT ACT 1991**

A. INTRODUCTION

Transpower New Zealand Limited (“Transpower”) is the State Owned Enterprise that owns, maintains, operates and develops New Zealand’s high voltage transmission network, the National Grid. The National Grid comprises of a network of steel towers, poles, lines and substations which transports the electricity generated by power stations to the distribution networks of each region, which in turn conveys electricity energy to domestic, commercial and industrial users in the region.

The National Grid comprises some 12,000 route km of transmission lines and some 182 substations. This is supported by a telecommunications network of some 300 telecommunication sites which help link together the components that make up the National Grid.

Statutory Considerations

Under the Resource Management Act 1991 (RMA), Transpower’s electricity infrastructure is a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated. RMA section 30(1)(gb) sets, as a further responsibility for regional councils’, to manage the strategic integration of infrastructure with land use.

The National Policy Statement on Electricity Transmission 2008 (NPSET) confirms the national significance of the resource and the need to appropriately manage activities and development close to it. The objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

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

Section 67(3)(a) of the RMA requires a Regional Plan to give effect to a National Policy Statement (NPS).¹

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

¹ The Ministry for the Environment has released the “*Ministry for the Environment. 2010, National Policy Statement on Electricity Transmission: Implementation Guidance for Local Authorities*”. This is currently available on the Ministry’s website. This document aims to provide local authorities with direction on how the NPSET could be best given effect to through regional and district planning instruments.

National Environment Standards for Electricity Transmission Activities 2009 (NESETA) came into effect on 14 January 2010. The standards:

- Specify that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- Specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NESETA applies to existing high voltage National Grid transmission lines. The standards in the NESETA recognise and provide for the effective operation, maintenance and upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies in the NPSET. The NESETA does not apply to new lines.²

Transpower has the following assets that traverse the following regionally significant wetlands:

Waipori/Waihola Wetland Complex (167) Map F48:

The Gore – Halfway Bush 110kV single circuit line on poles. Map F48 appears to show a support structure located within the northwestern corner of the complex.

The North Makarewa- Three Mile High 220kV double circuit line on towers. Map F48 appears to show a support structure located within the northwestern corner of the complex (adjacent to the above pole) .

Great Moss Swamp Map F29

The Roxburgh – Three Mile High 220kV double circuit line on towers. There are no structures located within the wetland complex, however the conductors do traverse two arms of the wetland area.

Braeside Swamp Map 59

The Gore – Halfway Bush 110kV single circuit line on poles. The line traverses the north western edge of the swamp. However as identified above there are four sections of lines that traverse

B. TRANSPOWER SUBMISSION

Identification of such wetlands as proposed will greatly assist in any subsequent route evaluation for any new transmission line requirements within the region, and therefore the overall approach is generally supported. Furthermore it should, through this plan change identifying such areas, be possible to avoid any need for any support structures to be located within

² The Ministry for the Environment has prepared guidance to assist local authorities with reviewing and amending plans to fully incorporate the NESETA. See <http://www.mfe.govt.nz/publications/rma/neselectricitytransmissionregulations/plans1.html>.

such areas. Any lines traversing over such areas are unlikely to have any adverse effects on the functioning of the wetlands, although they may potentially have effects on amenity.

In terms of existing lines, Transpower has to maintain and upgrade existing assets. This can include the likes of conductor replacement and/or upgrade or improvement of the support structure foundations. This requires access to the support structures. Transpower does not want to be in a position of having to obtain unnecessary resource consents to carry out such works within a regionally significant wetland. At the same time Transpower recognises and supports the significance of these wetlands features. Fortunately, only the Waipori/Waihola complex potentially contains transmission support structures, while two other wetland are traversed by lines overhead, they have no physical effect on the wetlands.

Map F48 purports to identify support structures within the wetland complex. This may be the function of the scale the maps have been presented at. However, on closer inspection it appears the support structure for the lines are on the margin of the Waipori/Waihola complex (refer to attached aerial). Transpower therefore requests confirmation from Council that support structures in question are confirmed to be located outside the wetland complex.

Objective and Policies

Potential effects on the land from Transpower's support structures cannot be avoided. While some effects relating to their maintenance and upgrading may be able to remedied or mitigated, Transpower would be concerned if policy 10.4.2A (relating to financial contributions for improvement and reinstatement) were attempted to be applied at that location. Transpower would therefore like the extent of the wetland complex at this location to be reviewed and it be confirmed that existing support structures are not located within the wetland complex.

Subject to the above, Transpower supports the objective and policies.

Rules: Discharges

Transpower supports the proposed provisions as they relate to discharges. With no structures located within the wetland areas there should be no need for Transpower to be discharging any water or contaminants into such wetlands.

