

BEFORE ROTORUA DISTRICT PLAN HEARINGS PANEL

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of hearings in relation to
submissions and further
submissions by
MERCURY NZ LIMITED
on Proposed Plan
Change 3 to the
**ROTORUA DISTRICT
PLAN**

**STATEMENT OF EVIDENCE OF FRASER GRAAFHUIS
FOR MERCURY NZ LIMITED**

1. INTRODUCTION

- 1.1 My name is Fraser Graafhuis. I hold the position of Planning & Policy Advisor at Mercury NZ Limited ('Mercury' or 'the Company'). I have been with the Company for eleven years and in my role, I am involved in range of resource management planning policy processes for Mercury NZ Limited. I have over 17 years planning experience within local and state government as well as the private sector, having worked in London, Sydney and now the Waikato as planner. I hold a Bachelor of Science (Resource and Environmental Planning) from the University of Waikato.
- 1.2 I am authorised to present this evidence on behalf of Mercury, in support of its primary submission and further submissions on the Proposed Rotorua District Plan (the 'PRDP').
- 1.3 My evidence addresses the following:
- Executive Summary
 - Overview of Mercury and the Waikato Hydro System;

- Ohakuri Power Station, Operations and Interests in Plan Change 3;
 - Activities and Operations Relevant to PC3 for Identified Assets
 - Mercury's Dam Safety Assurance Program (DSAP)
 - Underground Diversion Tunnel
 - Monitoring Wells, Safety Booms Anchor and Access Tracks.
 - Ohakuri Tail Race Bridge
- History of Operative District Plan Provisions that regulate activities within SNA's.
- Summary of RMA provisions relevant Ohakuri Core Electricity Generation Site.
- Mercury's Submissions on Plan Change 3 and relief sought.
- Mercury's position and relief sought on Plan Change 3.
- Appendices
 - Mercury Dam Safety Assurance Policy
 - Interpretation of RMA provisions relevant to Ohakuri Electricity Generation Site.

2. EXECUTIVE SUMMARY

- 2.1 Mercury seeks that SNA 585 be removed from the land located directly over the underground diversion tunnel at the Ohakuri Core Electricity Generation Site (OCEGS), as shown Figure III: *Marked-up Plan of Ōhakuri Core Site to Support Mercury's Submissions (page 86 of PC3 s42a report)*. This relief is justified in this evidence and is supported by Mercury's primary submission. In summary, effects on the SNA values are minimal (see para 5.15 of Briar Taylor Smith evidence), and must be considered against implications for Mercury's Dam Safety Assurance Program (DSAP).
- 2.2 Proposed Significant Natural Area (SNA) 583 area does not accurately reflect ecological values within the OCEGS. This was confirmed following a site visit on 24th January 2020 to ground truth SNA 583. Mercury seeks that SNA 583 is amended to reflect physical ecological attributes, which is outlined in evidence from Briar Taylor Smith. Mercury considers the SNA needs to be set back approximately 2m from the roadside to exclude weeds and scrub and minimise conflict with maintenance activities to the Ohakuri tailrace bridge.

- 2.3 Minor amendments to SNA 583 will also minimise conflict with the maintenance activities to existing Ohakuri tail race bridge, which clearance of significant vegetation is provided for as a permitted activity within the operative district plan provisions. Mercury did not submit on this matter within its primary submission but feels is worthy of mention to the hearings panel. I am of the opinion greater granularity and accuracy of associated mapping is needed when identifying attributes that relate to any nationally significant infrastructure.
- 2.4 Within the exception of a 2m strip of SNA adjacent to the road located at SNA 583, Mercury does not challenge the validity of the identified SNA's 583 and 585, which are located over OCEGS. Briar Taylor Smith's evidence provides an assessment of ecological values at OCEGS.
- 2.5 Mercury opposes the location of any new SNA within operational sites in principle because there has been no opportunity afforded within a schedule 1 process to comment on associated district plan provisions to provide for hydro electricity operational needs in this location. This includes maintenance and surveillance activities associated with Mercury's DSAP.
- 2.6 The addition of a new a SNA brings constraints on activities that can be undertaken as a permitted activity within the OCEGS. Vegetation clearance associated with new infrastructure within an SNA, which may be required for Mercury's Dam Safety Assurance Program are not authorised as permitted activities. Resource consents will be needed if these activities are to be undertaken.
- 2.7 Mercury's DSAP involves ongoing, and focused, surveillance monitoring of each dam, including Ohakuri dam and the underground diversion tunnel, which forms an integral part of the concrete dam structure. Central to the purpose of Mercury's DSAP is to ensure the integrity of all dam structures is not compromised. If the structural integrity of Ohakuri dam was to be compromised, then there is a potential for dam failure (an event of low probability but high consequence). Ohakuri dam failure represents a risk of cascade failure of all hydro dams located downstream of the Ohakuri dam. Given the seriousness of potential effects of low probability but of high consequence, Mercury is not prepared to make any compromises on a rule framework which precludes any potential maintenance and surveillance activities at the site.

