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18 December 2019

Proposed Waikato District Plan Hearing  
 Waikato District Council  
 Private Bag 544  
 Ngaruawahia 3742  
 Via email: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Dear Sir/Madam

#### **HEARINGS ON THE PROPOSED WAIKATO DISTRICT PLAN**

##### **Hearing 8A – Hazardous Substances and Contaminated Land**

**Submitter Reference: Transpower NZ Ltd S576 and FS1350**

Transpower New Zealand Ltd (“**Transpower**”) writes in relation to Hearing 8A – Hazardous Substances and Contaminated Land, commencing on 28 January 2020.

Given the limited number of submission points of relevance to Transpower within the Hearing 8A s42A reports, Transpower is not proposing to adduce evidence to Hearing 8A on the points outlined below. 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 below, it would be more than happy to do so.

Transpower will be appearing at subsequent hearings where there are multiple Transpower submission points of specific and particular relevance to Transpower.

#### ***Hearing 8A – Hazardous Substances and Contaminated Land (Chapter 10)***

In addition to plan wide provisions relating to the ongoing operation, maintenance, development and upgrading of the National Grid, Transpower made nine further submission points to be heard at Hearing 8A.

#### ***Summary of Transpower’s response to s42A Recommendations***

By way of summary:

- Transpower accepts the officer recommendation to reject further submission **FS1350.88** in relation to retaining Rule 14.4.4(a) (which sought identification

of hazardous substances to be stored in the National Grid Yard be defined by HSNO class 2-4)

- The officer recommendations on the eight further submission points by Transpower regarding the placement of the National Grid Hazardous Substances specific rule is not clear (as the S42A report reasoning does not match the drafted recommended plan amendments). Transpower is not opposed to duplication of Chapter 14 Rule 14.4.4 NC8 within Chapter 10. However, it does oppose replacement of the Chapter 14 National Grid rule specific to Hazardous Substances within Chapter 10, or across multiple respective zone chapters.

### ***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 or conditionally supported***

##### **Chapter 14 Infrastructure and Energy – 14.4 National Grid - Rule 14.4.4(a)**

###### **S42A Report (Part A) reference: Section 12.2 – Rule 14.4.4(a) (FS1350.88)**

In its further submission (**FS1350.88**) Transpower supported submission **419.105** (Horticulture NZ) and the relief sought by the submission to amend the rule so the identification of hazardous substances to be stored in the National Grid Yard be defined by HSNO classes 2-4. The s42A reporting officer rejects the submissions on the basis: -

- removing the reference to “hazardous facility” also removes the exemptions that may apply to the definition of hazardous facility as proposed; and
- technical advice indicates that hazardous substances with explosive properties are included in HSNO class 1, not classes 2-4.

Transpower accepts the officer recommendation, noting the proposed plan definition of Hazardous Facility and Hazardous Substances are recommended to be amended (the definition of Hazardous Substances will reflect the National Planning Standards) which should provide clarity to application of the rule. The technical advice of Mr Schaffoener is also accepted.

**Chapters 16, 17, 18, 20, 21, 22, 23, 24 – National Grid Specific Rule - NC2 Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line. Submission points:**

**Chapter 16 – Residential Zone Rules - S42A report reference: Section 13.1.2 – Rule 16.2.5 NC2 (FS1350.131 to Waikato DC submission 697.115)**

**Chapter 17 – Business Zone Rules - S42A report reference: Section 14.2 – Rule 17.2.5.4 NC1 (FS1350.132 to Waikato DC submission 697.185)**

**Chapter 18 – Business Town Centre Zone Rules - S42A report reference: Section 15.2 – Rule 18.2.5 NC1 (FS1350.133 to Waikato DC submission 697.267)**

**Chapter 20 – Industrail Zone Rules - S42A report reference: Section 17.2 – Rule 20.2.6 NC1 (FS1350.134 to Waikato DC submission 697.629)**

**Chapter 21 – Industrial Zone Heavy Rules - S42A report reference: Section 18.2 – Rule 21.2.6 NC1 (FS1350.135 to Waikato DC submission 697.703)**

