

4 November 2022

Te Tai o Poutini Plan – Proposed Plan  
[info@tppp.nz](mailto:info@tppp.nz)

Dear Sir/Madam,

**Submission on the Te Tai o Poutini Plan (TTPP)**

Organisation: *Buller Electricity Limited*

Please find attached a submission from the *Buller Electricity Limited* on the Proposed Te Tai o Poutini Plan (TTPP).

We would not gain an advantage in trade competition through this submission.

*Buller Electricity Limited (BEL)* is directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

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Mark Lile  
**Landmark Lile Limited**  
*Resource Management Consultancy*

## **Submission on the proposed Te Tai o Poutini Plan (TTPP)**

Form 5

Clause 6 of Schedule 1, Resource Management Act 1991

**To:** Te Tai o Poutini Plan Committee

**From:** Buller Electricity Limited ('BEL')

**This is a submission on the following proposed plan (the proposal):**

The proposed Te Tai o Poutini Plan (TTPP) ("Proposed Plan").

**The specific provisions that my submission is relates to are identified in Attachment 2.**

**Buller Electricity Limited wishes to speak to this submission.**

If others make similar submissions, we would consider presenting in a joint case.

**Buller Electricity's submission is:**

### Executive Summary

Buller Electricity Limited (BEL) is the local electricity distribution company supplying 4,800 consumers located on the northern West Coast of the South Island. The Buller Electricity Limited's distribution area extends from Meybille Bay in the south (5km north of Punakaiki), to Karamea in the north.

Much of the distribution area covered is rural incorporating significant dairy and beef farming, with the main settlement population being based in the Westport township. Coal mining at the Stockton opencast mine continues to be a major employer and electricity consumer in the region.

The National Grid is nationally (and regionally) significant infrastructure that is recognised in the Resource Management Act 1991("RMA") context by the National Policy Statement on Electricity Transmission 2008 ("NPSET"), the National Environmental Standards for Electricity Transmission Activities Regulations 2009 (NESETA) and the Operative West Coast Regional Policy Statement ("WCRPS").

The Proposed TTPP is required, among other things to give effect to the provisions of the NPSET and WCRPS; and not be in conflict with, nor duplicate the provisions of the NESETA.

BEL acknowledge the Te Tai o Poutini Plan Committee's intent to meet these obligations and Buller Electricity is appreciative of the opportunity to engage with Council during the development of the TTPP. The feedback given by Buller Electricity Limited on the Draft TTPP is provided within **Attachment 1** to this submission.

It is Buller Electricity's submission that further amendments to the Proposed TTPP are required. It is critical to the well being of the West Coast community that the maintenance of existing and development of new electricity transmission can occur efficiently, without unnecessary delays and costs. It is also considered important for the Proposed TTPP to be clear in its intentions for ease of administration and interpretation. Complexity needs to be avoided where possible. As set out in the further detailed submissions provided within **Attachment 2**, it is considered that further improvements need to be made to the TTPP to ensure the purpose and principles of the RMA (Part 2) are met after evaluating it under section 32 and 32AA.

Please contact me if you have any queries.

Yours sincerely,



Mark Lile

**Landmark Lile Limited**

*Resource Management Consultancy*

cc. Buller Electricity Limited  
Attn: Clark Nelson  
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## Attachment 1: Feedback by Buller Electricity to the draft TTPP

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11 March 2022

Te Tai o Poutini Plan  
[info@ttop.nz](mailto:info@ttop.nz)

Dear Sir/Madam,

**Feedback to the Draft Te Tai o Poutini Plan (TTPP)**  
*Buller Electricity Limited*

Thank you for this opportunity to provide feedback on the draft TTPP. The feedback below is generally high level at this stage as further work is required to ensure they are able to be clearly interpreted and administered. As such we would appreciate the opportunity to work through all relevant provisions again prior to any formal public notification process occurs. We suggest a small working ground be established, represented by the key electricity industry stakeholders to ensure the formal process is efficient for all involved.