3. OVERVIEW OF MERCURY AND THE WAIKATO HYDRO SYSTEM

- 3.1 Mercury is one of New Zealand's largest electricity generators and retailers, providing energy services to homes, businesses and industrial consumers throughout the country. We have a long heritage in renewable energy in

New Zealand, serving about 1-in-5 homes and businesses. Our goal is to be the leading energy brand in New Zealand, inspiring our customers, owners and partners by delivering value, innovation and outstanding experiences.

- 3.2 Mercury has a diverse and expanding portfolio of generation assets throughout the North Island, which over the last 5 years has generated an average of over 7,100¹ gigawatt hours of electricity per year. 100% of the Company's generation comes from renewable resources, which includes the Waikato Hydro Scheme ('the Scheme') on the Waikato River and geothermal power stations in the Waikato and Bay of Plenty regions.
- 3.3 On the Waikato River, Mercury harnesses the power of water by gravity through nine hydro power stations, which have a total net capacity of approximately 1,058 MW. Together, these hydro power stations produce about 10% of New Zealand's electricity. Hydro generation can be increased or decreased quickly to meet peak demand for electricity in the upper North Island.

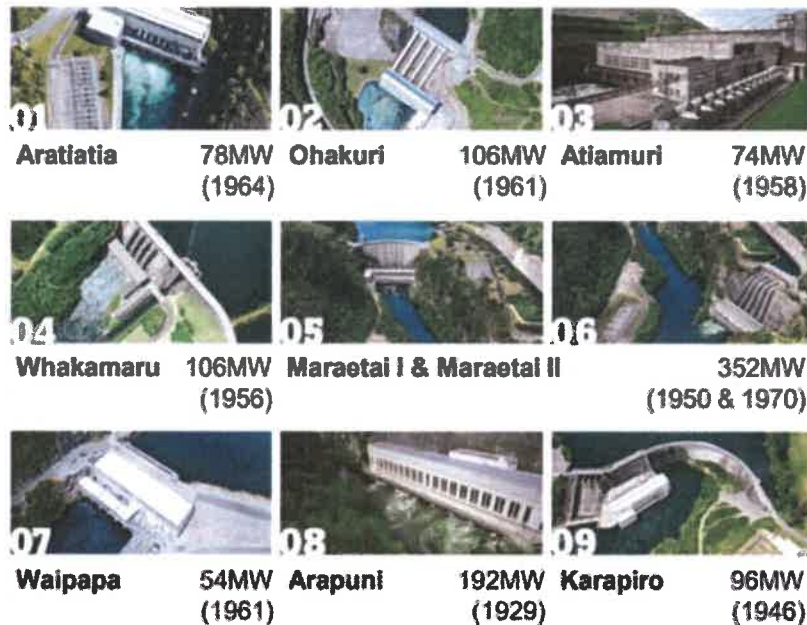
Waikato Hydro Scheme

- 3.4 The Waikato Hydro Scheme consists of the Taupo Gates, eight dams and nine hydro power stations on the Waikato River, as shown in Figures 1 and 2 below.

