



TRANSPower

Keeping the energy flowing

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17 September 2015

Environment Canterbury
PO Box 345
Christchurch 8140

Attention: Tera Maka
Hearings Officer Planning

Dear Tera

HEARING STATEMENT: PROPOSED CANTERBURY AIR REGIONAL PLAN

Transpower New Zealand Limited (Transpower) writes in relation to the hearing commencing on 27 October 2015 on the Proposed Canterbury Air Regional Plan (pCARP). Transpower's submission on the pCARP was generally supportive and sought to retain numerous provisions, whilst amendments were sought to ensure the National Policy Statement on Electricity Transmission 2008 (NPSET) was given effect to and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) were appropriately recognised.

To ensure succinctness, I will summarise the key amendments which Transpower sought in its submission. In summary, Transpower's submission sought:

- a) Under the heading "The statutory planning framework" insert recognition of the relationship between NPS', NES' and regional plans

"In achieving the purpose of the RMA, regional councils are required to give effect to other higher order documents, including National Policy Statements. Regional Councils must also observe and enforce any National Environmental Standards"

- b) Retain definitions of: best practicable option (BPO), emergency electricity generation, large scale fuel burning device and peak electricity network load management.
- c) Amend Policy 6.11:

"Recognise the contribution of nationally and regionally significant infrastructure to the regional and national economy *and social well-being of communities*, and provide for the operation ~~and~~, *maintenance, upgrading and* development of that infrastructure."

- d) Amend 7.6 by adding new clause 4:

“4. The burning does not occur within 100m of any National Grid line or substation”

- e) Amend 7.7:

*“7.7 The discharge of contaminants into air, anywhere in the Region, from the outdoor Burning of animal or insect carcasses, animal or insect housing or vegetation, that is undertaken as a requirement of the Biosecurity Act 1993 for the purpose of disease control, is a permitted activity **provided that any burning does not occur within 100m of any National Grid line or substation.**”*

- f) Amend 7.8 by adding new clause 5:

“5. The burning does not occur within 100m of any National Grid line or substation.”

- g) Amend 7.9 by adding new clause 2 and amending clause 4:

“2. The burning does not occur within 100m of any National Grid line or substation.

*...4. The actual and potential effects of the discharge on surrounding neighbours **and the National Grid;** and”*

- h) Amend 7.10 by adding new clause 10:

“10. Outdoor burning shall not occur within 100m of any National Grid Line or substation.”

- i) Amend 7.11 by adding new clause 4:

“4. The burning does not occur within 100m of any National Grid Line or substation.”

- j) Amend 7.12 by adding new clause 4:

“4. The burning does not occur within 100m of any National Grid Line or substation.”

- k) Amend clause 4, Schedule 3:

*“4. Identification of potentially affected parties and sensitive activities – include neighbours living close enough to be affected, Transit New Zealand if the burn is close to a state highway, **Transpower New Zealand if the burn is close to any National Grid line or substation,** New Zealand Fire Service if it is likely the public will call to raise concerns about the fire...”*

l) Amend 7.47, condition 5:

“5. There is no blasting of lead-based paints; ~~and~~ except in relation to the maintenance of the National Grid where measures are in place for the capture and removal of waste and debris resulting from the blasting...”

Transpower has reviewed the Officers Report and respectfully requests that the Hearings Panel adopts the relief sought in the table below. To ensure succinctness and to avoid repetition, Transpower has not sought to repeat those provisions which the Officer has accepted or are not in contention.

The most significant submission point that Transpower continues to seek is a region-wide restriction on outdoor burning within 100 metres of a National Grid line or substation. Fires can, and have, occurred near National Grid infrastructure, not only damaging property and infrastructure but also creating significant widespread fire risk and threatening security of supply. Fires near the National Grid can discharge significant quantities of contaminants into the air. These contaminants reduce air quality and can also cause serious flashover risks (where the presence of the contaminants near the National Grid infrastructure causes electricity to ‘flashover’ and discharge to ground creating significant safety risks and risks to security of supply). Other provisions of the pCARP restrict burning in certain locations (for example, Rule 7.10.2 requires material to be burnt to be located at least 100m upwind or 50m in any direction of any sensitive activity that is not located on the property where the burning occurs).

