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21 August 2017

Proposed Natural Resources Plan Hearing
 Greater Wellington Regional Council
 PO Box 11646
 Wellington 6142
 Via email: regionalplan@gw.govt.nz

Dear Sir/Madam

HEARING REPORT: PROPOSED NATURAL RESOURCES PLAN

Hearing Stream 3 - Water Allocation & Natural Form and Function

Submitter Reference: Transpower NZ Ltd S165 and FS22

Transpower New Zealand Ltd (“**Transpower**”) writes in relation to Hearing Stream 3, commencing on 4 September 2017.

In addition to wider plan wide provisions relating to the ongoing operation and maintenance of the National Grid, Transpower submitted 6 points (5 original and 1 further submission point) to be heard at Hearing Stream 3.

Summary response to s42A Recommendations

By way of summary, Transpower:

- Accepts the officer recommendations on submission points S165/070, S165/071, S165/072, and S165/073.
- Opposes the officer recommendation on further submission points FS22/023 to S146/090
- Submission point S165/069 is outstanding and proposed to be addressed at Hearing Stream 5.

Section 42A Officers Report Recommendations and Transpower’s Response

The following comments are specific to the recommendations on submission points sought by Transpower.

Recommendations supported

Rule R136: Take and use of water - permitted activity

GWRC s.42A. Topic: Water Allocation, Page 50 (submission S165/070).

In its submission Transpower supported the permitted activity status for ground and surface water takes. The officer recommended amendment to the rule does not impact on the submission point and on this basis the officer recommendation is supported.

Rule R141: Take and use of water not permitted - controlled activity

GWRC s.42A. Topic: Water Allocation, Page 50 (submission S165/071).

The officer recommendation to retain Rule R141 relating to controlled activity status for water takes and use, is supported. The officer recommended amendment to the rule does not impact on the submission point.

Rule R142: All other take and use - discretionary activity

GWRC s.42A. Topic: Water Allocation, Page 50 (submission S165/072).

The officer recommends no change to Rule R142 relating to discretionary activity status for water takes and use. Retention of this rule is supported.

Rule R146: Geotechnical investigation bores - permitted activity

GWRC s.42A. Topic: Water Allocation, Page 50 (submission S165/073).

In its submission Transpower supported the permitted activity status for bores. The officer recommended amendment to the rule does not impact on the submission point and is therefore supported.

Submission point opposed

Policy P25 Natural Character

GWRC s.42A. Topic: Natural Form and Function, paragraph 225-227 (further submission FS22/023 to S146/090).

The officer recommends amending this policy.

Transpower submitted in support of submission point S146/090 to use 'avoid, remedy and mitigate' along with the addition of a sub-clause that seeks to enable regionally significant infrastructure.

Attached as Appendix A is the officer recommended amended Policy P25.

In relation to 'avoid, remedy or mitigate', Policy P25 addresses natural character in two areas: The Coastal Marine Area ("CMA"), and the beds of lakes and rivers. The reporting officer references the NZCPS 2010 as the reasoning behind the wording proposed in P25. While Transpower accepts the use of 'avoid' in relation to the CMA, it does not accept the wording in respect of the beds of lakes and rivers (which are not within the CMA) and instead supports "avoid, remedy or mitigate".

In relation to reference to 'regionally significant infrastructure', the sought text is supported as it specifically recognises the constraints associated with regionally significant infrastructure when considering effects. While the reporting officer references Policy 139, this relates solely to seawalls and therefore has limited applicability to the wide range of infrastructure that is regionally significant given its restricted scope. Policy P12 is also mentioned by the officer. While this relates to regionally significant infrastructure, it is primarily in context of benefits.

In response to the recommended wording of the reporting officer (shown in Appendix A):

- Recommended Clause d) is not supported as the requirements for an alternatives assessment for all effects (regardless of scale) is inconsistent with Schedule 4 Clause 6¹ of the RMA.
- The intent of recommended Clause e) which references functional need is supported. However, it is unclear why it only applies to the CMA and not natural wetlands, lake and rivers as well. It is appreciated the NZCPS references functional need in respect of the CMA but Policy P25 extends beyond the CMA to lakes and rivers.
- Recommended Clause f) is covered under clause c). Given Policy P25 relates to Natural Character, the appropriateness and/or necessity of clause f) is unclear.