Figure 1: Hydro Generation Assets

Nominal capacity is shown in Megawatts and the commissioning date

9x HYDRO ASSETS – 1,058MW – ~4,000GWh/yr



¹ Average 5 year electricity generation 7109 (GWh) derived from page 60, Mercury Annual Report 2019. Annual electricity generation output (GWh) from Mercury assets 2015 to 2019 was 6,563 (in 2015), 6,842 (in 2016), 7,533 (in 2017), 7,704 (in 2018), 6,902 (in 2019).

Figure 2: Location of Mercury's Generation Assets (Hydro & Geothermal)



3.5 The Waikato Hydro Scheme was developed in stages from the 1920's to 1971. The Waikato Hydro Scheme is now an important part of the Waikato River catchment environment, with the majority of the generation assets being in continual operation for over 50 years.

3.6 The operation and maintenance of the Scheme is authorised by resource consents granted by WRC in April 2006.

4. OHAKURI POWER STATION, OPERATIONS AND INTERESTS IN PLAN CHANGE 3

Activities and Operations Relevant to Plan Change 3 for Identified Assets

4.1 Ohakuri hydro dam was commissioned in 1961. The construction of the Ohakuri dam created Lake Ohakuri, which is the largest manmade lake in the Waikato Hydro Scheme.

Figure 3 Aerial view of Ohakuri Power Station in 1969



4.2 The eastern side of Ohakuri hydro dam and OCEGS is located within the Rotorua Lakes District. Electricity generation infrastructure assets within the Rotorua Lakes District include;

Relevant to SNA 585;

- Ohakuri dam and underground diversion tunnel, which forms an integral part of the Ohakuri dam structure.
- Groundwater monitoring bores, specifically bore OW11.
- Boom anchor and access tracks (located outside of SNA).

Relevant to SNA 583;

- Ohakuri tail race bridge, abutment and foundations.

Mercury's Dam Safety Assurance Program

4.3 Mercury undertakes a Dam Safety Assurance Program or "DSAP". Central to the DSAP's purpose is to minimise risk to public safety, safeguard the company's commercial operations and maintain long term value of its core assets for the New Zealand electricity system. Company practices include measures to identify, and remedy or mitigate critical dam safety issues. See Appendices for the Mercury Dam Safety Assurance Policy document.

- 4.4 If the structural integrity of the Ohakuri dam was to be compromised and the dam was to fail (which is an event of high impact, low probability), cascade failure of all hydro dams located downstream could occur.

Underground Diversion Tunnel

- 4.5 The underground diversion tunnel and dam abutment is located directly underground the proposed SNA 585. The underground diversion tunnel is an integral part of the Ohakuri dam structure. The underground diversion tunnel was constructed to pass full flow from the Waikato River during construction and is not used as a lake dewatering facility if needed. The important engineering point is the underground diversion tunnel hold constant head pressure from Lake Ohakuri.
- 4.6 Visual inspection of the underground diversion tunnel can be undertaken from the underside via remote camera. Mercury considers that the district plan should not limit or preclude any DSAP initiative for surveillance or maintenance purposes. This could include additional monitoring wells, boom anchors, intrusive earthworks, visibility of the ground beneath vegetation is also an indicator of ground stability.
- 4.7 Paragraph 5.15 of Briar Taylor Smith's evidence outlines impacts of excluding the approximate 600sqm area from SNA 585. In my opinion the points made by Briar Taylor Smith which relate to vegetation removal need to be considered within the context of what DSAP activities need to be undertaken. I do not consider that vegetation clearance will result because of no SNA within the 600sqm of interest.
- 4.8 **Relief**, Mercury seeks to exclude the highlighted area of Ohakuri Electricity Generation Core Site from SNA 585 as per its primary submission. This is on the basis that the RMA provisions do not provide for vegetation disturbance within the SNA associated with Mercury's DSAP.

Monitoring Wells, Safety Boom Anchor and Access Tracks.