Transpower considers a rule restricting burning within 100m of the National Grid is appropriate to achieve the pCARP’s objectives such as Objectives 5.7 and 5.9 (regarding enabling nationally and regionally significant infrastructure and locating activities so they result in appropriate air quality outcomes being achieved).

TRANSPOWER’S SUBMISSION	SECTION 42A OFFICERS RECOMMENDATION	TRANSPOWER’S RESPONSE
5 – Introduction		
<p>Under the heading “The statutory planning framework” insert recognition of the relationship between NPS’, NES’ and regional plans:</p> <p><u>“In achieving the purpose of the RMA, regional councils are required to give effect to other higher order documents, including National Policy Statements. Regional Councils must also observe and enforce any National Environmental Standards”.</u></p>	<p>The Officers recommendation supports this amendment. The Officers report provides:</p> <p><u>“In achieving the purpose of the RMA, regional councils are required to give effect to higher order documents, including National Policy Statements. Regional Councils must also observe and enforce any National Environmental Standards”.</u></p>	<p>Transpower accepts and supports the Officer’s recommendation.</p>
6 – Definitions		
<p>Retain definitions of:</p> <ul style="list-style-type: none"> - Best Practicable Option (BPO) - Emergency Electricity Generation - Large scale fuel burning device - Peak electricity network load management 	<p>The Officers recommendation supports retaining these definitions. However a further amendment could be made to the definition of Emergency Electricity Generation, as below:</p> <p><i>“Determine if a “black start” situation constitutes emergency generation or peak electricity network load management. If it is emergency generation, provide for the situation in the definition.”</i></p>	<p>Transpower accepts and supports the Officer’s recommendation.</p> <p>Transpower acknowledges that Meridian sought to amend the definition of “Emergency Electricity Generation” to encompass the provision of electricity to facilitate a “Black Start” situation. Transpower lodged a further submission in support of Meridian’s submission.</p>

<p>Transpower supported Horticulture NZ’s request to include a definition of “reverse sensitivity” as follows: <u>Reverse sensitivity – means the vulnerability of an existing lawfully established activity to complaint from other activities located in the vicinity which are sensitive to adverse environmental effects that may be lawfully generated by the existing activity, thereby creating the potential for the operation of the existing activity to be constrained.</u></p>	<p>The Officer considers that a definition will not result in any particular clarification of how the provisions in the pCARP are to be applied. The Officer says that if the Panel considers a definition should be included, a simplified version could be incorporated as follows: <u>“Means sensitivity of new land uses to the established effects of existing activities, resulting in constraints on the operation of existing activities”.</u></p>	<p>Transpower considers that the definition will add clarity (for example to Policy 6.8 which refers to “reverse sensitivity”). Transpower continues to support the inclusion of a definition of “reverse sensitivity” as suggested by Horticulture NZ as it will add clarity to the Plan and the definition proposed is established in case law (e.g. <i>Gateway Funeral Services</i>).</p> <p>Transpower considers that the alternative definition suggested by the Officer does not specifically acknowledge that time and resources dealing with complaints from new land uses are reverse sensitivity impacts.</p> <p>Transpower is happy to support an alternative definition (which it has discussed and agreed with Horticulture NZ as an appropriate alternative to that proposed in Horticulture NZ’s submission):</p> <p><u>“Reverse sensitivity occurs when occupants of a new development (for example, a lifestyle block) complain about the effects of an existing, lawfully established activity (for example, noise or smell from industry or farming). This can have the effect of imposing economic burdens, operational limitations or other constraints on the existing activity thereby reducing its viability.”</u></p>
<p>10 – Policies</p>		
<p>Amend 6.11: <i>“Recognise the contribution of nationally and regionally significant infrastructure to the regional and</i></p>	<p>The Officer disagrees with the amendment sought and recommends retaining the policy as notified. The Officer concludes the changes do not add any further guidance to the policy. The Officers report provides:</p>	<p>Transpower does not support the Officers recommendation. Transpower considers that provision and guidance needs to be made for the operation, maintenance, upgrading and development of nationally</p>

