



Tabled at Hearing 13/03/2013

Proposed Canterbury Land and Water Regional Plan hearing

13 March 2013

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TRANSPOWER



Keeping the energy flowing

Transpower New Zealand Ltd The National Grid

Legal Submissions

- “Potentially contaminated land” trigger vs risks of contaminant being remobilised, transported off site, or entering ground or surface water
- Nature of Transpower’s assets
- Incongruous non-complying activity status
- Passive consents
- Carry over consents or permitted activity status
- Planning hierarchy and alignment with RPS and NPSET
- Sections 32 and 67



Nature of Assets

- Regionally and nationally significant
- Existing/longstanding
- Essentially passive
- Very limited environmental risk



Examples of infrastructure



Islington 220/11kV Transformer T1



Islington 66kV Oil Circuit Breaker T12



Oil containment tanks

Oily water plate separator

Blenheim Substation oil containment and oily water plate separator system



Treatment in pLWRP of HAIL sites

- The assumptions/triggers for consents
- Discrepancy between existing and proposed plans and activities
 - Permitted versus non-complying
 - Carry over consents or permitted activity status
- Results in:
 - Regular need for non-complying consents
 - Wider potential effect on the National Grid



Stormwater / wastewater

- Need to deal effectively/fairly with non-reticulated sites
- Proposed regime requires non-complying consents (for some previously permitted activities)
- Disconnect between cause and effect as use of HALL trigger not necessarily related to effects on stormwater



Earthworks and excavations

- Inappropriate and impractical permitted activity conditions
- Necessary maintenance activities caught by non-complying rule
- Acceptable relief proposed in Officers' report



Planning framework

- “Potentially contaminated land”: takes no account of the level of risk of contaminants being remobilised off the site, or of mitigation provided on the site.
- Permitted activity rules that contain the exception:
 - 5.7 and 5.9 (On-site Wastewater)
 - 5.55 (Land Drainage Water)
 - 5.69 (Industrial and Trade Wastes)
 - 5.72 (Stormwater)
 - 5.76 and 5.77 (Other Minor Contaminant Discharges)
 - 5.92 (Water for Construction and Maintenance)



Relief requested

- After the permitted activity exception for “potentially contaminated land”, add the following:
 - , unless:
 - (a) The source of potential contamination is from a necessary component of regionally significant infrastructure, and
 - (b) Good practice guidelines are followed to mitigate the risk of any hazardous substance entering land or water, and
 - (c) The good practice guidelines are made available to the CRC for review.
- Provides more appropriate relief to give effect to the NPSET and RPS than R5.7 in the Officers’ Report



Relief requested - Policies

- To provide greater consistency with the RPS, in particular Policy 17.3.3, amend Policy 4.23 :

Any discharges of hazardous substances from contaminated land, including existing and closed landfills, shall be managed to ensure there are not adverse effects beyond the site boundary on people's health and safety, on human or stock drinking water supplies, or on surface water.

- To acknowledge the protection of infrastructure whilst carrying out gravel extraction or vegetation burning activities, amend Policies 4.91(b) and 4.18:



Relief requested - Policies

- To acknowledge the protection of infrastructure whilst carrying out gravel extraction or vegetation burning activities, amend Policies 4.91(b) and 4.18:
Amend Policy 4.91(b):
the activity is undertaken in ways which do not induce erosion, adversely affect significant regional infrastructure, water quality, ...

Add the following to the effects to be avoided under Policy 4.18:

d. Adverse effects on regionally significant infrastructure.



Appropriate relief recommended in Officers' report

- R5.7 on Rule 5.7, insofar as Condition 5, which referenced the “Septic Tank Suitability – Area A” is recommended to be deleted
- R5.73 on Rule 5.73 insofar as an activity that does not meet the conditions of the rule(s) regarding the discharge of stormwater requires consent for a discretionary activity, rather than non-complying
- R5.155 on Rule 5.155 where the number of rules regarding excavation and deposition over aquifers has been reduced, and restricted discretionary status for an activity that does not comply with the conditions

