

STATEMENT OF EVIDENCE OF MARK A.B. LILE

On behalf of

BULLER ELECTRICITY LIMITED

(S451 and FS138)

Proposed Te Tai o Poutini Plan (TTPP)

Energy, Infrastructure and Transport

(Hearing: 2– 30 November 2023)

Section A – Introduction and Scope of Evidence

Name, qualification and expertise

1. My full name is Mark Addie Bernard Lile.
2. I have a Bachelor of Resource and Environmental Planning (Hons), along with a Postgraduate Diploma in Business and Administration, both from Massey University. In 1998 I became a full member of the New Zealand Planning Institute (NZPI) and have served on the local committee of the NZPI and RMLA.
3. My professional planning career started as a Planning Officer with the Nelson City Council, where I worked between March 1994 and the end of March 2000. On 1 April 2000 I established Landmark Lile Limited which I have operated since. This company has now operated for 23 years.
4. Over the course of the last 23 years I have been involved in numerous projects on the West Coast where I have provided the planning expertise. That experience is wide ranging.

Expert Code

5. While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence
6. I have read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2023 (part 8). I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Role for Buller Electricity Limited

7. Buller Electricity Limited (BEL) sought my expertise in the early phases of the draft TTPP process. This subsequently resulted in the opportunity to provide feedback on the draft TTPP which I prepared in March 2022 and is attached to the submission made to the proposed TTPP.
8. The submission I prepared also involved specialist technical input from BEL.

Scope of Evidence

9. My evidence has taken care to ensure it addresses the matters identified as outstanding in the s42A reports. Where I consider it necessary to do so, I also address items in the s42A report that I disagree with.

Section B – Executive Summary

10. Buller Electricity Limited fully supports the collective efforts and significant investment of time and resources into the preparation of the TTPP. BEL also greatly appreciates the opportunity to become directly involved into this process which will result in a much more efficient and integrated set of provisions that will take the West Coast forward in a positive direction in years to come.

11. It is also very clear that the process of preparing the hearing reports and organising the hearings have been professionally managed.

Section C - Evidence

12. The format I have used in my evidence that follows simply allows a comparison to what was requested by BEL to that which is recommended in the s42A report. Only an additional comment is provided where considered necessary.

Objective ENG – 01

13. BEL supported this policy but sought a change that improves its readability:

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.

14. The s42A report recommends the following changes:

To recognise the local, ~~and~~ regional and national benefits of electricity transmission, distribution and renewable electricity generation activities, by providing for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.

15. The change requested by BEL has essentially been accepted which is appreciated. It is considered that this improves Objective ENG – 01.

Objective ENG – 02

16. BEL sought rewording this objective 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.

17. The s42A report recommends no changes:

To recognise the functional and operational needs associated with the location and design of energy activities, and to minimise adverse effects of these activities on communities and the environment.

18. The s42A report does not support the change requested by BEL as it is considered that the word minimise reflects that “*there will be scenarios where it is not possible to or practical to avoid, remedy or mitigate all effects from energy activities due to their technical, functional, operational and locational constraints. In our opinion ‘minimise’ provides greater certainty and is consistent with the approach taken throughout pTTPP*” (173, SAR).

19. I accept this assessment and now agree with the wording.

Objective ENG – 03

20. BEL supported this policy but also sought an amendment to ensure it gave effect to the RPS:

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.~~

21. As set out below, BEL also sought that the second part of this objective be separated out into a new objective focused on *protection*.

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

22. The s42A report recommends:

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

23. These parts of the BEL submission are addressed in paragraphs 178 and 185 of the s42A report. The changes are not supported for the reasons outlined. I also accept this assessment in the s42A report.

Objective ENG – 04

24. BEL also supported this policy and sought a minor change:

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.

25. The recommendation in the s42A report:

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 subdivision, use and development.

26. Other submitters have also sought this change. The s42A (paragraph 184) however assesses that this change would limit the scope of the objective, rather than actively consider the effects. That is also accepted.

Policy ENG – P1

27. BEL supported Policy 1 on the basis that it is consistent with Policy 2 of the NPSET. Buller Electricity however also sought 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 was therefore:

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

28. The s42A report recommends:

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

29. The inclusion of the word enable is assessed in the s42A as being unnecessary as it has the same meaning as 'provide for' (SAR, paragraph 189). While the word enable would be more consistent with the NPSET I agree that the words provide for largely mean the same. I do however attribute enable to the permitted activity status more readily than the words 'provide for'.

Policy ENG – P2

30. BEL supported Policy P2 and also sought minor amendments as follows:

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.*

31. These changes were sought on the basis that the policy would then be entirely consistent with Policy of the NESET. The s42A (and FS41) however assessed that the addition of the words 'or' would suggest that only one of the criteria is required instead a consideration of all. Upon further consideration, I agree. The recommendation is accepted.