- 4.9 Five groundwater wells are located on the eastern abutment of the Ohakuri dam. Groundwater levels are measured within the wells, which provide a hydrological data set that can provide insight into geotechnical conditions and stability of the ground around the dam abutment. A sudden change to hydrological conditions (unrelated to operation of the lake levels), could indicate a risk to the structural performance of the dam. Changes to hydrological conditions could include relate to seismic disturbances.
- 4.10 Monitoring well OW11 is located within SNA 585, but outside of the area of core site that Mercury seeks exclude from the SNA.

4.11 Mercury seek certainty that it can undertake the following activities as part of its DSP;

- Maintain access track and pruning of vegetation around the monitoring well OW11. These activities are enabled by permitted rules in Table 9.5 - 74 and 75. **No relief needed**
- Re-drill monitoring well in the event well OW11 stops functioning. This activity is provided for by permitted rule in Table 9.5 – 73.
- Clearance of vegetation around OW11 for drillings. Rule 9.5 for RR1 applies, Rule 72 provides for the clearance of vegetation within SNAs as a Permitted Activity, which relates to existing structures. Performance Standard Appendix 9, A9.2.3 ii).
- New monitoring well (or safety boom). Rule 15.5 (5) Provide for new infrastructure and any vegetation disturbance as is Discretionary Activity, e.g. a new monitoring well within an SNA. *“New infrastructure within SNA in the Rural Zone is a Discretionary Activity within Rule 15.5 (5) Electricity Generation Infrastructure, Special Land Features...”*.

Figure 4 Estimated Location of Monitoring Well OW11



Note, site visit confirmed the survey location of OW11 on map was incorrect so have relocated to where OW11 is located.

- 4.12 Mercury seek operational flexibility to install additional safety booms upstream in future if required. A new safety boom anchor within an SNA would be a Discretionary Activity as per rule 15.5 (5).
- 4.13 One existing safety boom anchor is located outside but close to SNA 585 border on boulder on bank on Lake Ohakuri within SNA 585. There is an existing access track up to the boulder. The access track is located outside on the boundary of the SNA.
- 4.14 Activities that Mercury needs to undertake as part of DSAP within SNA include;
- New Infrastructure within an SNA, Discretionary Activity, Rule 15.5 (5)
 - Pruning of vegetation around the anchor is a permitted rule in Table 9.5 - 74 and 75. **No relief sought.**

Ohakuri Tail Race Bridge

- 4.15 The Ohakuri tail race bridge spans a section of the Waikato River. SNA 583 adjoins the land adjacent to the bridge. The tailrace bridge provides essential heavy vehicle access to infrastructure on the north-eastern side of the river, including the spill gate outlet. Mercury intends to undertake maintenance of the abutment and foundations, which will need to be done to ensure structural stability of the bridge.
- 4.16 Rule 9.5 for RR1 apply, Rule 72 provides for the clearance of vegetation within SNAs as a PA. Performance Standard Appendix 9, A9.2.3 ii) is relevant.
- 4.17 Mercury did not seek to amend the SNA area in its primary submission. A site visit confirmed that significant biodiversity does not extend to directly adjacent to the tail race bridge along the roadside but is setback approximately 2m or more. Mercury intends to use this land, as well as maintain clearance where necessary to ensure maintenance activities can be undertaken to ensure the structural stability of the bridge structure is not compromised. Anticipated maintenance work works (in the future) include works to bridge foundations. These works are enabled within permitted activity rules.
- 4.18 I am off the opinion the broad-brush mapping to identify entire SNA values over large areas is not of sufficient granularity to identify ecological values within OCEGS. Given the potential for a constraining effect on electricity generation activities (which is a matter of national significance) and serious health and safety consequences that relate dam safety, Mercury is optimistic the adjustment needed to SNA 583 can be attributed to an increase to accuracy and granularity of mapping, which is evident has not been ground-truthed to a standard fit for a schedule one process.

5. HISTORY OF OPERATIVE DISTRICT PLAN PROVISIONS THAT REGULATE ACTIVITIES WITHIN SIGNIFICANT NATURAL AREAS.

5.1 Mercury (the Mighty River Power) lodged a primary submission to the Proposed Rotorua District Plan in February 2013. At the time of the District Plan review, no SNAs were directly located above critical hydro dam structures at OCEGS. Therefore, Mercury has never had an opportunity to seek tailored provisions, which provide for the operation, maintenance and upgrading of hydro electricity generation activities, which need to support dam safety outcomes.

