

SUBMISSION ON TRANSPOWER'S NOTICES OF REQUIREMENT AND APPLICATIONS FOR RESOURCE CONSENTS

Section 145 of the Resource Management Act 1991

RECEIVED ON

- 5 OCT 2007

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To: Minister for the Environment
Freeport Grid Upgrade Submissions
PO Box 4405
Hamilton East
HAMILTON 3247

OR Email: tpcallin@mfe.govt.nz
Fax: 04 439 7700

[If you are emailing or faxing your submission, please make it for the attention of "Grid Upgrade Submissions"]

This submission relates to the notices of requirement and/or applications for resource consent, lodged by Transpower New Zealand Ltd for the North Island Grid Upgrade Project, and identified on the next page.

CLOSING DATE FOR SUBMISSIONS: 5 OCTOBER 2007

Title: Hancock Forest Management (NZ) Ltd

My/Our Full Name(s): Sally Strang (Environmental Manager)

Postal Address: PO Box 648, Tokoroa

Wk Ph: 07 885 0378 Hm Ph: 07 883 5646 Cell: 0274 779 015

Wk Fax: Hm Fax: Email:

Please tick the relevant boxes on the next page to identify whether you are making a submission on all notices of requirement and applications for resource consents or just some of them (please identify).

Please also indicate on the back of this form (✓) whether you support, oppose, or are neutral in relation to the notice(s) of requirement and applications for resource consents. If you are making a submission only on parts of a notice of requirement or application for resource consents, please note this when specifying the reasons for your submission.

The reasons for my/our submission are:

Refer attached

If you are attaching further information tick (✓) for yes

Please use more pages if you need to.

I/we seek the following decision from the Board of Inquiry (provide precise details including the nature of any conditions sought):

Refer attached

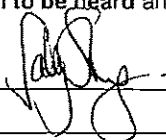
Please use more pages if you need to.

Use a clear tick in the appropriate box below (✓)

I/we wish to be heard in support of my/our submission (to speak at the public hearing).

I/we DO NOT wish to be heard and hereby make my/our submission in writing only.

Signature(s):



Date: 5 October 2007

(Signature of submitter, or person authorised to sign on their behalf is required. Note signature is not required for electronic (email) submissions. If this is a joint submission by two or more individuals, each individual's signature is required.)



Ministry for the
Environment
Mātauranga Mō Te Taiao

Use the tick boxes below to indicate the called-in notices of requirement and applications for resource consents that your submission concerns. Use a clear tick in the appropriate box or boxes (✓).

I/we make my/our submission concerning all notices of requirements and applications for resource consents below.

OR

My/our submission only concerns the notices of requirement and applications for resource consents that I/we have ticked below.

	Support	Oppose	Neutral
Manukau City Council			
Pakuranga Substation Notice of Requirement. Reference No. 27619			
Otahuhu Substation Notice of Requirement. Reference No. 27619			
Brownhill Substation Notice of Requirement. Reference No. 27619			
Underground Cable – Pakuranga to Brownhill Notice of Requirement. Reference No. 27619			
Underground Cable – Otahuhu to Brownhill Notice of Requirement. Reference No. 27619			
Overhead Line Notice of Requirement. Reference No. 27619			
Franklin District Council			
Overhead Line Notice of Requirement. Reference No. L07089			
Waikato District Council			
Overhead Line Notice of Requirement. Reference No. DES0011/07			
Matamata-Piako District Council			
Overhead Line Notice of Requirement. Reference No. RMR200621			
Waipa District Council			
Overhead Line Notice of Requirement. Reference No. DN/0006/07			
South Waikato District Council			
Overhead Line Notice of Requirement. Reference No. 240/021		✓	
Taupo District Council			
Overhead Line Notice of Requirement. Reference No. RM070209			
Whakamaru and Whakamaru North Substation Notice of Requirement. Reference No. RM070209			
Auckland Regional Council – Resource Consents			
<i>Pakuranga to Brownhill Underground Cable Resource Consents</i>			
Application 34102: Land Use Consent for earthworks			
Application 34370: Discharge of Contaminants to land from ancillary activities that produce wastewater or washwater			
Application 34372: Works in the Bed of a Watercourse			
Application 34373: Diversion of Surface Water			
<i>Overhead Line and Brownhill Substation Resource Consents</i>			
Application 34711: Land Use Consent for earthworks			
Application 34712: Discharge of Contaminants to land			
Environment Waikato – Resource Consents			
<i>Overhead Line and Whakamaru North Substation Resource Consents</i>			
Application 116902: Land Use Consent for vegetation clearance and earthworks			
Application 116903: Discharge Permit for the composting of vegetation			
Application 116904: Land Use Consent for the drilling of tower foundation below the water table			
Application 116905: Discharge Permit for the discharge of site water and drilling fluids from drilling activities into surface water.			