Rules: Land use on Lake or River Beds or Regionally Significant Wetlands

As identified Transpower only has a few short sections of three transmission lines that traverse Regionally Significant Wetlands. Rules 13.1 and 13.2 in the Operative Plan are of critical importance to the ongoing operation,

maintenance and upgrading of the National Grid. The NESETA effectively provides regulatory framework for the ongoing operation, maintenance and upgrading of existing transmission lines.

The Plan Change makes no changes to Rule 13.1. Rule 13.1.1.1 in the Plan Change permits the use of a structure that is fixed in, on, under or over the bed of any lake or river providing it is lawfully established, any change in use is of a similar scale and character and it is maintained in good repair. It is uncertain why no change was made to the "use" rule to effectively sanction existing uses (such as transmission line crossings) over wetlands. Transpower considers that it is important to provide for and clearly sanction the operation of existing lawfully established structures in or over wetlands. Nevertheless, Regulation 5 of the NESETA provides for the operation of existing transmission lines.

By contrast Rule 13.2 (erection or placement of a structure) and Rule 13.3 (extension, alteration, replacement, reconstruction or repair or maintenance) and 13.4 (demolition or removal) has been amended to refer to regionally significant wetlands. Rules 13.2.1.1 and 13.3.1.1 and 13.3.1.2 and 13.4.1.1, in particular, apply to any structures including line or cable over any Regionally Significant Wetland (subject to a number of conditions). As a consequence the maintenance and upgrading of an activity that traverses a Regionally Significant wetland would appear to be captured by the rules, but not an existing use. This is uncertain and should be addressed by including a similar amended reference to Regionally Significant Wetlands in 13.1.1.1. Transpower supports the proposed amendments to rules 13.2 to 13.6.

Rule 13.7 applies to removal and clearance of vegetation. These terms are not defined in the Plan, however it would appear they would not apply to vegetation trimming. Vegetation removal or clearance is required from time to time as a necessary part of Transpower's maintenance regime. Transpower inspects lines on an approximate six monthly basis to ensure vegetation does not pose a risk to those lines. Transpower is required by the Electricity (Hazards from Trees) Regulations 2003, to maintain an effective safe separation distance for all vegetation (approximately 4m). Vegetation trimming is undertaken in accordance with Transpower's own standard, which includes ensuring that activities are undertaken in accordance with best arboricultural practices. A line that is upgraded may also require additional trimming to provide for any extra conductor sag. However there are occasions when the best method to address and vegetation issue is removal or clearance of that vegetation. The NESETA sets out the requirements for vegetation trimming and removal in regulation 30. Vegetation cannot be trimmed or removed if it is deemed to be within a "natural area". For the purposes of the regulation it is assumed that the Regionally Significant Wetlands will meet the definition of "natural area" in the NESETA. This will mean that any trimming or removal for transmission line maintenance purposes will likely require consent as a controlled activity (Regulation 31). However, this may not be an immediately significant issue for Transpower, as the wetlands are generally characterised by low growing species.

Notification Statements

The existing notification statements in the plan refer to sections of the Resource Management Act that were repealed in the 2009 amendments. While amending the Plan through this plan change the notification statements could also be updated to reference the current notification sections of the Act.

Conclusion

Overall the proposed changes are supported, however it is necessary to confirm that there are no support structures currently located within any wetlands. Furthermore further consideration is required in terms of existing "use" of structures within wetlands and that there is adequate provision provided for vegetation removal around transmission lines.

1. General Relief Sought:

A. Amend Plan Change 2 to the Regional Plan: Water to make all required changes, including those detailed in this submission, to ensure:

- The sustainable management of the National Grid as a physical resource;
- The benefits of the National Grid are recognised;
- Appropriate provision for the ongoing operation, maintenance and upgrading of the network;
- That the existing network can be upgraded in order to meet growth in energy demand; and
- That any amendments are in accordance with the National Policy Statement on Electricity Transmission.

B. Give effect to these matters by undertaking the following:

(i) Confirming that the transmission support structures for the GOR-HWB 110kV line and NMA -TMH 220kV line are not contained within the Waipori/Waihola Wetland Complex.

(ii) Retain the objectives and policies as drafted without further modification.

(iii) Retain the amendments to the discharge rules without further modification.

(iv) Provide for the "use" of existing structures in Rule 13.1.1.1 by including after the words "any lake or river" the word "or any Regionally Significant Wetlands".

(v) Retain rules 13.2 to 13.7 without further modification.

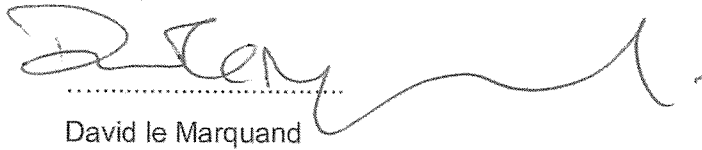
C. Amend the notification statements to reference the current notification sections of the Act.

D. Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission.

D. Adopt any other such relief as to give effect to this submission.

Dated at TAKAPUNA this 29th day of July 2011

Signature for and on behalf of
Transpower New Zealand Limited:


.....
David le Marquand

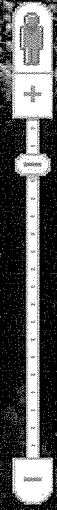
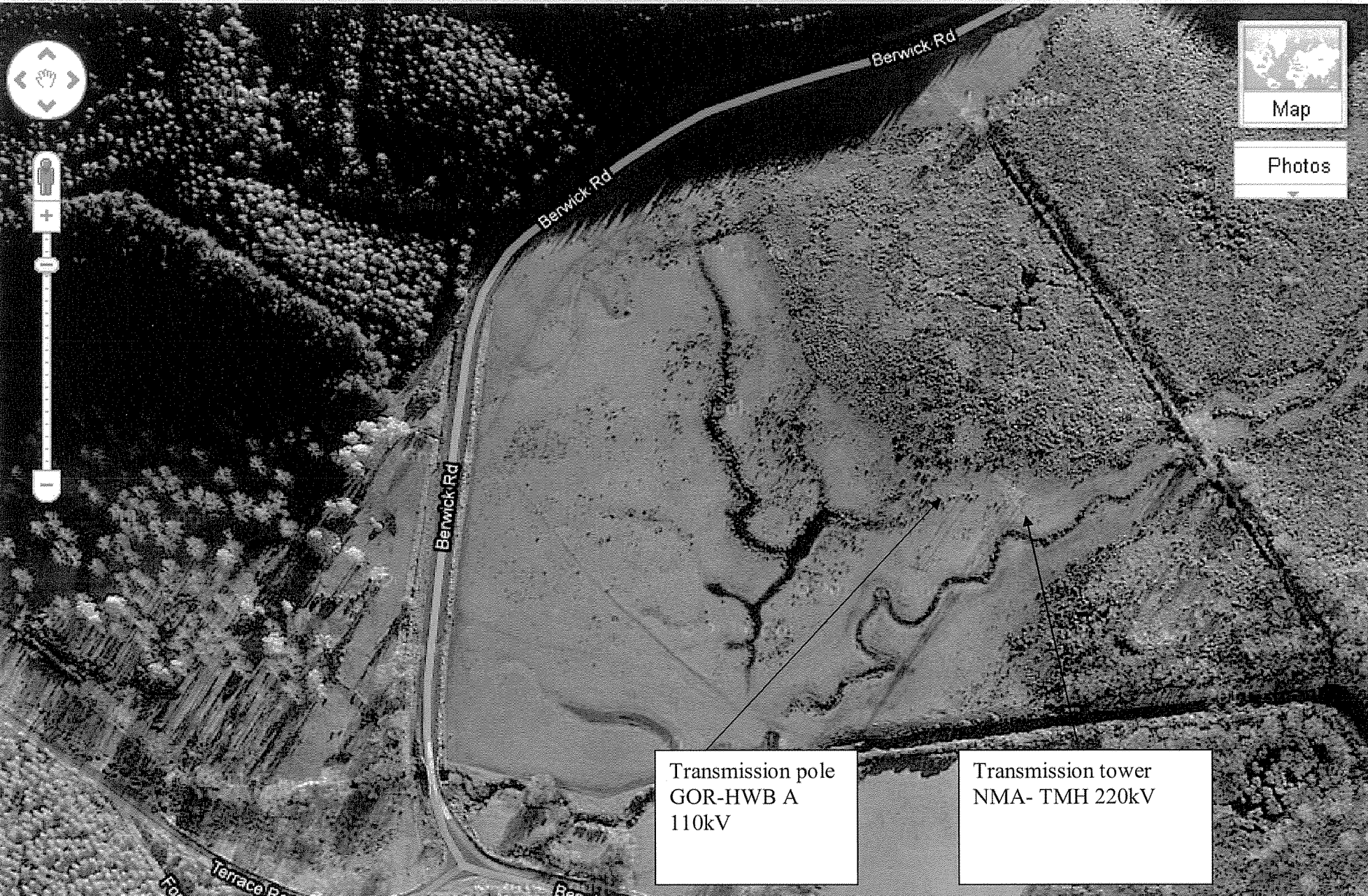
Address for service:

BURTON PLANNING CONSULTANTS LIMITED
PO Box 33-817
Takapuna, 0740
Auckland

Attention: David le Marquand

Phone: (09) 917-4303
Fax: (09) 917-4311
E-Mail: dlemarquand@burtonconsultants.co.nz

File: 96/135



Transmission pole
GOR-HWB A
110kV

Transmission tower
NMA- TMH 220kV