<p><i>national economy and social well-being of communities, and provide for the operation and, maintenance, upgrading and development of that infrastructure”.</i></p>	<p><i>“It is also not necessary to state that upgrade and maintenance are to be provided for because operation and development require maintenance and upgrade.”</i></p>	<p>and regionally significant infrastructure.</p> <p>Transpower considers that upgrade and maintenance activities are significantly different to operation and development activities, and as a result this guidance is required.</p> <p>Transpower’s approach is consistent with the NPSET which recognises “the need to operate, maintain, develop and upgrade the electricity transmission network” as a matter of national significance.</p> <p>Therefore, Transpower considers that Policy 6.11 should be amended as per our submission.</p>
<p>11 – Rules</p>		
<p>Amend 7.6 by adding new clause 4:</p> <p><u>“4. The burning does not occur within 100m of any National Grid line or substation”</u></p>	<p>The Officer disagrees with the relief sought and recommends amendments as per other parties’ submissions.</p> <p>The Officers report provides:</p> <p><i>“While it is accepted that for the protection of property and infrastructure outdoor burning should not occur near the national grid, the purpose of the rule is to enable the CRC to exercise its functions under Section 30 of the RMA in relation to the control of discharges into air for the management of air quality. Proximity to the national grid has no bearing on air quality, and activities endangering property [are] appropriately addressed by other regulation.”</i></p>	<p>Transpower has reviewed the Officer’s recommendation and discussion on Rule 7.6.</p> <p>Whilst Transpower understands the Officer’s reasoning – that the function of the pCARP is to manage activities to avoid, remedy, mitigate the effects of discharges of contaminants into the air. Notwithstanding this, the relief Transpower is seeking is also important to mitigate fire risks (which could contribute to discharge of contaminants into the air). Contaminants in the air from a fire can cause flashover situations (where electricity is discharged to the ground creating significant safety risks). Transpower considers there are wider environmental and public health and safety risks associated with fires near transmission lines, including risks to security of supply. The fire risks are not solely to Transpower’s property.</p>

		<p>Transpower notes there are provisions within Conditions 7.10.2, 7.10.4, 7.11.2, 7.12.3 and Schedule 3, Clause 5 which are analogous to the relief we are seeking. These conditions are not about avoiding, remedying or mitigating the discharge of contaminants to air – they are about managing fire risk by controlling the location of outdoor burning - so they address risks in a similar way to what we are seeking. Consequently Transpower considers that its relief sought should be accepted given it is also seeking to manage this fire risk.</p> <p>Also, Transpower considers a rule restricting burning within 100m of the National Grid is appropriate to achieve the pCARP’s objectives such as Objectives 5.7 and 5.9 (regarding enabling nationally and regionally significant infrastructure and locating activities so they result in appropriate air quality outcomes being achieved).</p> <p>Transpower considers that the relief sought assists plan readers by having the rules which restrict the location of burn activities contained in a central place.</p> <p>As a result, Transpower considers that Rule 7.6 should be amended as per our submission.</p>
<p>Amend 7.7: <i>“7.7 The discharge of contaminants into air, anywhere in the Region, from the outdoor Burning of animal or insect carcasses, animal or insect housing or vegetation, that is undertaken as a requirement of the Biosecurity Act 1993 for the purpose</i></p>	<p>The Officer disagrees with the relief sought for the reasons given above (Rule 7.6).</p>	<p>Transpower considers that Rule 7.7 should be amended as per our submission for the reasons given above (Rule 7.6).</p>

