

**Before the Proposed Te Tai o Poutini Plan - A Combined District Plan
for the West Coast, Hearings Panel**

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Te Tai o Poutini Plan: A Combined
District Plan for the West Coast – Hearing Topic 4

- **Energy, Infrastructure, Transport**

Between **Te Tai o Poutini Plan Committee**
Comprising the Buller, Grey and Westland District
Councils

And **Transpower New Zealand Limited**
Submitter 299 and Further Submitter FS110

**Addendum Statement of evidence of Pauline Mary Whitney for
Transpower New Zealand Limited**

Dated 27 November 2023

- 1.1. The following responds to the Addendum to the S42A Report for the Energy, Infrastructure and Transpower Chapter under the Proposed Te Tai o Poutini Plan (pTTPP).
- 1.2. I have reviewed the S42A addendum report and updated Attachment 2 to that addendum, and in light of the amendments made, there are now only two outstanding provisions and one point of clarification, with all other submission points satisfactorily addressed.
 - 1.2.1. The outstanding points are to rules ENG-R4 Clause 4., and ENG-R7 Clause 1.iv.
 - 1.2.2. The sought point of clarification relates to the default activity status for Rule ENG-RX3.
- 1.3. To assist the panel, the above rules as sought to be amended through this addendum evidence are attached as Appendix 1 to this evidence.
- 1.4. For clarification, I can confirm I support the updated officer recommended amendments to:
 - Policies ENG-P7, ENG-P8, ENG-P9
 - Rules ENG-R4, ENG-R7, ENG-RX3, ENG-R11, ENG-R12 and ENG-R19.
 - Definition of *National Grid Substation Corridor*, and *Substation (Zone)*

Point of Clarification

- 1.5. The amended permitted **Rule ENG-RX3** is supported, acknowledging Transpower would more often than not, not comply with the permitted standards (specifically the 7m (noting the 'm' is missing from the rule as currently drafted) height limit within clause 3., given the required conductor clearance distances within NZECP). Notwithstanding the contradictory nature of clauses 2. and 3. as they apply to new transmission lines, I support the default discretionary activity status. However, as identified in my primary evidence, there is no clear specific discretionary rule for the construction of new lines, and I am concerned the default non-complying rule ENG-RX11 would apply. I understand the reporting officer has no concerns with the discretionary activity status and would support the provision of a specific discretionary rule to provide clarity.
- 1.6. The matter would be readily addressed by the insertion of a new rule as follows:

ENERGY RULES	
<u>ENG – RX16</u>	<u>The construction of distribution lines and transmission lines not meeting Permitted Activity Standards</u>
<u>Activity Status Discretionary</u>	
<u>Activity status where compliance not achieved: N/A</u>	

Outstanding Provisions

ENG-R4 The operation, maintenance, repair and upgrading of distribution lines and transmission lines not managed by the National Environmental Standards for Electricity Transmission Activities.

- 1.7. As noted in my primary evidence, the West Coast region is somewhat unique in that it has a line that is not subject to the NESETA (as the line was not owned and operated by Transpower at the time the NESETA came into effect). This line is the 110kV Dobson Tee A line which runs from the Dobson substation east of Greymouth to Reefton. The line is significant in its length, as shown in **light blue** in Figure 1 below.