1. The Buller District Plan was changed in 2019 via Plan Change 145 (attached). This very recent Plan Change process should provide some direct assistance for the TTPP to ensure electricity infrastructure is appropriately provided for. Having said that, the TTPP provides an opportunity to regularize the provision for electricity reticulation in a manner that maximises efficiency, without unnecessary delays and costs of obtaining resource consent approval.
2. Based on the inclusion of the words 'new distribution lines' in the heading of Rule ENG-R3, we interpret that the TTPP intended to provide for new above and below ground infrastructure as a permitted activity. However, the rule itself does not provide for new distribution lines at all, unless as a part of maintenance. This is a significant concern that needs to be corrected.
3. We have some concerns as to the relationship between, and so relevance of, the *Energy* and separate *Infrastructure* chapters in so far as these relate to electricity. We also consider it necessary to clarify what is meant by "Regionally Significant Infrastructure".
4. It is considered that the definitions provided need to be consistent with the Act to ensure no disconnection between the RMA and TTPP.
5. Appropriate consideration needs to be given to the wording of provisions, in particular the *Energy* chapter, to ensure they give effect to the high level directions contained in the West Coast RPS.
6. Appropriate consideration needs to be given to the wording of provisions, in particular the *Energy* chapter, to ensure they give effect to the NPSREG and NES.

7. With respect to Rule ENG-R2, we request that a definition of "Substation" be added, along with appropriate rules that provide for electricity substations in all other zones.

Please contact me if you have any queries.

Yours sincerely,



Mark Lile  
**Landmark Lile Limited**  
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## Attachment 2: Submissions from BEL on the proposed TTPP

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### Introduction and General Provisions

1. **'General Approach'**. The approach taken in the TTPP is clearly set out on pages 14-15. It is within this section that the TTPP states:

*The Infrastructure, Energy, Transport, Subdivision and Temporary Activities Chapters operate slightly differently to the rest of the Plan. If you are undertaking any activities relating to infrastructure, energy, transport or are wanting to undertake any temporary activities or subdivide your property, you should start by looking at those chapters first. These chapters will then refer you to other chapters, as required. (our emphasis)*

This slight difference is considered to create a significant risk to those using the TTPP in that the provisions contained in the Energy chapter will be missed. This risk is caused by there not being any reference to these rules on the planning maps nor in the Zone Chapters.

Buller Electricity's strongly held view is that such rules should be located within the relevant zone chapters, as this will ensure they are accessible, recognisable and will reduce the likelihood of the provisions being missed when development proposals are considered. In essence, the corridor protection provisions manage the use, development and protection of resources in each relevant zone and apply directly to the land use activities that are regulated in the zone. The corridor protection provisions should not be considered as being any different from any other zone rule that impacts on building/structure form or location. ENG-R6 and ENG-R7 in particular, should be repeated in each zone where significant distribution lines exist.

2. **'Cross Boundary Matters'**. Buller Electricity request that the following be added under cross boundary issues: "*the identification of the safe and efficient functioning of the electricity transmission networks, including protecting important infrastructure from reverse sensitivity effects as an issue in respect of cross boundary matters and acknowledge the approach to consultation and consistent provisions being the means to resolving the issue*".

### Definitions

3. The proposed definition of **'Community Scale'** is supported and should be retained as notified.
4. The proposed definition of **'Critical Infrastructure'** is supported and should be retained as notified.
5. The proposed definition of **'Energy Activity'** is supported and should be retained as notified.
6. The proposed definition of **'Functional Need'** is supported and should be retained as notified.
7. The proposed definition of **'Infrastructure'** is supported and should be retained as notified.