<p><i>of disease control, is a permitted activity <u>provided that any burning does not occur within 100m of any National Grid line or substation.</u></i></p>		
<p>Amend 7.8 by adding new clause 5: <u>“5. The burning does not occur within 100m of any National Grid line or substation.”</u></p>	<p>The Officer disagrees with the relief sought for the reasons given above (Rule 7.6).</p>	<p>Transpower considers that Rule 7.8 should be amended as per our submission for the reasons given above (Rule 7.6).</p>
<p>Amend 7.9 by adding new clause 2 and amending clause 4: <u>“2. The burning does not occur within 100m of any National Grid line or substation.</u></p> <p>... 4. <i>The actual and potential effects of the discharge on surrounding neighbours <u>and the National Grid; and</u>”</i></p>	<p>The Officer disagrees with the relief sought for the reasons given above (Rule 7.6).</p>	<p>Transpower considers that Rule 7.9 should be amended as per our submission for the reasons given above (Rule 7.6).</p>
<p>Amend 7.10 by adding new clause 10: <u>“10. Outdoor burning shall not occur within 100m of any National Grid Line or substation”</u></p>	<p>The Officer disagrees with the relief sought for the reasons given above (Rule 7.6).</p> <p>The Officers recommends Rule 7.10 is amended as follows: <i>“In rural areas, the discharge of contaminants into air from outdoor burning of vegetation, paper, cardboard and untreated wood, <u>including the burning of up to 10l of petroleum based accelerant</u>, is a permitted activity provided the following conditions are met:..</i> <i>2. The material to be burnt is located at least 100m</i></p>	<p>Transpower considers that Rule 7.10 should be amended as per our submission for the reasons given above (Rule 7.6).</p> <p>Transpower considers that Conditions 7.10.2 and 7.10.4 are analogous to the relief we are seeking. These conditions are not about avoiding, remedying or mitigating the discharge of contaminants to air – they are about managing fire risk by controlling the location of outdoor burning - so they address risks in a similar way to what we are seeking. Consequently Transpower considers that its</p>

	<p><i>upwind or 50m in any direction of any sensitive activity that is not located on the property where burning occurs; and...</i></p> <p><i>4. If within 5km of any urban area, burning only occurs when a windspeed of between 1 and 15km per hour has been forecast by a reputable weather service.”</i></p>	<p>relief sought should be accepted given it is also seeking to manage this fire risk.</p> <p>As a result, Transpower considers that Rule 7.10 should be amended as per our submission.</p>
<p>Amend 7.11 by adding new clause 4:</p> <p><u>“4. The burning does not occur within 100m of any National Grid Line or substation.”</u></p>	<p>The Officer disagrees with the relief sought for the reasons given above (Rule 7.6).</p> <p>The Officers recommends Rule 7.11 is amended as follows:</p> <p><i>“In rural areas, the discharge of contaminants into air from outdoor burning of animal carcasses and offal is a permitted activity provided the following conditions are met:</i></p> <p><i>1. The burning is undertaken for biosecurity reasons in accordance with rule 7.7; or</i></p> <p><i>2. The discharge does not occur within 100m of a property boundary; and...”</i></p>	<p>Transpower considers that Rule 7.11 should be amended as per our submission for the reasons given above (Rule 7.6).</p> <p>Transpower considers that Condition 7.11.2 is analogous to the relief we are seeking. This condition is not about avoiding, remedying or mitigating the discharge of contaminants to air – it is about managing the fire risk by controlling the location of outdoor burning - so they address risks in a similar way to what we are seeking. Consequently Transpower considers that its relief sought should be accepted given it is also seeking to manage this fire risk.</p> <p>As a result, Transpower considers that Rule 7.11 should be amended as per our submission.</p>
<p>Amend 7.12 by adding new clause 4:</p> <p><u>“4. The burning does not occur within 100m of any National Grid Line or substation.”</u></p>	<p>The Officer disagrees with the relief sought for the reasons given above (Rule 7.6).</p> <p>The Officers recommends Rule 7.11 is amended as follows:</p> <p><i>“In urban areas, the discharge of contaminants into air from the outdoor burning of vegetation and untreated wood as a part of a community or cultural event is a permitted activity provided the following conditions are met:...”</i></p>	<p>Transpower considers that Rule 7.12 should be amended as per our submission for the reasons given above (Rule 7.6).</p> <p>Transpower considers that Condition 7.12.3 is analogous to the relief we are seeking. This condition is not about avoiding, remedying or mitigating the discharge of contaminants to air – it is about managing the fire risk by controlling the location of outdoor burning - so they address risks in a similar way to what we are seeking.</p>