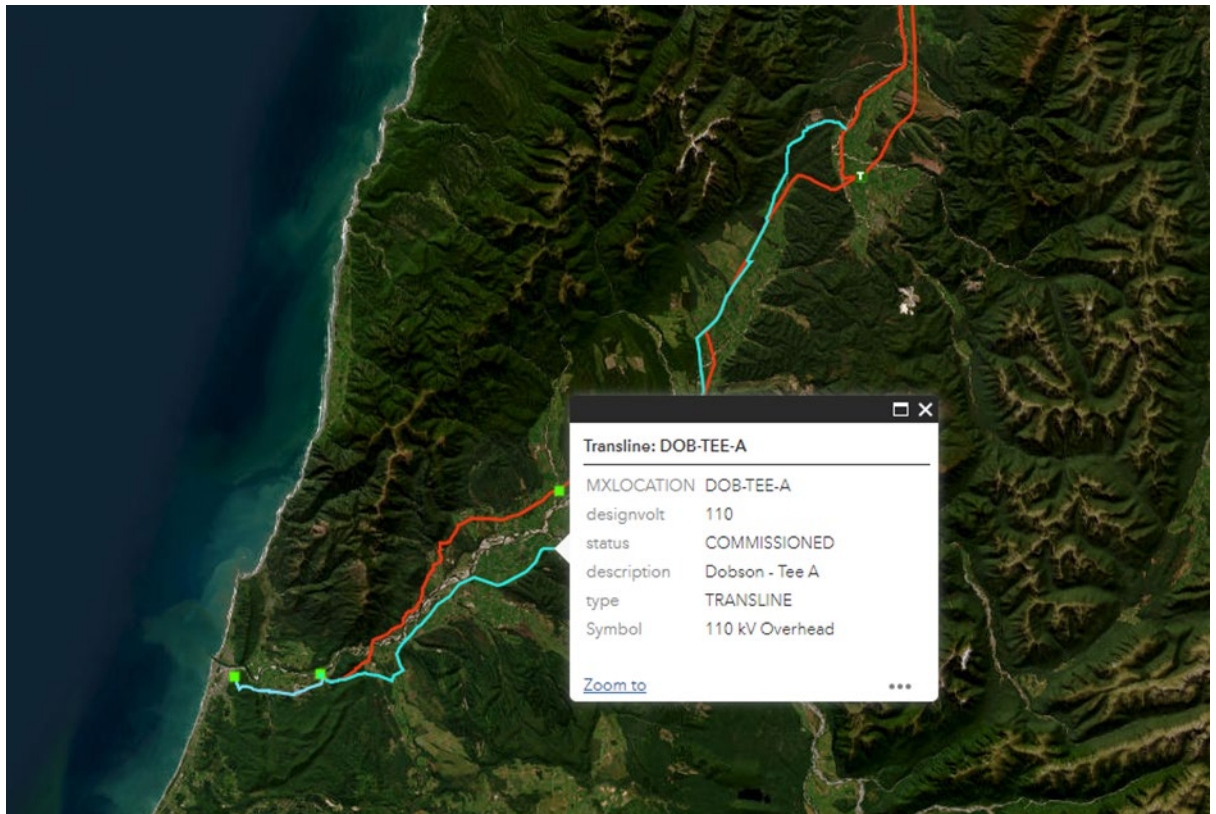


Figure 1. 110kV Dobson Tee A line

- 1.8. Given the NESETA does not apply to the operation, maintenance, repair and upgrade of the line, rule ENG-R4 is very important to ensure an appropriate rule framework is provided in the pTTPP for Transpower to undertake work on the line to ensure the safe and efficient electricity transmission (as required by the NPSET).

- 1.9. From my brief review of other recent proposed district plans (being Selwyn, New Plymouth, Wellington, Porirua and Central Hawkes Bay) ENG-R4 is a common rule approach. However, it is not typically applied to transmission line.
- 1.10. Apart from clause 4., I am comfortable with all the clauses within ENG-R4 noting the majority align with the regulations within the NESETA. In my opinion the clauses provide an appropriate regulatory framework, noting consent is required as a restricted discretionary activity where the standards are not complied with. While this is more onerous than the default activity status under Regulation 15 of the NESETA, I accept the default restricted discretionary activity status, acknowledging the pTTPP has limited controlled activities.
- 1.11. Given the above context, I have issues with clause 4., in terms of what effect the standard is seeking to manage, and interpretation issues as to how the standard would be applied. Clause 4. reads as follows:
- The diameter or width of the replacement pole structure 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;*
- 1.12. In terms of what effect the standard is seeking to manage, given clause 9. states a pole cannot be replaced by a tower, I am not clear why the width of any pole or pi-pole is relevant. Specific to transmission lines, there is no equivalent clause in regulation 14 of the NESETA, thereby indicating that in terms of the significance of the National Grid, the width of the poles is not an issue which requires regulating.
- 1.13. My second concern with the standard is how the standard would be interpreted and applied. While variable depending on the pole height and type, National Grid transmission poles are typically 400mm – 600mm wide. While the single pole reference is clear, the pi pole clause is less so. Does the width calculation apply to the combined width of the pi-pole support structures (i.e. the actual pole structures themselves) or does it also include the ‘space’ between the pole structures. If it is the latter, the standard would never be met given the width between the poles is typically 5.5m minimum. As such, the standard does not reflect the reality of the transmission line pi-poles. As noted above while the standard is typically contained in other district plans across New Zealand, it does not typically apply to National Grid transmission lines given the NESETA usually applies.

1.14. My preference would be to delete the clause as it applies to transmission lines, as follows (shown as red text):

ENERGY RULES	
ENG – R4	Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations <u>The operation, maintenance, repair and minor upgrading of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities</u>
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 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. Specific to distribution lines 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 are placement 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. 	
<p>Activity status where compliance not achieved: Restricted Discretionary</p>	

1.15. Alternately, if this is not agreeable to the panel, I would support amendment to the standard to make it clear the measurement excludes any gap between the pi-pole structure elements, as follow:

4. The diameter or width of the replacement pole structure 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 poles (excluding any space between the poles) must not exceed three times that of the replaced pole at its widest point;

ENG-R7 Buildings, Structures and Activities within the National Grid Yard, and ENG-R19

1.16. The second outstanding issue relates to the officer recommended deletion of clause 1.iv. of rule ENG-R7: *1.iv. Non - habitable farm or horticultural buildings or structures*

excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds.