8. The proposed definition of '**Large Scale**' is supported in part with the changes requested as follows:

*means, when applied to provisions in the Energy, Infrastructure and Transport Chapter, electricity generation activities utilising renewable energy sources with a capacity of greater than 100kW for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities including but not limited to ~~such as~~ lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works.*

9. The proposed definition of '**Maintenance**' is supported in part; however an amendment is sought to avoid any future uncertainty and allow for minor and insignificant upgrades to occur as maintenance such increasing conductor size. BEL seeks that the definition be amended as follows:

a. *In relation to infrastructure and renewable electricity generation activities, any work or activity necessary to continue the operation and / or functioning of existing infrastructure including but not limited to existing line, building structure, facility or utility, and shall also provide for replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility or significant upgrading.*

b. *In relation to historic heritage, is work or activity that does not result in the following:*

- i. *Changes to the extent, floor levels, form, proportion and scale of the historic heritage item;*
- ii. *Changes to the design, texture or form of the fabric;*
- iii. *Use of materials other than those that are the same as the original, or most significant fabric, or the closest equivalent: or*
- iv. *Damage to the building or structure as a consequence of affixing scaffolding.*

10. The proposed definition of '**National Grid**' is supported and should be retained as notified.

11. The proposed definition of '**National Grid Subdivision Corridor**' is supported and should be retained as notified.

12. The proposed definition of '**National Grid Yard**' is supported and should be retained as notified.

13. The proposed definition of '**Network Utility Operator**' is supported and should be retained as notified however various terms have been used throughout the proposed plan and a consistent term should be applied throughout.

14. The proposed definition of '**Operational Need**' supports the inclusion of a definition of "Operational Need", however there has been a spelling mistake where "logistical" has been used where it should be "locational".
15. The proposed definition of '**Upgrading**' is opposed. This definition of "Upgrading" and an alternative definition is sought. The current definition is confusing and will limit Buller Electricity's ability to provide for the community. BEL seeks that the definition be amended as follows:

*means in relation to infrastructure and renewable electricity generation activities, an increase in kV wattage/transmission for an existing distribution line, or increase in the footprint of an existing structure/building, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair.*

#### Energy, Infrastructure and Transport

16. **Overview.** Buller Electricity supports the overview in the energy section of the Energy Infrastructure and Transport Chapter. It is suggested that a comma between Energy and Infrastructure is appropriate - Energy, Infrastructure and Transport Chapter.
17. The proposed **Objective ENG – 01** is supported in part however BEL seek a minor amendment to the objective, as set out below, to ensure it reads correctly:
 

*To recognise the local and regional benefits of electricity transmission, distribution and renewable electricity generation activities; and provide for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.*
18. The proposed **Objective ENG – 02** is supported in part however considers the objective should be reworded as follows:
 

*Have particular regard to the constraints imposed by the technical, locational and operational requirements when seeking to avoid, remedy or mitigate adverse effects on communities and the environment from an energy activities design and location.*
19. The proposed **Objective ENG – 03** is supported in part. It is however considered that the objective should be amended to give effect to the RPS, while also creating a new objective ENG-05 to address the second discrete part of proposed ENG – 03:
 

*To ~~provide for the~~ enable development, operation, maintenance and upgrade of energy activities, ~~and to protect them from the adverse effects of incompatible subdivision and development.~~*

And a new Objective ENG – 05:

*Energy activities, including their operation, maintenance, upgrading or development, are protected from the adverse effects of incompatible subdivision and development.*



20. The proposed **Objective ENG – 04** is supported in part. BEL however requests that an addition is made to this objective as set out below:

*To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by incompatible subdivision, use and development.*

21. The proposed **Policy ENG - P1** is supported in part on the basis that it is consistent with Policy 2 of the NPSET. Buller Electricity seeks minor amendments to enable minor upgrading of important infrastructure in order to give effect to Policy 5 of the NPSET that requires ..."decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets." The change requested is therefore:

*Provide for and enable the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure and assets.*

22. The proposed **Policy ENG – P2** is supported on the basis that it is generally consistent with Policy 1 of the NPSET. Buller Electricity however seeks minor amendments in order to be entirely consistent with this policy:

*When considering proposals to develop and operate new and existing energy activities, infrastructure and assets provide for ~~have particular regard to~~ the benefits to be obtained from the proposal, including;*

- a. Maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation; or*
- b. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; or*
- c. Economic, social, environmental or cultural wellbeing; or*
- d. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; or*
- e. Effective transmission and distribution of electricity supply; or*
- f. Facilitation and use of renewable energy; or*
- g. Security of electricity supply; ~~and~~ or*
- h. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.*

