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12 April 2010

Ministry for the Environment  
Attn: James Court  
PO Box 10362  
WELLINGTON 6143

Dear James

## **PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL: DISCUSSION DOCUMENT**

Thank you for the opportunity to comment on the proposed National Environmental Standard for Assessing and Managing Contaminants in Soil.

Transpower New Zealand Limited is the State Owned Enterprise that owns, maintains, operates and develops New Zealand's high voltage transmission network, the National Grid. The National Grid is a linear network of 12,000km of transmission lines with assets (towers, poles, lines, cables and substations) located across all 85 regional, district and city councils.

Transpower supports the proposed option for a national environmental standard for assessing health effects from exposure to contaminants in soil. A nationally consistent framework for assessing contaminants in soil will provide certainty regarding what level of exposure is safe for human use. It will also provide one set of district planning controls (rules) for efficient decision making on contaminated or potentially contaminated land and establish clear information requirements.

While Transpower supports the intent of the policy objective and proposed NES planning framework as set out in the discussion document, we identify the following matters that would benefit from clarification when developing this NES:

### **1. Clarify what activities would be permitted without requiring a site investigation**

It is appropriate for the proposed national environmental standard to permit some activities in terms of the impact of soil contaminants on human health without requiring site investigation reports. While Transpower supports the intent of those activities listed in section 4.1.3 of the discussion document (pp 28-29), notably with regard to ongoing activities or occupation of the land for the same activity of an existing use, it is suggested that the activity lists are clarified and less subjective terminology is used.

## 2. Relationship with other National Environmental Standards

The discussion document does not refer to how the proposed National Environmental Standard for Assessing and Managing Contaminants in Soil will affect other existing national environmental standards.

As you are aware, the National Environmental Standards for Electricity Transmission Activities [NESETA] came into force on 14 January 2010. There is a potential policy cross-over between these national environmental standards, notably with regard to earthworks on land identified as containing, or possibly containing, contaminants that pose a risk to the environment (regulations 33(9) and 36).

The discussion document clarifies that the national environmental standard applies only to *assessing and managing the actual or potential adverse effects of contaminants in soil on human health* and that Councils may pose additional controls to address any actual or potential effects on ecology, surface water, groundwater or amenity values.

Under the NESETA, the permitted activity standards for earthworks relating to an existing transmission line include the condition that *earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment*. Where this permitted activity standard is breached, the earthworks are a restricted discretionary activity under regulation 36, with discretion restricted to restoration of the land, management of the earthworks and methods used to carry out the earthworks, and the extent and nature of any disturbance in relation to *ecological and health effects*.

We consider that the potential cross-over with the NESETA and this proposed NES is limited to contaminants in soil with actual or potential effects on *human health* (essentially a subset of 'contaminants that pose a risk to the environment', as human health is part of the 'environment'), and the process of assessing and managing the effects of contaminants in soil for human health. Attachment A outlines the assessment process for an activity that could trigger both the NESETA and the proposed NES. As currently proposed, and without amendment to the NESETA, an activity could be both a permitted activity (under the proposed NES with respect to *human health effects*) and a restricted discretionary activity (under the NESETA with respect to *ecological effects*).

It is not considered that the proposed national environmental standard is incompatible with the NESETA, and we see opportunity to resolve potential conflicts. We would welcome further discussions with you on this matter throughout the development of the proposed national environmental standard.

Please contact me on 04 495 7188 or email [nicola.cordner@transpower.co.nz](mailto:nicola.cordner@transpower.co.nz) if you have any questions with regard to these comments.

Yours sincerely  
TRANSPower NEW ZEALAND LIMITED



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Environmental Advisor

**Attachment A:** Example of potential NES interactions for *earthworks relating to an existing transmission line*  
 [as per process as set out in Proposed NES for Assessing and Managing Contaminants in Soil: Discussion Document]

