

BEFORE THE HEARINGS PANEL

UNDER

The Resource Management Act 1991

AND

IN THE MATTER

of Hearing of Submissions and Further
Submissions on Plan Change 60 to the
Whanganui District Plan – Miscellaneous
Matters

**STATEMENT OF EVIDENCE OF GARY ALAN SCHOLFIELD
ON BEHALF OF POWERCO LIMITED**

Dated

05 October 2023

INTRODUCTION

- [1] My full name is Gary Alan Scholfield.
- [2] I am employed as Senior Environmental Planner by Powerco Limited (**Powerco**) and have worked for Powerco since January 2020.

Qualifications and Experience

- [3] I hold a Bachelor of Resource and Environmental Planning Degree from Massey University (1999). I have been engaged in the field of resource and environmental management for over 23 years.
- [4] In my current role I hold primary responsibility for managing submissions on central government resource management changes, District and Regional plan changes, bylaws and third-party resource consent applications across the Powerco network footprint¹. I have also assisted with a number of resource consent applications and Notices of Requirement to designate Powerco substations and line routes.
- [5] Between October 2010 and April 2017, I worked for Powerco in roles where I held responsibility for securing resource management approvals and property rights for network development and renewal projects. Having worked for Powerco for a number of years, I have a very good working knowledge of the Company's operations, assets and strategic direction, including the electricity distribution networks located in Whanganui.
- [6] I prepared Powerco's submission on Proposed Plan Change 60 to the Whanganui District Plan.
- [7] I am authorised to present this evidence on behalf of Powerco.

¹ The Powerco footprint includes 6 regional councils and 29 territorial authorities.

STRUCTURE OF EVIDENCE

[8] The purpose of my evidence is to:

- (a) Provide an overview of Powerco.
- (b) Outline the key areas of concern for Powerco and the relief sought by Powerco.
- (c) Respond to comments made in the s42A planning report.

POWERCO'S BUSINESS AND DISTRIBUTION NETWORKS

Overview of Powerco

[9] Powerco is a New Zealand based energy company which distributes both electricity and natural gas. Powerco became a "network business" (or lines company) following the 1999 electricity industry reforms. During this time, it sold its generation and retail businesses, and grew its distribution operations.

[10] Our networks deliver electricity and gas around the North Island from the national electricity transmission network owned by Transpower and the natural gas transmission system owned by First Gas Limited.

[11] The Powerco electricity networks can be found in the Coromandel, Bay of Plenty, South Waikato, Taranaki, Whanganui, Manawatu and the Wairarapa. It has gas networks in Taranaki, Manawatu, Hawkes Bay and Wellington.

[12] Powerco keeps the lights on and gas flowing to around 1.1 million customers, across 452,000 homes, businesses and organisations. Our networks cover more than 30,000km and we support the economy by supplying a safe and reliable supply of energy to some of New Zealand's biggest industries.

KEY AREAS OF CONCERN AND RELIEF SOUGHT

[13] Powerco's primary submission points related to the provisions applying to Protected Trees. Specifically, Powerco was opposed

to the 50mm thickness limit being imposed on the trimming of Protected Trees (NFL-PT-R1), along with a catch all rule (NFL-PT-R2) which will capture a number of activities undertaken by network utility operators such as maintaining existing assets.

- [14] Powerco made these submission points as trees cause 1 in 4 power cuts on our network. When overgrown, trees can interfere in power lines, cause outages and make it difficult for our crews to restore power. They can also pose a fire risk.
- [15] As a lifeline utility under the Civil Defence Emergency Management Act 2002, Powerco seeks to take all reasonable steps to ensure vegetation does not interfere with its networks, including protected trees. To ensure a safe and efficient network, Powerco requires the ability to trim vegetation as required under the Electricity (Hazards from Trees) Regulations 2003.
- [16] To address the above concerns, Powerco sought the deletion of the words *no greater than 50mm in diameter* from NFL-PT-R1 and amendments to NFL-PT-R2 to exclude activities undertaken by network utility operators.
- [17] Powerco also made submissions on various zone standards that deleted the reference to *network utility masts, poles and antennas* and opposed the inclusion of the Pohutukawa tree at 12 Helmore Street from the Protected Trees schedule (Appendix C) as there is a pole, transformer and lines all in close proximity to the tree which would become subject to the new Protected Tree restrictions.

S42A PLANNING REPORT

- [18] Appendix 3 of the s42A report contains recommended decisions on the submission points made by Powerco, while Appendix 4 contains recommended changes to the provisions.

Rule NFL-PT-R1

- [19] The relief sought by Powerco to Rule NFL-PT-R1 was to delete the words *no greater than 50mm in diameter*. This relief has not been

supported by the reporting officer, and further changes have been recommended to this rule which have arguably made it more restrictive by the inclusion on the words *at the point of severance*.

