

1 October 2021

Environmental Protection Authority
Private Bag 63002
Wellington

Attention: Gen Hewett (by email: gen.hewett@epa.govt.nz)

Dear Gen,

LP15 Papakura to Drury South State Highway 1 improvements, Stage 1B1: Response to comments received on the Transpower application for resource consent under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This letter provides a response to comments made in respect of the application for resource consent by Transpower New Zealand Limited (Transpower) for the Papakura to Drury South State Highway 1 (SH1) improvements, Stage 1B1. It is noted that Waka Kotahi New Zealand Transport Agency will respond to comments in respect to its Notices of Requirement and application for resource consents separately.

Transpower is grateful to all parties who have taken the time to comment on the application. Comments have been received from the following parties in relation to the Transpower application:

- Asha Investments Ltd
- Heritage New Zealand Pouhere Taonga (HNZPT)
- Hon Carmel Sepuloni, Minister for Arts, Culture and Heritage

Responses to the comments are provided below.

Asha Investments Ltd

Comments from Asha Investments Ltd relate to the property at 31 Bremner Road, Drury and the effect of the proposed transmission line works on this property.

The property at 31 Bremner Road contains an existing steel lattice tower (Tower 75) associated with the Bombay to Otahuhu A (BOB-OTA A) 110kV transmission line. The tower was first constructed in 1959 in preparation for the BOB-OTA A line commissioning on 1 January 1960.

The transmission line works proposed by Transpower do not involve the relocation of Tower 75 or the requirement for any land for the works associated with the BOB-OTA A transmission line for Stage 1B1 of the Papakura to Drury South SH1 improvements. The application for resource consent by Transpower relates to the relocation and replacement of existing Tower 74 which is located within the Drury Interchange. Those works do not require any changes to the tower on the property at 31 Bremner Road.

As set out on page 26 of the AEE, part of the property is currently located within National Grid Corridor Overlay in the Auckland Unitary Plan: Operative in Part. There will be no change to the corridor at this property as a result of the transmission line works.

Transpower accesses the property from time to time for maintenance and operation activities associated with the existing transmission line. This access is managed under the Electricity Act 1992 and under that Act, Transpower is required to provide written notice to the land owner of the intention to access the site to maintain, inspect or operate the assets on the property. Should Transpower require any access to the existing assets on the property in the future, it will continue to provide notice to the landowner as per the requirements of the Electricity Act 1992.

Heritage New Zealand Pouhere Taonga

Comments from HNZPT raise a concern that an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) may not be in place before work starts, and that instead, Transpower will rely on accidental discovery protocols in the absence of an archaeological authority.

Transpower confirms that it intends to obtain an archaeological authority for the areas where there is reasonable cause to suspect potential previously unrecorded deposits may be encountered prior to any works in those areas. The timing for the application is yet to be confirmed and Transpower will liaise with HNZPT prior to submitting an application.

HNZPT seek amendments to the proposed conditions included as Appendix E of the Assessment of Effects on the Environment report in the Transpower application. The effect of the amendments proposed by HNZPT is the removal of reference to construction monitoring that will otherwise be addressed by an archaeological authority and removal of reference to the Auckland Unitary Plan: Operative in Part accidental discovery rule (Standards E11.6.1 and E12.6.1) for the discovery of sensitive materials during site work. In the table below, Transpower provides comments on the amendments sought by HNZPT.

HNZPT suggested amendment	Transpower comment
5. A suitably qualified archaeologist shall be on site during the earthwork operations authorised under this consent to monitor the earthworks. The archaeologist is to be present during excavations for the foundations of Structures 73B and 74A.	Transpower agree that this condition is not required as an archaeological authority will be in place prior to working starting and that may include requirements for monitoring. The deletion of Condition 5 would require the renumbering of subsequent conditions.
6. For activities and any areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014, an Accidental Discovery Protocol shall be prepared and shall apply to for any accidental archaeological discoveries which occur during the Works. The Accidental Discovery Protocol shall be consistent with the accidental discovery rule	Transpower agree that reference to activities can be removed from the condition. Transpower notes that the Land Disturbance - District Standard E12.6.1 is not applicable to the transmission line works, with the National Environmental Standards for Electricity Transmission Activities addressing the district matters for earthworks associated with transmission lines.



HNZPT suggested amendment	Transpower comment
<p><i>in Chapter E11 (Land disturbance—Regional) set out in Standards E11.6.1 and E12.6.1 of the Auckland Unitary Plan: Operative in Part or any subsequent version.</i></p>	
<p>7. If, at any time during site works, sensitive materials (koiwi/human remains, an archaeology site, a Maori cultural artefact, a protected NZ object, contamination or a lava cave greater than 1 m in diameter) are discovered, then the protocol set out in standards E11.6.1 and E12.6.1 of the Auckland Unitary Plan: Operative in Part must be followed. In summary these are: (a) All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed. (b) The consent holder must immediately advise Council, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties. (c) If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from those Iwi groups with mana whenua interest in the area are to be provided information on the nature and location of the discovery. (d) The consent holder must not recommence works until the steps set out in the above[1]mentioned standards have been followed and commencement of works approved by Council.</p>	<p>Transpower understands that the accidental discovery rule in the AUP:OP applies to matters broader than solely archaeology and therefore is applicable for the site works. The wording proposed by Transpower can make this clearer by removing reference to “an archaeological site”.</p> <p>Condition 7 contains the requirements listed in the AUP:OP standards. As noted above, Standard E12.6.1 should be deleted from the condition.</p>

The three conditions discussed above were developed in liaison with Auckland Council. We therefore suggest that, should the Panel consider amendments to the conditions are necessary, there would be benefit in liaison with Auckland Council and HNZPT on the wording.