On this basis Transpower seeks the wording of Policy P25 to be amended as follows: The panel may consider it more appropriate to divide the policy into two, given the clear distinction between the policy responses required under the NZCPS vs RMA

Policy 25: Natural Character

Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and avoid, remedy or mitigate significant adverse effects in the beds of lakes and rivers, and other adverse effects of activities, taking into account:

...

(d) ~~whether it is practicable to protect natural character from inappropriate use and development through~~ the use and development is appropriate after considering:

(i) ~~using an~~ in relation to significant adverse effects, the use of alternative locations, design or form of development that would be more appropriate to that location; and

(ii) ~~considering~~ the extent to which functional need or existing use limits location and development options; and

(iii) whether the use or development is regionally significant infrastructure.

Submission point outstanding

Rule R140: Dewatering - permitted activity

GWRC s.42A. Topic: Water Allocation, paragraph 740-741 (submission S165/069).

The officer provides no recommendation on this submission point on the basis that *“the analysis would be more appropriately dealt with in the Section 42A officer’s report: Discharges to land as the implications of removing potentially contaminated land from the rule hinges significantly on the definition of contaminated land.”*

Under R140 of the PNRP, dewatering activity is permitted where conditions are

¹ 6 Information required in assessment of environmental effects

(1) An assessment of the activity’s effects on the environment must include the following information:

(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

complied with, one of which is that the take and diversion is not from, onto or into contaminated land or potentially contaminated land.

In its submission Transpower opposed the term “potentially contaminated land” on the basis that the term is ambiguous and not defined. Linked to the term is uncertainty as to what constitutes Contaminated Land. The definition of Contaminated Land is open to interpretation in that the Note to the definition implies it is land where contamination is confirmed as a Category III site (where contamination is confirmed). However, Transpower considers that the definition could also be interpreted as land that has a hazardous substance that either has significant effects on the environment or is reasonably likely to have significant adverse effects, and therefore not just Category III sites.

None of Transpower’s substation sites are currently identified as Category III sites according to the SLUR registrar. However, they could be considered as “land that has a hazardous substance that either has significant effects on the environment or is reasonably likely to have significant adverse effects”. Consequently, as it is uncertain how ‘potentially contaminated land’ would be interpreted and applied in this context Transpower seeks removal of the term at this stage unless further clarification can be provided.

Transpower reserves the right to address Rule 140 and the associated definitions at Hearing Stream 5.

Hearing Appearance

Given the limited submission points addressed at this hearing, Transpower is not proposing to adduce evidence to Hearing Stream Three on the above points. If, prior to the hearing, the Hearings Panel consider it useful for Transpower to appear before the panel to explain and answer any questions on the above it would be more than happy to do so.

Transpower requests this letter be tabled at the hearing in support of its submission points and the Section 42A Report recommendations as outlined above.

Should you require clarification of any matter, please contact Rebecca Eng at Transpower (09 590 7072), or on the following email: Rebecca.Eng@transpower.co.nz

Yours faithfully



Rebecca Eng
Senior Environmental Planner

Appendix A Officer recommended amended Policy P25

Policy P25: Natural character

Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and ~~in the beds of~~ **natural wetlands**, lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:

- (a) the extent of human-made changes to landforms, vegetation, biophysical elements, **natural processes** and patterns, and the movement of water, and
- (b) the presence or absence of structures and buildings, and
- (c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and
- (d) ~~whether it is practicable to protect natural character from inappropriate use and development through:~~
 - (i) ~~using an alternative location, or form of development that would be more appropriate to that location, and~~
 - (ii) ~~considering the extent to which **functional need** or existing use limits location and development options.~~
- (d) alternative locations, design or form of development that have less adverse effects, and
- (e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and
- (f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in **natural wetlands**, rivers and lake and their margins.¹³