**Chapter 22 – Rural Zone Rules - S42A report reference: Section 19.2 – Rule 22.2.4 NC1 (FS1350.136 to Waikato DC submission 697.778)**

**Chapter 23 – Country Living Zone Rules - S42A report reference: Section 20.2 – Rule 23.2.4 NC2 (FS1350.137 to Waikato DC submission 697.873)**

**Chapter 24 – Village Zone Rules - S42A report reference: Section 21.2 – Rule 24.2.5 NC2 (FS1350.138 to Waikato DC submission 697.962)**

The above eight submission points from Waikato District Council seek an additional (or replacement) zone specific non-complying rule (NC2) for any new hazardous facility with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line. The reasons cited for the submission points were to replicate the rules from Chapter 14 into the respective zone chapters for increased clarity and usability of the Plan. Transpower's further submission on this matter opposed the relief sought as a standalone set of provisions for the National Grid is supported and preferred (for the reason it avoids duplication and provides a coherent set of rules plan users can refer to).

The relief recommended by the reporting officer is not clear. The officer recommends *“the rules relating to hazardous substances be deleted from Chapter 14 Infrastructure and Energy and relocated to Chapter 10 Hazardous Substances, where a new set of provisions relating to hazardous substances will incorporate proposed NC2”* (the National Grid rule)<sup>1</sup>. However,

- The recommendation does not show how the rule within Chapter 14 is to be addressed. The officer recommendation text recommends the rule within Chapter 14 be deleted but this is not shown the Recommended Amendments Tables<sup>2</sup> or Appendix 2 of the Hearing Report
- The Recommended Amendments Tables<sup>3</sup> within the Section 42A Report differs from the amendments shown in Appendix 2 of the Hearing Report in that the former shows the National Grid rule within the respective chapters whereas the Appendix 2 report shows the National Grid rule placed within Chapter 10 Hazardous Substances.

The recommendation and rule placement are therefore not clear. The S42A Report does note *“a decision still needs to be made as to whether rules for the National Grid are duplicated in a stand-alone chapter for hazardous substances (i.e. Chapter 10) as well as a stand-alone chapter for Infrastructure (Chapter 14). I recommend that the rules relating to hazardous substances be deleted from Chapter 14 and relocated to Chapter 10, where a new set of provisions relating to hazardous substances will incorporate proposed NC2 (paragraph 401).”*

Given the specific nature of Chapter 10 Hazardous Substances, Transpower is **not opposed to duplication** of the Chapter 14 rule 14.4.4 NC8 within Chapter 10. An alternative approach to duplication was noted in the hearing 7 Section 42A Report officer in which officers noted that an alternative solution to avoiding duplication but ensuring rules regarding the National Grid Yard are not overlooked by plan users would

<sup>1</sup> Section 42A Report Paragraph 401

<sup>2</sup> Section 42A Report Paragraph 403, 447, 513, 538, 574, 598, 636, and 675

<sup>3</sup> Section 42A Report Paragraph 403, 447, 513, 538, 574, 598, 636, and 675

be to provide a cross reference to the National Grid rule (specific to Hearing 8A within Chapter 10 by a hyper-link to the National Grid rules in Chapter 14). This approach is supported by Transpower.

Transpower **does oppose replacement** of the Chapter 14 National Grid rule 14.4.4 NC8 specific to Hazardous Substances within Chapter 10 on the basis Chapter 14 is more specific to the National Grid. It also **opposes replacement** of Rule 14.4.4 NC8 with a similar rule across multiple respective zone chapters. Transpower supports and prefers a standalone set of provisions within Chapter 14 for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions.

### *Hearing Appearance*

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 Pauline Whitney at Transpower (04 590 7540), or on the following email: [Pauline.Whitney@transpower.co.nz](mailto:Pauline.Whitney@transpower.co.nz)

Yours faithfully

A handwritten signature in dark ink, appearing to read 'P. Whitney', with a large, sweeping initial 'P'.

Pauline Whitney  
**Senior Environmental Planner**