32. The s42A report recommends:

~~*When considering proposals to develop and operate new and existing*~~ *Manage adverse effects from development of new or development, operation, maintenance or upgrading of existing* *energy activities 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;~~*
- b. *Providing for diversity of the type and location of electricity generation;*
- c. *Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- d. *Economic, social, environmental or cultural wellbeing;*

- e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets;
- f. Effective transmission and distribution of electricity supply;
- g. Facilitation and use of renewable energy;
- h. Security of electricity supply; and
- i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.

33. The other part of the BEL submission was to seek reference to infrastructure and assets beyond just 'energy activities'. The change to the first sentence does that, albeit differently, through the reference to development and upgrading. The recommendation is also accepted.

Policy ENG – P3

34. BEL opposed proposed Policy 3 as it is considered that it did not give effect to Policy 10 of the NESET. BEL submitted that this policy we reworded 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.

35. The s42A report recommends:

~~Minimise reverse sensitivity effects from~~ Manage adverse 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.~~

36. The s42A (paragraph 203) agrees that the current policy wording is not consistent with the NPSET and so recommends the use of the word manage rather than avoid. However Policy 10 of the NPSET seeks "to the extent reasonably possible manage activities to avoid reserve sensitivity effects". As such I consider this recommendation does not fully apply the direction in the NPSET. I therefore consider it more appropriate to insert the words "activities to avoid" as follows:

Manage activities to avoid adverse reverse sensitivity effects from subdivision, use and development on energy activities.

Policy ENG – P4

37. BEL generally supported Policy P4 but submitted that:

"... 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 NESET 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.

38. The s42A report recommends:

~~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~~ infrastructure and structures for maintenance and upgrading works; and
- d. Avoiding exposure to health and safety risks.

39. The BEL request has been accepted.

Policy ENG – P5

40. BEL generally supported Policy P5 but considers that a minor amendment is required 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.

41. The s42A report recommends:

~~When considering proposals to develop, operate, maintain and upgrade new and~~ Manage ~~adverse effects from the development of new or development, operation, maintenance or upgrading of~~ existing energy activities by:

- a. Recognise their functional ~~constraints~~ needs and operational ~~requirements~~ needs; and
- b. ~~Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects~~ Having regard to the extent to which any adverse effects of significant electricity distribution lines have been minimised in the route, site and method selection.

42. Overall, these changes achieve the outcome sought by BEL in its submission and so this recommendation is accepted.

Policy ENG – P6

43. We supported Policy 6 and sought that it be retained as notified.

44. The s42A report recommends:

Provide for the development, upgrading, maintenance and operation of:

- a. A range of ~~small, community and large scale~~ renewable electricity generation activities; and
- b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.

45. This policy and the recommended changes are accepted.

Policy ENG – P7

46. We supported Policy 7 and sought that it be retained as notified.

47. The s42A report recommends:

Recognise and provide for the national, regional and local benefits of the National Grid, including by:

- a. Enabling the operation, maintenance and minor upgrading requirements of existing National Grid assets;
- b. Providing for other upgrades and the effective development of new National Grid assets; and
- c. When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to:
 - i. The technical and operational constraints of the National Grid; and
 - ii. The extent to which proposals have avoided, remedied and mitigated effects through the route, site and method selection.

48. This policy and recommendation is supported.

Policy ENG – P8

49. We supported Policy 8 and sought that it be retained as notified.

50. The s42A report recommends:

Manage the adverse effects of the National Grid by:

- a. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects
- b. Seeking to avoid adverse effects on areas identified in Schedules [1–8](#);
- c. Where the National Grid has a functional [need](#) or operational need to locate within the Coastal Environment, manage adverse effects by:

- i. ~~Seeking to~~ Avoiding adverse effects on Overlay Chapter areas and where it is not practicable to avoid, to remedy or mitigate;
- ii. ~~Seeking to~~ Avoiding significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and
- iii. Recognise that there may be some areas within the sites and areas identified in Schedules 1 – 8 where avoidance of adverse effects is required to protect the identified values and characteristics.

51. This policy and recommendation is supported.

Policy ENG – P9

52. We supported Policy 9 and sought that it be retained as notified.

53. The s42A report recommends:

Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to:

- a. *Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised;*
- b. *Avoid incompatible land use;*
- c. *Manage subdivision to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;*
- d. *Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) and avoid exposure to health and safety risks from the National Grid; and*
- e. *Avoid, to the extent reasonably possible, potential for reverse sensitivity effects on the National Grid.*

54. This policy and recommendation is supported.

New Policy ENG - 10

55. BEL sought 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 was 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.

56. The s42A report recommends the following new policy:

Policy ENG – Pxx

Manage activities in and around Significant Electricity Distribution Lines to:

- a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;

- b. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety risks from Significant Electricity Distribution Lines; and
- c. Manage potential reverse sensitivity effects on Significant Electricity Distribution Lines.