6. SUMMARY OF RMA PROVISIONS RELEVANT TO OHAKURI ELECTRICITY CORE GENERATION SITE

6.1 Existing buildings, operations and activities at the OCEGS predate the RMA and current operative district plan provisions. The site has existing use rights enabled under s10 of the RMA. It is unclear how these existing use rights would authorise activities that relate to the management of SNA values, which directly relate to operation of the Waikato Hydro System and maintenance of structures for dam safety purposes. In the context of this Plan Change, I have not relied on existing use rights, but focused on the provisions in the Operative Rotorua District Plan (ORDP). The emergency provisions s330 within the RMA could be relevant if the ORDP fails to contemplate activities needed for Mercury's DSP.

6.2 Chapter 15 provides rules for Infrastructure.

6.3 General rule 15.5 (1) provides for PA's within the Rural Zone. *"Any activity accessory to a permitted activity, where the accessory activity complies with all of the performance standards stated in 15.6, and are accessory activities not otherwise stated in 15.5.*

6.4 *Rule 15.5 (5) Provide for new infrastructure and any vegetation disturbance as is Discretionary Activity, e.g. a new monitoring well within an SNA. "New infrastructure within SNA in the Rural Zone is a Discretionary Activity within Rule 15.5 (5) Electricity Generation Infrastructure, Special Land Features..."*

6.5 There are no bespoke provisions that relate to the management of SNA values that apply to Hydro electricity infrastructure within Chapter 15 Infrastructure chapter of the ORDP. Mercury is reliant upon general provisions with Rural Zone Chapter 9 that that relate to Working Rural Zone (RR1) and activities which affect SNA values, including vegetation disturbance and removal.

6.6 Rules in Table 9.5 Rules 72-81 apply to SNAs within the RR1. Rules 72- 74, provide for disturbance and removal of vegetation where is essential structural

performance is relevant. The rules do not provide for new structures within the electricity core site.

- 6.7 Section 330 of the RMA includes Emergency works and power to take preventive or remedial action, provide for dam safety matters to be addressed quickly once risks identified. The emergency provisions in the RMA do not enable any surveillance work, which could be essential to identify structure risk. See Appendices for s330 clauses.

7. MERCURY'S POSITION ON THE PLAN CHANGE 3

- 7.1 Mercury requests that there be no new SNA located over Ohakuri underground diversion tunnel as is proposed within SNA 585.
- 7.2 Mercury suggests that SNA 583 is ground truthed and mapped as per ecological values at OCEGS. This would mean setting back SNA 583, 2m from the internal access road near Ohakuri tail race bridge.
- 7.3 Mercury's DSAP is undertaken in a routine proactive manner, not in a reactive manner. I interpret the current district plan and emergency provisions in the RMA only provide for a reactive policy mitigation once structural risk is identified.
- 7.4 The operative framework does not assist dam safety surveillance where vegetation disturbance, clearance, or new infrastructure is needed that relates Mercury's DSAP. Given the seriousness of potential effects of low probability but of high consequence, which include potential dam failure and potential cascade dam failure. Mercury cannot therefore support in principle any policy outcomes that precludes it from undertaking the essential maintenance and surveillance associated with its DSAP.

Fraser Graafhuis

7th February 2020

ANNEXURE A – 1 MERCURY'S DAM SAFETY POLICY



Dam Safety Policy

Mercury is a responsible dam owner

- > Our Dams are owned and operated to generate electricity.
- > Mercury operates a Dam Safety Management System, to minimise risk to public safety, safeguard its commercial operations, and maintain the long term value of its core assets.
- > Mercury operates its dams in accordance with sound environmental practice.
- > Mercury recognises the public interest in, and public value of, the reservoirs formed by its dams.