	<p>3. <i>The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin when assessed in accordance with Schedule 2.</i></p>	<p>Consequently Transpower considers that its relief sought should be accepted given it is also seeking to manage this fire risk.</p> <p>As a result, Transpower considers that Rule 7.12 should be amended as per our submission.</p>
<p>Amend Clause 4, Schedule 3:</p> <p><i>“4. Identification of potentially affected parties and sensitive activities – include neighbours living close enough to be affected, Transit New Zealand if the burn is close to a state highway, <u>Transpower New Zealand if the burn is close to any National Grid line or substation</u>, New Zealand Fire Service if it is likely the public will call to raise concerns about the fire...”</i></p>	<p>The Officer’s recommendation disagrees with the sought amendment and provides:</p> <p><i>“Transpower seeks to include identification of Transpower as a potentially affected party where occurs close to the National Grid line or substation. While it is accepted that, for the protection of property and infrastructure, outdoor burning should not occur near the national grid, the purpose of the rule is to enable the CRC to exercise its functions under Section 30 of the RMA in relation to the control of discharges into air for the management of air quality. Proximity to the National Grid has no bearing on air quality, and activities endangering property appropriately addressed by other regulation.”</i></p> <p>The Officer recommends amendments as per other parties’ submissions as follows:</p> <p><i>“Smoke Management Plan required by the conditions of Rules 7.8 and 7.10 or conditions of resource consent pursuant to rule 7.9 is to contain the following information:...</i></p> <p><i>4. <u>5</u>. Identification of potentially affected parties and sensitive activities – include neighbours living close enough to be affected, Transit New Zealand if the burn is close to a state highway, New Zealand Fire Service if it is likely the public will call to raise concerns about the fire.”</i></p>	<p>Transpower considers that Clause 4, Schedule 3 should be amended as per our submission for the reasons given above (Rule 7.6).</p> <p>Transpower considers that Clause 4, Schedule 3 is analogous to the relief we are seeking. This clause requires notification of NZ Transport Agency if the proposed fire is close to a State Highway. Transpower considers that this Clause is not about avoiding, remedying or mitigating the discharge of contaminants to air – it is about managing the fire risk by requiring a specific party (NZTA) to be notified if a burn is located close to its infrastructure. Mandatory notification could greatly assist to mitigate the impacts of a fire on critical infrastructure and the public, including widespread fire risk and threats to security of supply. Consequently Transpower considers that if NZTA is to be notified about any fire near its assets, Transpower should also be notified about any fire near to a National Grid line or substation.</p> <p>As a result, Transpower considers that Clause 4, Schedule 3 should be amended as per our submission.</p>

<p>Amend 7.47, condition 5:</p> <p><i><u>“5. There is no blasting of lead-based paints; and except in relation to the maintenance of the National Grid where measures are in place for the capture and removal of waste and debris resulting from the blasting.”</u></i></p>	<p>The Officers recommendation supports this amendment. The Officers report provides:</p> <p><i>“Transpower seeks exemption from Condition 5 in relation to maintenance of the National Grid where measures are in place for the capture and removal of debris. Regulation 25 in the National Environmental Standards for Electricity Transmission Activities 2009 provides that blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a permitted activity if all of the applicable conditions in subclauses (3) to (9) are complied with. Condition (8) provides that if abrasive blasting is done on a tower coated with lead-based paint, the waste and debris (including abrasive material) resulting from the blasting must be captured and removed by using geotextile material of a filter quality or by any equivalent method”.</i></p> <p>The Officers report recommends the following amendments:</p> <p><i>“The discharge of contaminants into air from temporary dry or wet abrasive blasting is a permitted activity provided the following conditions are met:</i></p> <p><i>1. <u>The discharge into air is undertaken relation to maintenance of the National Grid and in accordance with Regulation 25 in the National Environmental Standard for Electricity Transmission Activities 2009; or...</u>”</i></p>	<p>Transpower accepts and supports the Officer’s recommendation.</p>
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Transpower has reviewed the Officers Report and respectfully requests that the Hearings Panel adopts the relief sought in the table above. We confirm that Transpower does not wish to be heard. Instead, we request that this letter be tabled at the hearing, in support of its position.

Please contact me on (04) 590 8586 or environment.policy@transpower.co.nz if you have any queries or should you require clarification of any matter.

Yours faithfully

TRANSPower NZ LTD

A handwritten signature in blue ink that reads "Karekowi". The signature is stylized and appears to be a misspelling or a specific variation of the name Kelly Parekowhai.

Kelly Parekowhai
Environmental Planner