Hon Carmel Sepuloni, Minister for Arts, Culture and Heritage

Comments from the Minister for Arts Culture and Heritage note that an archaeological authority under the HNZPT Act may be required for some of the project enabling works.

The enabling works include the transmission line works by Transpower. We have provided a comment on this matter above in response to the comments from HNZPT.

Conditions

A full set of proposed conditions, including the amendments suggested by Transpower which are set out above are included as **Attachment A** to this letter.

Yours faithfully,
Transpower New Zealand Limited



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Proposed conditions for Transpower transmission line works – Amended in response to comments (1 October 2021)

Definition of terms used in these conditions:

In these conditions,

“the Works” means the relocation and replacement of a transmission line support structure and a new transmission line support structure on the Bombay-Otahuhu A 110kV transmission line.

“Structure Areas” means the red polygons shown on *Figure 1: Areas for the final placement of structures*.

Conditions:

Reference	Condition
General conditions	
1	<p>(a) Except as provided for in the conditions below and subject to final design, the Works shall be undertaken in general accordance with the following plans and information submitted with the Application dated <i>[insert date]</i>, and in particular the following documents:</p> <p>i) Chapter 2: Description of the Project.</p> <p>(b) Where there may be an inconsistency between the documents listed in clause (a) above and the requirements of these conditions, these conditions shall prevail.</p>
2	<p>(a) A copy of these resource consent conditions shall be kept either electronically or in hard copy on-site at all times that the Works are being undertaken.</p> <p>(b) The consent holder shall make contractors aware of the requirement to comply with these conditions.</p>
3	Pursuant to clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-track Consenting) Act 2020, this resource consent shall lapse two years from the date of commencement unless it has been given effect to, surrendered or been cancelled at an earlier date.
Design and location of structures	
4	The final placement of the relocated and replaced Structure 73B and new Structure 74A shall be within the Structure Areas shown on attached Figure 1 with the final location subject to detailed design and including considerations under the <i>New Zealand Electrical Code of Practice for Electrical Safe Distances</i> (NZECP 34:2001).

Reference	Condition
Accidental discovery protocols	
5	A suitably qualified archaeologist shall be on site during the earthwork operations authorised under this consent to monitor the earthworks. The archaeologist is to be present during excavations for the foundations of Structures 73B and 74A.
56	<p>For activities and any areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014, an Accidental Discovery Protocol shall be prepared for any accidental archaeological discoveries which occur during the Works.</p> <p>The Accidental Discovery Protocol shall be consistent with the accidental discovery rule in Chapter E11 (Land disturbance – Regional) set out in Standards E11.6.1 of the Auckland Unitary Plan: Operative in Part or any subsequent version.</p>
67	<p>If, at any time during site works, sensitive materials (koiwi/human remains, an archaeology site, a Maori cultural artefact, a protected NZ object, contamination or a lava cave greater than 1 m in diameter) are discovered, then the protocol set out in Standards E11.6.1 and E12.6.4 of the Auckland Unitary Plan: Operative in Part must be followed. In summary these are:</p> <p>(a) All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed.</p> <p>(b) The consent holder must immediately advise Council, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.</p> <p>(c) If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from those Iwi groups with mana whenua interest in the area are to be provided information on the nature and location of the discovery.</p> <p>(d) The consent holder must not recommence works until the steps set out in the above-mentioned standards have been followed and commencement of works approved by Council.</p>
Noise and vibration	
78	All construction activities associated with the Works shall comply with New Zealand Standard NZS 6803:1999 <i>Acoustics—Construction Noise</i> (or any subsequent revision) at all times.
89	Vibrations from the Works shall comply with the peak particle velocity limits in Table 1 of German Standard DIN 4150–3:1999 <i>Structural Vibration—Effects of Vibration on Structures</i> .
Mana Whenua	
940	Kaitiaki representatives from Mana Whenua are to be given the opportunity to monitor the earthworks for the foundations of Structures 73B and 74A onsite and conduct

Reference	Condition
	<p>karakia and other such religious or cultural ceremonies and activities as are appropriate.</p> <p>For the purpose of this condition, Mana Whenua are the thirteen relevant iwi authorities that comprise the Southern Iwi Integration Group.</p>
Earthworks, stabilisation and reinstatement	
1044	<p>All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately and the discharge must be mitigated and/or rectified to the satisfaction of Auckland Council.</p>
1142	<p>Upon completion of the Works, all construction material and equipment shall be removed from the subject site.</p>
1243	<p>Immediately upon completion or abandonment of earthworks on the subject site, all areas of bare earth must be permanently stabilised against erosion to the satisfaction of Auckland Council.</p>
Advice notes:	
A	<p>Where construction activities may affect the local road network, separate approval will be required from Auckland Transport (as the road controlling authority). The approval will likely include a Corridor Access Request and accompany a Traffic Management plan.</p>
B	<p>In accordance with Condition 11, measures to stabilise against erosion may include:</p> <ul style="list-style-type: none"> ▪ the use of mulching ▪ top-soiling and grassing of otherwise bare areas of earth <p>The consent holder can discuss any potential measures with Council who can provide guidance on the most appropriate approach to take. Council can be contacted on email (monitoring@aucklandcouncil.govt.nz) for more details. Alternatively, refer to “<i>GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region</i>”</p>