All of our actions concerned with Dam Safety are governed by the following principles:

Our Practices

- > Maintain and operate our dams in accordance with current international dam safety practice and the New Zealand Society of Large Dams "Dam Safety Guidelines".
- > Identify, and remedy or mitigate critical dam safety issues.
- > Provide the resources, policy direction and Dam Safety Management System to ensure the safe operation of our dams.

Our Dam Safety Management System includes:

- > Clear organisational responsibility and accountability for dam safety.
- > Technical excellence in dam safety practices and personnel.
- > Ongoing, and focused, surveillance monitoring of each dam.
- > Five yearly Independent Safety Reviews of each dam.
- > A risk management programme to optimise dam safety risk reduction.
- > Use of independent technical review when assessing dam safety deficiencies, and their mitigation or remedy.
- > Ongoing education and training on dams and dam safety for all technical, production, operations, managerial, and executive staff involved in dam safety.
- > Procedures to ensure dam safety awareness and competence in our staff, and adherence to these principles.

Interactions with others

- > Foster the development of technical competency and excellent dam safety practices in New Zealand.
- > Provide Emergency Management information for each dam, in consultation with local authorities.
- > Raise awareness of our Dam Safety Management System amongst regional authorities and the public through information and education.

The Board of Mercury confirms its commitment to this policy.



ANNEXURE B – 1 INTERPRETATION OF RMA PROVISIONS RELEVANT TO OHAKURI ELECTRICITY GENERATION CORE SITE

8. INTERPRETATION OF RMA PROVISIONS RELEVANT TO OHAKURI ELECTRICITY GENERATION CORE SITE

8.1 Chapter 15 provides rules for Infrastructure. General rule 15.5 (1) provides for PA's within the Rural Zone. *“Any activity accessory to a permitted activity, where the accessory activity complies with all of the performance standards stated in 15.6, and are accessory activities not otherwise stated in 15.5.*

8.2 PA rules in 15.5 are subject to compliance with performance standards in section 15.6. These performance criteria apply to earthworks within a SNA.

8.3 Performance Standards 15.6

- *(4) Earthworks. Infrastructure shall comply with the earthworks specified within Appendix 10 – Earthworks.*
- *Appendix 10 - A10.2.1 Performance Standards for all Zones*
- *(5). It shall not be carried out within an area of an Outstanding Natural Feature and Landscape or Significant Natural Area identified in Appendix 2 – Natural Heritage Inventory, or within or adjacent to a Significant Geothermal Feature (unless provided for under A9.2.4 or A9.2.8). Earthworks accessory to permitted structures and activities or assessed and authorised as part of a resource consent for buildings, structures and activities, subject to the Whakarewarewa Geothermal Area Outstanding Natural Feature and Landscape on the Te Puia site (Section 1 SO390094 and Section 1SO408975), are exempt from this performance standard.*
- *(8). It shall not be carried out within 25m from the margin of a lake, wetland or from a river or stream. Earthworks accessory to buildings permitted in rule 6.5.80 or assessed and authorised as part of a resource consent for*

buildings as per rule 6.5.81 on the Te Puia site (Section 1 SO390094 and Section 1 SO408975), are exempt from this performance standard.

- *(9). It shall not be carried out within 20 metres of the Waikato River Operating Easement boundary (as identified on map 213 and the Planning Maps).*
- *(10). Notwithstanding the preceding requirements, the following activities are exempt from the performance standards above, provided they comply with Appendix A9.2.4 or A9.2.8:*
 - a. Earthworks incidental to either an approved subdivision, or construction of a building platform, or installation of utility services, or to provide access to an activity which is a permitted activity or authorised by a resource consent.*
 - b. Excavations that do not exceed 2.0 metres in depth for the purpose of installing foundations for telecommunication masts.*
 - c. Earthworks associated with the operation, maintenance, and upgrading of existing electricity generation infrastructure within Electricity Generation Core Sites, including any new boreholes, trenches, access tracks, fence lines and erosion protection works within:*
 - i. Electricity Generation Core Sites;*
 - ii. Land zoned Industrial 2 at Ohaaki identified on Planning Maps 545 and 546.*

8.4 *New infrastructure within SNA in the Rural Zone is a Discretionary Activity within Rule 15.5 (5) Electricity Generation Infrastructure, Special Land Features. Requiring disturbance or removal of indigenous vegetation (other than provided for in Rule 6) within the boundary of Significant Natural Area (SNA).*

8.5 *Rule 15.5 (32) Electricity Generation Infrastructure -. Operation, **upgrade and maintenance** of existing hydro and geothermal electricity generation facilities*

including existing and new steamfield activities, accessory buildings and activities. Steamfield activities include separation plants, wells and pipe network.