NOTE: A copy of this submission form must be sent as soon as possible at:
 North Island Grid Upgrade Project, Transpower Freeport 182915, PO Box 1021, Wellington
 or email submissions@transpower.co.nz or fax 04 819 7624.

I/we make my/our submission concerning all notices of requirements and applications for resource consents below.

Attachment to 'Submission on Transpower's Notices of Requirement and Applications for Resource Consents' by Hancock Forest Management (NZ) Ltd

The reasons for my/our submission are:

Hancock Forest Management (NZ) Ltd (HFM NZ) manages substantial forest holdings in the north island and northern south island of New Zealand on behalf of a number of client owners. Our clients include Taumata Plantations Ltd who purchased the majority of Carter Holt Harvey's north island forests in 2006. Taumata Plantations Ltd owns forest in the South Waikato District affected by a Notice of Requirement for the overhead line component of the grid upgrade project (Ref No 240/021). The proposed designation route passes over Taumata Plantations Ltd forests for a distance of 18.6 km, from pylon 379 to pylon 428 within the South Waikato District. Of this 4.8 km are located on Taumata Plantations Ltd freehold land, and 13.8 km on forests held under forestry right, with the underlying land owned by Carter Holt Harvey Properties, and to be returned to that party following harvest.

General opposition under the over-arching provisions of the RMA

The Proposal as notified and in the absence of any amendments that may be made to it to meet the concerns raised in this submission:

- (a) Will not promote the sustainable management of natural and physical resources and will otherwise be contrary to the purpose and principles of the Act.
- (b) Will not promote or enable the social, economic and cultural well being of those communities in the Auckland and Waikato regions that will be directly and adversely affected by the proposed works.
- (c) Does not adequately avoid, remedy or mitigate adverse effects on the environment (section 5(2)(c) of the Act).
- (d) Does not amount to or promote the efficient use and development of resources (section 7(b) of the Act).
- (e) Does not maintain and enhance amenity values or the quality of the environment (sections 7(c) and (f) of the Act).
- (f) Will generate significant adverse effects on the environment.
- (g) Is inconsistent and contrary to relevant regional and district policy statements and plans (section 171(a) of the Act).
- (h) Fails to give adequate consideration to alternative sites, routes, or methods of undertaking the work (section 171(b) of the Act).
- (i) Is not reasonably necessary for achieving Transpower's objectives for which the designation is sought (section 171 (c) of the Act).

Specific Concerns relating to loss of productive ability of land and potential landowner liability

HFM NZ opposes the Overhead Line Notice of Requirement (Reference No.240/021) over Taumata Plantations forests. As has been discussed with Transpower representatives, our principal concerns relate to:

1. Reverse sensitivity and Loss of return from the land within and adjacent to the corridor:

Due to the incompatibility of plantation forestry with above ground transmission lines, the designation and subsequent installation of the above ground line will result in the land within the powerline corridor becoming unusable for plantation forest. Given the corridor will be a long narrow strip, bounded on both sides by plantation forestry and located in hilly topography, alternative land uses such as cropping or grazing would become impractical, therefore making it most likely the area would become unproductive. At the indicative designation width of 100m through plantation forests this will remove 186 ha from productive use.