- 1.17. As outlined in my primary evidence (para 6.19.18), I do not support the deletion as this would mean non habitable and horticultural buildings or structures would not be permitted. Having read the submission by Horticulture New Zealand, I understand they sought for sorting and packing sheds to be permitted. The submitter did not seek the deletion of reference to farm and horticultural buildings. As outlined in the evidence of Ms Eng and Mr Shortland-Witehira, Transpower takes a risk-based approach to determining whether a particular type of building or structure may be able to be safely located underneath high voltage conductors. Such an approach includes a consideration of not just the scale of the building, but also the intensity of the activity; the type of structure/typical construction material and the extent of human occupation or use of the building. When the building is used for longer durations; is more frequently accessed; is used by more people; and/or includes more sophisticated services (water, fibre, power supply); the effects in respect of disruption to the activities within the building (where Transpower needs to undertake maintenance or repair works) and risks associated with electrical hazards such as step and touch voltages and earth potential rise are more significant. In this way, the characteristics of a produce packing facility, can be distinguished from a (complying) hay barn or implement storage shed.
- 1.18. The officer has specifically commented in the addendum S42A (point 56, page 17) “*We note that submitters S63.020, S486.020) sought various amendments to clause ENG-R7.1.iv to include/exclude various activities, whilst we understand the intent of the rule to provide for compatible activities in proximity to the National Grid, we remain concerned that there appears limited justification for the listed activities which are not defined terms in the plan.*”
- 1.19. I am not clear if the officer concerns regarding the limited justification and lack of definition relate to the permitted activities listed (being Non-habitable farm or horticultural buildings or structures) or the non-complying activities (being commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds). In response to the ‘justification’ concerns, in my evidence (and that of Mr Shortland-Witehira) justification has been provided for the activity status depending on the building type and use. This evidence stands (and applies to the relief sought by submitters¹ to make produce packing and non-habitable industrial buildings

¹ S63.020, S486.020

permitted) and I note no contrary evidence has been provided by any party Specific,. Notwithstanding this lack of clarity as to the officers actual concerns, in response to concerns regarding the use of terms not defined in the pTTPP, I make the following comments:

1.19.1. The use of the terms within the clause has been sought consistently across district plans throughout New Zealand. No interpretation issues have been identified to date. Of specific relevance, Federated Farmers and Horticulture New Zealand support the terms (noting the opposition to ‘produce packing’ by Horticulture New Zealand is addressed in my primary evidence). I understand Transpower is always willing and available to engage with landowners as to appropriate activities and I submit that given the issues and risks associated with ‘inappropriate’ activities, the focus of the rule should be to establish a framework to allow certain activities but not others as opposed to remaining silent.

1.19.2. The proposed plan uses many terms that are not defined, particularly where the terms are not of a technical nature. However, I have considered the concerns of the reporting officers and therefore would support amendment to the rule as follows (shown as red text).

ENERGY RULES	
ENG-R7	Buildings, Structures and Activities within the National Grid Yard
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are the following activities where they are also Permitted within the relevant zone and overlay: <ol style="list-style-type: none"> i. Fences less than 2.5m high; ii. iv. Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds <u>Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:</u> <ol style="list-style-type: none"> a. <u>Buildings and structures used for intensive indoor primary production,</u> b. <u>Dairy and milking sheds</u> c. <u>Commercial greenhouses</u> d. <u>Produce packing facilities</u> e. <u>Protective canopies; and</u> f. <u>Wintering barns.</u> v. <u>The activity is not a sensitive activity;</u> <p>.....</p>	
<p>Activity status where compliance not achieved: <u>Non-complying Discretionary</u></p>	

1.19.3. The substantive change to the rule is to replace the term “Non - habitable farm or horticultural buildings or structures” with “Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time),”. The later is derived from the pTTPP definition of *Agricultural, Pastoral and Horticultural Activities*²² (being clause a. of the definition) and therefore provides an alignment to the terminology used in the pTTPP (noting none of the terms within the pTTPP definition are further defined – rather the common day interpretation would be applied). I did consider using the whole definition (Agricultural, Pastoral and Horticultural Activities) but did not consider this appropriate given the wide range of activities provided for in the definition (such as farm quarries, retail activities, air strips) which would mean the activities would need to be excluded as permitted activities.