8.6 Performance Standard 15.6.2 - *Infrastructure located within the Various Zones of the District, other than within the Road*

Infrastructure located within all zones of the district as identified within Table 15.5, excluding those located within the road, shall comply with the following performance standards:

- *(4). Earthworks. Infrastructure shall comply with the earthworks specified within Appendix 10 – Earthworks (listed above in section xxx)*

8.7 There are no bespoke provisions that relate to the management of SNA values that apply to Hydro electricity infrastructure within Chapter 15 Infrastructure, within the Operative Rotorua District Plan. Mercury is reliant upon general provisions with Rural Zone Chapter 9. Provisions that relate to Working Rural Zone (RR1) that apply to management of SNA values, including disturbance of significant vegetation.

8.8 Rules in Table 9.5 for RR1 apply, Rules 72-81 apply to SNAs. Rules 72- 74, which provide for some activities relevant to Ohakuri Core Site are permitted activities (PA) for the RR1.

8.9 Rule 72 - *Disturbance, restoration, re-vegetation or enhancement of indigenous vegetation within Significant Natural Areas in accordance with the standards in Appendix 9 – Section 6 Matters. PA for the RR1.*

Appendix 9 (3) Disturbance of indigenous vegetation within a Significant Natural Area shall be subject to the following:

a) ii) *removal of trees that endanger human life, **structures** or utilities or obstruct existing access to **utilities**; or*

b) *The clearance of indigenous vegetation within Significant Natural Areas shall be:*
*ii) an integral part of the maintenance of lawfully established roads, tracks, **earth dams** or fence lines as long as it is within the minimum of clearance that is required....”*

8.10 *A9.2 performance standards apply to permitted activities only where the relevant rule in the zone chapter expressly refers to the standards in this Appendix.*

8.11 Utility is not defined within the District Plan, so is not clear whether the provisions apply to Network Utilities (which excludes electricity generation operators) or

Lifeline Utilities (which includes electricity generation operators). In the context of how utilities applies to other district plan provisions, it is logical to assume it applies to Network Utilities only.

8.12 Ohakuri Dam is part earth dam, part concrete dam. The underground diversion tunnel structure and gates, spillway and gate, as well as adjoining dam are concrete not earth dam. I assume this permitted rule does not apply to the maintenance Ohakuri Dam, unless there is a need to mitigate risk to the earth dam.

8.13 Rule 73 - *Upgrade, alterations, maintenance or the replacement of any lawfully established building or structure within a Significant Natural Area that does not exceed the building envelope or footprint of the existing building or structure in accordance with Appendix 9 – Section 6 Matters.*

8.14 Rule 74 – *Trimming or pruning of vegetation within a Significant Natural Area where it:*

- *affects the operations of existing high voltage transmission lines or network utility structures or;*
- *affects the structural integrity of an existing fence or;*
- *will not result in the death or irreparable damage of the vegetation or;*
- *is directly adjoining existing pedestrian and cycle tracks for the purpose of maintaining the use of those tracks or;*
- *will not result in a reduction in the identified values associated with the Significant Natural Area*
- *affects the structural integrity of an existing building*

8.15 Rule 77, – Non Complying activity does not apply as Rule 15.5 applies to Infrastructure. - *New buildings and structures located within the boundary of a Significant Natural Area, unless otherwise specified.*

8.16 I interpret s330 of the RMA includes Emergency works and power to take preventive or remedial action, provide for dam safety matters to be addressed quickly once risks identified. The emergency provisions do not enable any surveillance work, which could be essential to identify structure risk. See Appendices for s330 clauses.