The proposed transmission line will also result in additional constraints and costs to Taumata Plantations Ltd in undertaking forestry operations adjacent to but outside of the proposed designation corridor (eg cable harvesting operations, burning, use of alternate routes etc). Additionally it will significantly impact on future land use options for the land. HFM NZ's principal concern in relation to these issues, is to ensure that Taumata Plantations Ltd as owner of the land, is adequately and fairly compensated for current and future value loss (trees, land and imposed future costs).

2. Landowner liability for transmission corridor damage and outage:

It is HFM NZ's concern that liability may accrue to the owner of the land and/or trees in the event that forestry activities were to cause damage to the line, and that the liability could potentially include both costs of damage repairs and liability for subsequent losses to parties affected by the outage. Given the size and importance of the transmission line, disruption could arguably result in liabilities of millions of dollars per day. Imposition of such uncapped perpetual liability on individual landowners represents an unacceptable risk. Without adequate mitigation it would be a deal breaker in any truly commercial negotiation where the parties were free to participate in the transaction. A failure to recognise and mitigate the potential liability is inconsistent with the expectation that landowners will be left free from harm in the face of the taking of land for a public project.

This situation will be exacerbated in a plantation forest situation, should Transpower seek a minimal easement width in the interests of reducing project costs, thereby placing the landowner in very real risk that damage could occur. The Notice of Requirement application documentation indicates the transmission line towers will be in the order of 20m wide and the proposed designation corridor will be 100m wide. Assuming the designation width is also the proposed width of subsequent landowner easements, this will result in a clear buffer of 40m either side of the powerline structures to the plantation forest. Given that pinus radiata grow to around 45m tall

at maturity, HFM NZ is concerned that a buffer of this width would be inadequate to ensure protection of the powerline towers and lines from damage due to trees falling (either as a result of harvesting operation mishaps or windthrow).

This issue of liability clearly has a significant potential effect on the landowner but has not been addressed through the assessment of effects of the Notice of Requirement. It is our understanding that this issue has been raised at length by landowners with Transpower in the past, however to date has not been successfully resolved.

HFM NZ's concerns with liability relate not only to the proposed new overhead line, but also existing powerlines crossing land managed by HFM NZ that currently exist without easement. It is HFM NZ's understanding that the previous owner of the forest (Carter Holt Harvey Forests) undertook extensive negotiation with Transpower regarding an easement to resolve the issue of liability, however to date this has not been finalised.

HFM NZ is hopeful that the above concerns will be satisfactorily resolved through an open and fair negotiation with Transpower through the process of establishing an easement on Taumata Plantations Ltd property to allow the lines to be constructed. However we oppose the imposition of designation across the property, which effectively enables Transpower to control the activities that take place within that corridor, until the easement process has been resolved.

I/we seek the following decision from the Board of Inquiry:

- (a) That the Notice of Requirement for designation Ref No 240/021 be declined.
- (b) That in the event that the Notice of Requirement is not declined, the Notice of Requirement be approved only if it is amended or is made subject to conditions that require Transpower to:
 - (i) Extend the width of the designation to a distance sufficient to counter any reasonably foreseeable probability that the lines may be damaged as a result of adjacent land activities, whether current or future, resulting in outage and /or potential downstream liability; and / or
 - (ii) Acquire the full freehold title of a corridor of sufficient width as to eliminate all reasonable probability that as yet undefined or unknown adverse effects could constitute a reasonable risk; In that regard conditions should assess the proposed easement width through plantation forest land, taking into account mature tree height, topography and harvesting configurations, reverse sensitivity and potential liability for power outage and such other matters raised in the submission;
 - (iii) Adopt a precautionary approach in determining the width of designation to reasonably accommodate the proposed 400 KVA line by securing the land owners' agreement to easement terms and conditions allowing for constraints on current and future land use activities; and / or

- (iv) Limit the duration of the consent granted to Transpower designation to a fixed term and in any event no longer than 35 years.
- (v) Such further relief as is appropriate or desirable in order to take account of the concerns expressed in this submission.