The second substantive change to the clause is to provide guidance/clarification as to what is ‘non habitable’ (i.e. *meaning they are not usually occupied but may be accessed from time to time*). I consider this will assist with the interpretation of the rule.

1.20. As a final point, I support amendment to the default non-complying rule ENG-R19 to make it clear activities not otherwise provided for are non-complying, as follows (amendments proposed through the S42A addendum are shown as purple text, and further amendments sought in this evidence are shown as red text)

ENERGY RULES	
ENG - R19	Activities in and around the National Grid Yard and between the Significant Electricity Transmission Lines, that do not comply with Permitted Activity standards or not otherwise provided for

²² AGRICULTURAL, PASTORAL AND HORTICULTURAL ACTIVITIES

means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:

- a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production;
- b. beekeeping;
- c. sphagnum moss collection;
- d. storage of products and initial processing of horticultural and agricultural products produced on that site;
- e. the storage, treatment and disposal of solid and liquid animal waste;
- f. wood lots;
- g. stock sale yards;
- h. rural research;
- i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale);
- j. farm quarries;
- k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for rural production purposes; and
- l. ancillary structures/accessory buildings.

Activity Status Non-complying Discretionary
Activity status where compliance not achieved: N/A

- 1.21. Should the above points be addressed, all the relief sought in the Transpower submission and outlined in my evidence would be addressed.
- 1.22. Finally, I would like to acknowledge the work of the reporting officer in giving due consideration to the Transpower evidence and the constructive conversations had during the expert caucusing sessions.

Pauline Mary Whitney

27 November 2023

Appendix 1 – Amendment sought through this evidence

Amendments recommend through the primary S42A are shown as black underline/strikethrough text

Amendments recommended through the addendum S42A are shown as purple underline/strikethrough text

Amendments sought through this addendum evidence are shown as purple underline/strikethrough text

ENERGY RULES	
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, repair and minor upgrading of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities
Activity Status Permitted	
Where:	
<ol style="list-style-type: none"> 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. <u>Specific to distribution lines</u> 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 are placement 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. 	
Activity status where compliance not achieved: Restricted Discretionary	

ENERGY RULES	
ENG – RX3	The construction of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities
Activity Status Permitted	
Where:	
<ol style="list-style-type: none"> 1. <u>All performance standards in Rule ENG - R1 are complied with</u> 2. <u>The line will comply with the requirements of NZECP 34:2001</u> 3. <u>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 7m.</u> 4. <u>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</u> 	

network utility.
Activity status where compliance not achieved: Discretionary

ENERGY RULES	
ENG – RX16	The construction of distribution lines and transmission lines not meeting Permitted Activity Standards
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

ENERGY RULES	
ENG-R7	Buildings, Structures and Activities within the National Grid Yard
Activity Status Permitted	
Where:	
<p>2. These are the following activities where they are also Permitted within the relevant zone and overlay:</p> <ul style="list-style-type: none"> a. Fences less than 2.5m high; b. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint; c. Infrastructure undertaken by a Network Utility Operator operation within a transport corridor or any part of electricity generation infrastructure that connects the National Grid; d. Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds <u>Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:</u> <ul style="list-style-type: none"> g. <u>Buildings and structures used for intensive indoor primary production,</u> h. <u>Dairy and milking sheds</u> i. <u>Commercial greenhouses</u> j. <u>Produce packing facilities</u> k. <u>Protective canopies; and</u> l. <u>Wintering barns.</u> <p>The activity is not a sensitive activity;</p> <ul style="list-style-type: none"> e. An accessory building or structure associated with an existing residential activity that is less than 10m² and 2.5m in height; <p>3. All buildings, structures and activities permitted by 1. above must have:</p> <ul style="list-style-type: none"> i. A minimum vertical clearance of at least 10m below the lowest point of a conductor - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions; ii. Not result in the loss of vehicle access to a National Grid support structure; iii. Be located <u>at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure</u> National Grid Yard except where it is: <ul style="list-style-type: none"> a. Infrastructure undertaken by a network utility operator, or any part of electricity infrastructure that connects the National Grid; b. A fence not exceeding 2.5m in height that is located at least: <ul style="list-style-type: none"> I. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; or II. 5m from the outer visible edge of a foundation of a National Grid transmission line pole; 	

	<ul style="list-style-type: none"> III. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that: IV. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and V. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or VI. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.
Activity status where compliance not achieved: Non-complying Discretionary	

ENERGY RULES	
ENG - R19	Activities in and around the National Grid Yard and between the Significant Electricity Transmission Lines, that do not comply with Permitted Activity standards or not otherwise provided for
Activity Status Non-complying Discretionary	
Activity status where compliance not achieved: N/A	