23. The proposed **Policy ENG – P3** Buller Electricity opposes this policy and requests that it is reworded in order to give effect to Policy 10 in the NESET as follows:

~~*Minimise reverse sensitivity effects from subdivision, use and development on energy activities and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development.*~~

Avoid reverse sensitivity effects from subdivision, use and development on electricity distribution and transmission assets, existing renewable electricity generation activities and associated infrastructure, and protect such infrastructure from adverse effects of activities on the operation, maintenance, upgrading or development of that infrastructure.

24. The proposed **Policy ENG – P4** is generally supported however a minor amendment is sought as the use of "minimise" in the opening clause is concerning because: - the subsequent clauses seek a number of outcomes that are management approaches; - the term may imply that adverse effects must be made 'minimal' and this outcome may not always be possible; - the NESR does not require effects to be minimised in all circumstances, but refer to the effects being "managed" in the objectives and "avoided, remedied or mitigated" in Policies 3 and 4. The change requested is as follows:

Minimise-Manage adverse effects on communities and the environment from energy activities by:

- a. *Having regard to the values associated with areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas;*
- b. *Implementing industry best management practices around electrical safe distances;*
- c. *Maintaining ongoing access to grid and distribution elements and structures for maintenance and upgrading works; and*
- d. *Avoiding exposure to health and safety risks.*

25. The proposed **Policy ENG – P5** is generally supported however the following minor amendment is sought in order to give effect to the RPS:

When considering proposals to develop, operate, maintain and upgrade new and existing energy activities, infrastructure and assets:

- a. ~~Recognise~~ Have particular regard to the constraints imposed by their functional constraints and operational requirements; and
- b. Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects have been ~~minimised~~ managed in the route, site and method selection.

26. The proposed **Policy ENG – P6** is supported and should be retained as notified.
27. The proposed **Policy ENG – P7** is supported and should be retained as notified.
28. The proposed **Policy ENG – P8** is supported and should be retained as notified.
29. The proposed **Policy ENG – P9** is supported and should be retained as notified.

30. A new **Policy ENG – 10** to provide a clear "line of sight" between any of the policies as notified (ENG - P1 to ENG - P9) and Energy Rule 1 (ENG - R1). A new policy is sought as set out below:

*Avoid radio, electric and magnetic fields that do not meet the applicable New Zealand or International standards or guidelines, or National Environmental Standards.*

## ENG Rules

### *Permitted Activities*

31. It is unclear whether underground electricity transmission lines are a permitted activity in the proposed TTPP. If this activity has not been provided for then this relief is sought.
32. The proposed **Rule ENG – R1 (Energy Permitted Activity Performance Standards)** is supported in part, however an amendment is sought in order to accommodate any future updates of the referenced documents while also seeking to be consistent with Policy 9 of the NESET. This rule would then also relate to the above proposed additional Policy ENG – 10.

*1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010) or revisions thereof, and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007 or revisions thereof and any applicable New Zealand standards or National Environmental Standards.*

33. The proposed **Rule ENG – R2 '(Substations (Zone))'** is supported in that it enables the operation, maintenance, repair and upgrade of existing substations within existing switchyards or buildings, and also new substations in an industrial zone. This rule is supported.
34. The proposed **Rule ENG – R3 '(Substations (Distribution))'** is supported.
35. The proposed **Rule ENG – R4 '(Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations not managed by the National Environmental Standard for Electricity Transmission Activities)'** is supported in part.

It is considered that the reference to poles in Clause 4 of this rule needs to be amended to read: "pole structures at its widest point". The addition of the word "structures" makes more practical sense.

It is also considered that clause 5 of this rule also needs to also provide for additional poles and assemblies as the current rules (PC145) provide for up to 5 poles to be added as a permitted activity.

36. The proposed **Rule ENG – R8 '(Installation of electricity cabinets)'** is supported as it enables this activity to occur as a permitted activity.