57. The outcome sought is achieved by this new policy and so that is accepted.

Rule ENG – R1 Energy Permitted Activity Performance Standards

58. In terms of Rule R1, BEL sought an amendment 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](#).*

59. The s42A report recommends:

Where:

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 ...*

60. The SAR notes that a plan change is required for changing such references. That is accepted.

Rule ENG – R2 Substations (Zone)

61. With regard to Rule R2, BEL supported this rule however the s42A report recommends the following:

Where:

1. *All performance standards in Rule ENG - R1 are complied with; and*
2. *This is the operation, maintenance, repair and upgrade of an existing substation (zone) where any upgrades are undertaken within existing switchyards or buildings, in any zone; or*
3. *This is a new substation (zone) ~~or upgrade to an existing substation (zone)~~:*
 - i. *Located in an Industrial zone; and*
 - ii. *The substation will be visually screened from the road and any [existing](#) residential building [located outside the Industrial Zones](#) by fencing and / or landscaping*

62. These changes were requested by Westpower (s547) as set out in paragraph 248 of the s42. For the reasons explained in the s42A, BEL accepts these changes.

Rule ENG – R3 Substations ([Distribution Zone](#))

63. BEL supported Rule R3 and the recommendation is to leave this unchanged. However, for clarify, we also ask that the name of the rule be amended with the word 'zone' be replaced with 'distribution'. This would distinguish R3 from R2 which has the same heading.

Where:

1. All performance standards in Rule ENG - R1 are complied with; and
2. This is the maintenance, repair, upgrade and operation of an existing distribution substation; or
3. This is a new distribution substation.

Rule ENG – R4

64. In terms of Rule R4 BEL submitted 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. BEL also submitted 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. The matter of additional poles is address later in my evidence as this has bene addressed in a new rule which has been recommended.
65. The recommendation in the s42A report is as follows:

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~~ The operation, maintenance and minor upgrading of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities

Where:

1. All performance standards in Rule ENG - R1 are complied with;
 2. Any realignment, relocation or replacement of a network utility pole, pipe, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building or minor utility structure;
 3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
 4. The diameter or width of the replacement pole structures at its widest point does not exceed twice that of the replaced pole at its widest point and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;
 5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original;
 6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above;
 7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent;
 8. There are no additional towers; and
 9. A pole is not replaced with a tower.
66. The s42A agreed (paragraph 253) with the BEL submission as it “helps to add clarity, efficiency and effectiveness of the standard”.

Rules R5-7

67. We did not submit on Rules 5-7 as they relate to energy activities outside of the BEL direct interests.

Rule ENG – R8 Installation of electricity cabinets

68. BEL supported Rule R8. The recommendation in the s42A report is to also add:

Where:

1. All performance standards in Rule ENG - R1 are complied with; and
2. The cabinet has a maximum height above ground level of 2m [and a maximum area of 1.4m²](#).

69. This is accepted.

70. The s42A report also recommends that the following new rules are added in response to submissions:

Rule ENG – Rxx Operation, Maintenance, Repairs and Installation of Below Ground Energy Activities

Where:

1. All performance standards in Rule ENG - R1 are complied with.

71. BEL (see SAR, paragraph 238) also requested this change and so this new rule is fully supported.

Rule ENG – Rxx New Lines, Telecommunication Poles or Towers

Where:

1. All performance standards in Rule ENG - R1 are complied with
2. The connection does not include a new tower;
3. The connection does not exceed three additional poles; and
4. The diameter of conductors, lines or cables does not exceed 30mm.

Advice Note: Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH - R5.

72. As set out previously, BEL also requested that provision be made for adding new poles. BEL sought 5 while the recommendation is three. BEL has advised that it can work with this and so this recommendation is accepted. BEL has however noted that 'Aerial Bundled Conductors' (3 conductors wrapped together) are 36mm in diameter and so clause 4 above could not be complied with. For practical purposes therefore, clause 4 should be amended.

Rule ENG – Rxx [The construction of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission](#) Activities

Where:

1. All performance standards in Rule ENG - R1 are complied with
2. The line will comply with the requirements of NZECP 34:2001

3. *The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7.*
4. *Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m² associated with an electricity network utility.*

73. We are unsure exactly what impact this new has, and how it relates to the other rules above, and so have sought some clarification from the authors of the Energy report.

Overall Assessment

74. Overall, for the reasons set out above, Buller Electricity Limited is largely satisfied that the recommendations of the s42A report are appropriate. There remain only a very small number of discrete matters that I consider could further improve the workability and efficiency of the new energy provisions.

75. I will be available to answer any questions at the scheduled hearing.



Mark A. B. Lile
30 October 2023