



Transpower House  
96 The Terrace  
PO Box 1021  
Wellington 6140  
New Zealand  
P 64 4 495 7000  
F 64 4 495 7100  
[www.transpower.co.nz](http://www.transpower.co.nz)

21 October 2014

Hearing Commissioners  
Thames Coromandel District Council  
Private Bag  
Thames, 3540  
Via email: [lisa.madgwick@tcdc.govt.nz](mailto:lisa.madgwick@tcdc.govt.nz)

Dear Sir/Madam

**HEARING REPORT: PROPOSED THAMES COROMANDEL DISTRICT PLAN –  
SECTION 12, 26 and 36 – CONTAMINATED LAND**

We write in relation to the hearing commencing on 22 October 2014 on Sections 12, 26 and 36 – Contaminated Land provisions of the Proposed Thames Coromandel District Plan (**PDP**).

In its wider submission on provisions relating to the ongoing operation and maintenance of the National Grid, Transpower New Zealand Limited (Transpower) sought a new definition of 'Sensitive Activity' as follows (Submission Point 832.13):

*Sensitive Activity means the following activity where they occur within the National Grid Corridor: Dwelling, Minor unit, Early childhood centre, Papakainga, Residential Care facility, School, Hospital.*

While Transpower understands the hearing on Section 3 – Definitions of the PDP will be held in March 2015, it is aware of the recommendation on submission point 826.1 (The Oil Companies) within the Section 42A Report on Sections 12, 26 and 36 of the PDP to provide a definition of sensitive activity as follows:

*Sensitive activities means activities that are affected by the adverse effects typically associated with some lawful activities, for example, dust, spray or noise from a quarry/port facility or rural production activity, noise in an entertainment precinct or smells from a sewage treatment facility.*

The Section 42A Report<sup>1</sup> notes that the definition applies generally throughout the PDP and that

---

<sup>1</sup> Paragraph 69 Section 42A Hearing Report and Section 32AA Further Elevation Report on Sections 12 and 36

the recommended definition is consistent with that also proposed in the RPS “Working Chapters for Appeal Discussions”. Transpower notes that the definition provided in the Proposed RPS<sup>2</sup> (subject to Appeal) also includes similar provisions as sought by Transpower in its submission, after ‘sewage treatment facility’, “Activities considered sensitive include residential activity, early childhood education centres and hotel or other accommodation activity. It may also include hospitals, schools and respite care facilities”. It is unclear if this component of the definition in the Proposed RPS has been left off the definition in the Section 42A Report as this part of the definition is not related to Sections 12, 26 and 36 of the PDP.

Regardless, while Transpower does not oppose in principle the S42A Report recommended definition, it does have concerns that the recommended definition does not align with that sought by Transpower in its submission (submission point 832.13) which specifically relates to the National Grid. Transpower considers that the definition sought by the Oil Companies would capture more activities and would therefore result in the rules within Chapter 30 being more restrictive than what is required. In order to address any conflicts between the sought definitions and ensure each definition is appropriate within its policy and rule context for which it was intended, Transpower would support an amendment to its sought definition as follows, thereby clarifying that the definition below relates solely to the National Grid.

*National Grid Sensitive Activity means the following activity where they occur with the National Grid Corridor: Dwelling, Minor unit, Early childhood centre, Papakainga, Residential Care facility, school, Hospital.*

Amendment would also be required to the rules within Section 30 to insert “National Grid” where the provisions make reference to sensitive activities.

Such an approach would ensure the submission point sought by The Oil Companies is given effect to, while also providing for the management of sensitive activities as required under the National Policy Statement on Electricity Transmission 2008.

Transpower will be appearing at later hearings and will address the above again in its hearing evidence on Section 3 – Definitions. In the interim we request that this letter be table at the hearing, in support of its position.

Should you require clarification of any matter, please contact me (04 590 7244), or Jo Moorar Regulatory Environment Team Leader at Transpower (04 590 6060). Both of us can also be contacted on the following email: [environment.policy@transpower.co.nz](mailto:environment.policy@transpower.co.nz).

Yours faithfully



Mike Hurley  
Senior Environmental Planner

Transpower New Zealand Ltd [The National Grid](#)

---

<sup>2</sup> Proposed Waikato Regional Policy Statement Decisions (November 2012) ‘Clean’ version Annotated with Environment Court Appeals (1 February 2013)