[20] After consulting with Powerco's vegetation management team, I have been informed that:

- We need to undertake preventative (proactive) trimming of vegetation to avoid contact with our networks;
- Larger branches falling on to our networks is a primary area of concern – including situations where delamination of branches could result in contact with our networks;
- Routine works on Council owned trees are notified to Council as a matter of course;
- We currently utilise the same contractor as Council to undertake trimming around our networks;
- Our typical approach is to trim branches back to the stem of the tree, which is seen as good arboricultural practice – being the best for the tree and the best for clearance from our networks.
- We take before and after photographic records of trimming.

[21] The ability to undertake trimming is paramount, regardless of the thickness of the branch. Powerco does not arbitrarily trim or damage trees, it would only do so for the purpose of avoiding contact with overhead electricity networks. In my opinion, I do not believe that seeking a resource consent for trimming branches larger than 50mm in diameter will lead to improved environmental outcomes. It would simply add costs and time delays to undertake essential works.

[22] I note that reporting officer has made the comment that *Permitting the removal of branches less than 50mm diameter at the point of severance is consistent with the permitted activities for protected trees in other territorial authorities*. I respectfully disagree with this comment – the majority of District Plans within the Powerco footprint permit trimming (without a size limitation) as required to comply with the Electricity (Hazards from Trees) Regulations 2003, for example:

- South Taranaki District Plan Permitted Activity Rule 15.1.1(c)(i):
Where a tree is listed in Schedule 4 – Notable Trees:
 - (i) *Trimming and maintenance of a Notable Tree, carried out by a suitably qualified arborist, that is either:*
 - a. *Necessary to maintain the health of the tree.*
 - b. *Required under the Electricity (Hazards from Trees) Regulations 2003.*
- Manawatu District Plan Permitted Activity Rule 3A.4.1(p):
The following network utilities are Permitted Activities throughout the District, provided that they comply with the standards in Rule 3A.4.2 below:...
 - p. *The trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the telecommunication or electricity line.*
- New Plymouth District Plan (September 2023 Appeals Version) Permitted Activity Rule Tree-R2:
Where
 - 1 *the trimming and maintenance is necessary to:*
 - a *prevent a serious threat to people or property; or*
 - b *enable the ongoing provision of existing or authorised infrastructure; or*
 - c *comply with the Electricity (Hazards from Trees) Regulations 2003; or*
 - d *improve, maintain or monitor tree health;*
 - 2 *prior to the work being undertaken, the Council or a qualified arborist has certified that the work is necessary in accordance with (1) above; and*
 - 3 *the work is undertaken or supervised by the Council or a qualified arborist.*

[23] For the above reasons Powerco is still seeking the relief outlined in its submission.

Rule NFL-PT-R2

[24] Powerco was opposed to the changes to this rule as they would inadvertently capture a number of activities undertaken by network

utility operators. The reporting officer has recommended moving the emergency work provisions into NFL-PT-R1.2 which is supported.

[25] Powerco still remains concerned around the wording of NFL-PT-R2.2. A resource consent would be required for any *Fencing, earthworks, construction or reconstruction work within the dripline of protected trees* which could capture activities such as temporary site fencing, repair of underground assets, or the reconstruction of existing above ground assets.

[26] Much like the changes proposed to rule NFL-PT-R1, I do not believe that seeking a resource consent for these type of activities would lead to improved environmental outcomes. With appropriate standards such as arborist oversight and hydrovac excavation techniques (where applicable for earthworks) I consider they could appropriately be dealt with as permitted activities.

GRZ-S4-2; CRZ-S5-2; SETZ-S4-3; COMZ-OC-S6-3; OSZ-S3-1

[27] Powerco sought reinstatement of the exemption for network utility masts, poles and antennas in the above rules, which has been supported by the reporting officer. I support this recommendation.

Appendix C Protected Trees T122 Pohutukawa 12 Helmore St

[28] Powerco is concerned at the addition of the Pohutukawa at the above address as a protected tree as there is a pole, transformer and overhead lines all in close proximity to the tree. It is not clear from the information available whether the tree is sufficiently set back from these existing above ground assets. If the relief sought in the above submission points were to be granted, then Powerco would be less concerned about this new tree being added to the schedule. However, if the relief is not granted, protecting this tree could trigger a need for resource consents to be obtained for routine maintenance works of existing lawfully established assets.

CONCLUSION

[29] The requests Powerco has made via its submission are reasonable to ensure a safe and efficient supply of electricity to Whanganui. It is clearly inappropriate to require resource consents to undertake essentially maintenance works for little environmental benefit.

[30] Consequently, I remain of the view that Powerco's sought relief should be granted.

Gary Alan Scholfield

05 October 2023