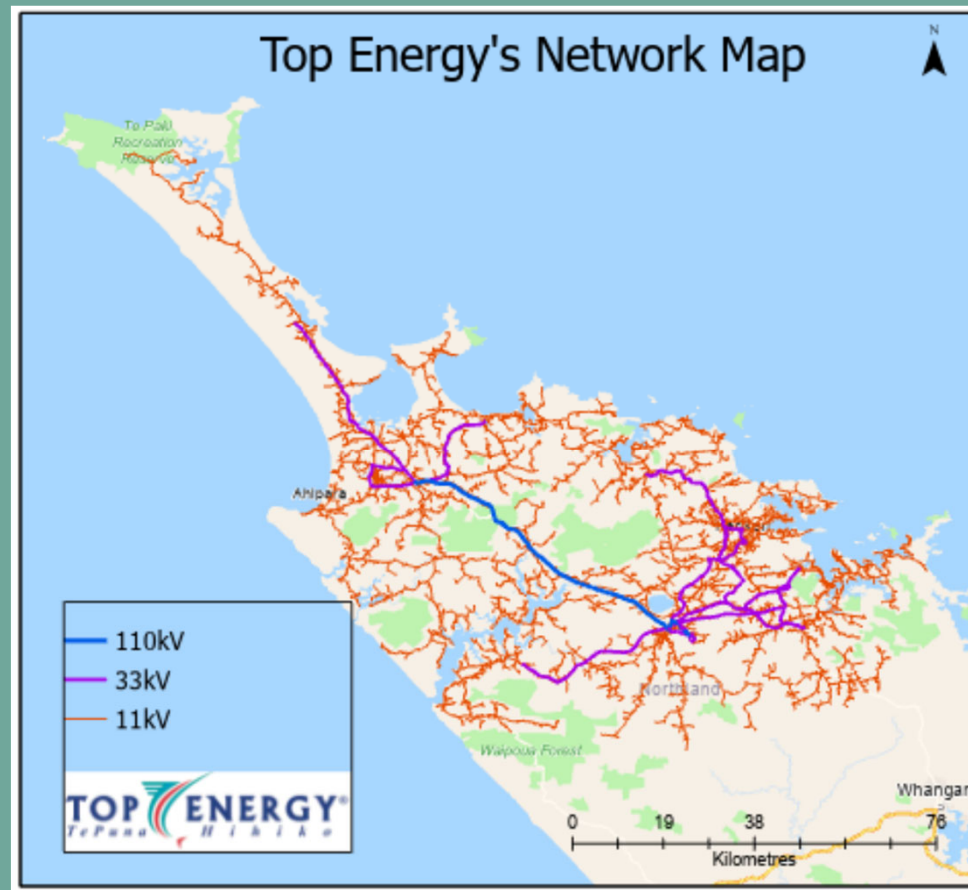


# Far North PDP – Top Energy Limited

## *Hearing 4 – Natural Environment Values and Coastal Environment*



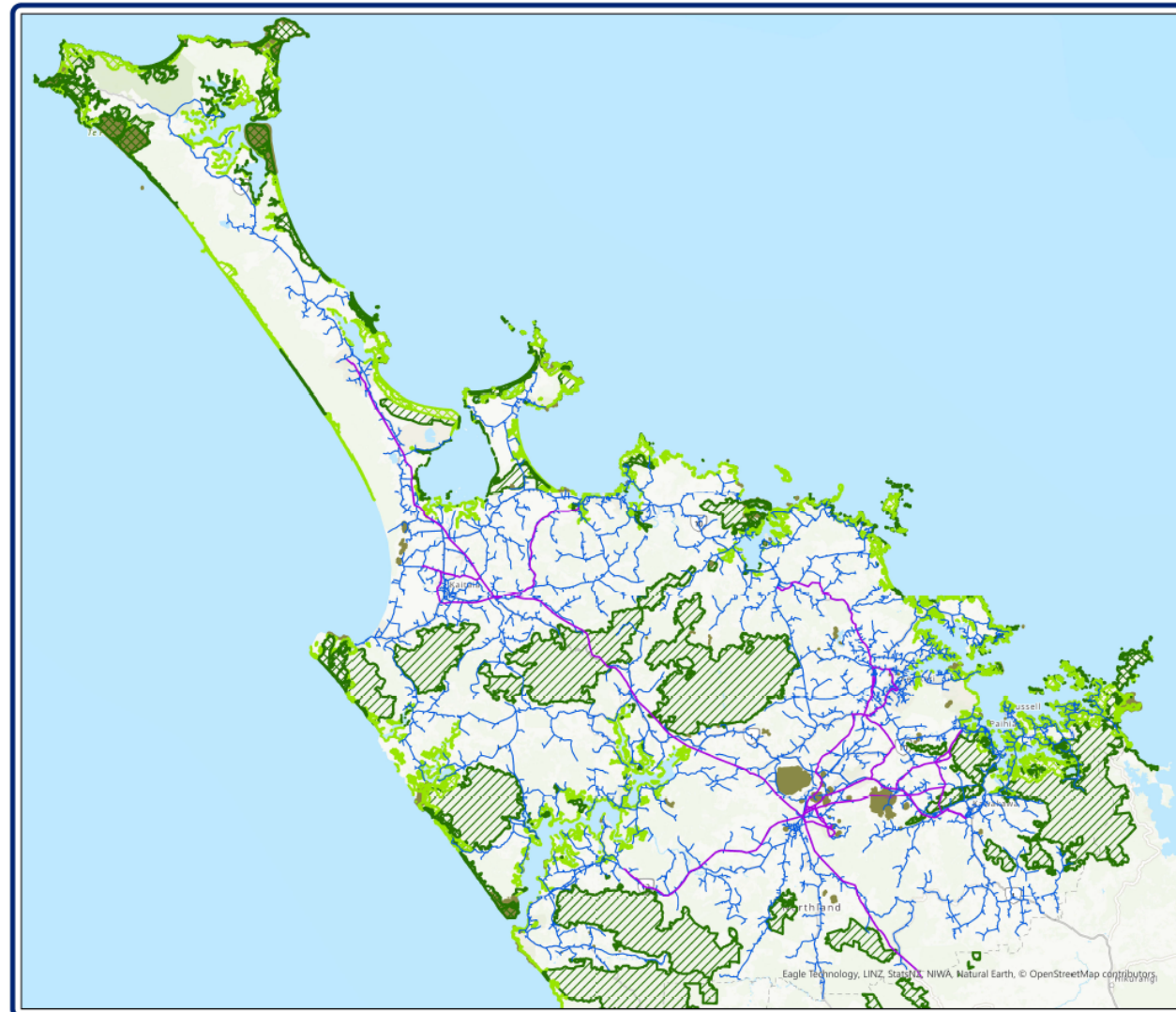
5<sup>th</sup> August 2024

# Introduction

## What I will briefly cover

- ❖ Relationship of Top Energy's Network to the Overlays.
- ❖ Additional objectives and policies.
- ❖ Ecosystems and Indigenous Biodiversity Chapter.
- ❖ New buildings and structures and extensions and alterations rules.
- ❖ Earthworks and indigenous vegetation clearance rules.
- ❖ Other matters.

# Natural Environment Overlay



## Legend

### Top Energy Network

- HV - 110kV and 33kV
- MV - 11kV

### FNDC

- Outstanding Natural Character
- High Natural Character
- Outstanding Natural Feature
- Outstanding Natural Landscape

### Amendments:

1
2
3
4
5
6
7

Drawing Created: Jul/24

### Natural Environment Overlay

Drawn: Carlo Pimental

Sheet: 1 of 1 Sheets

File Name:

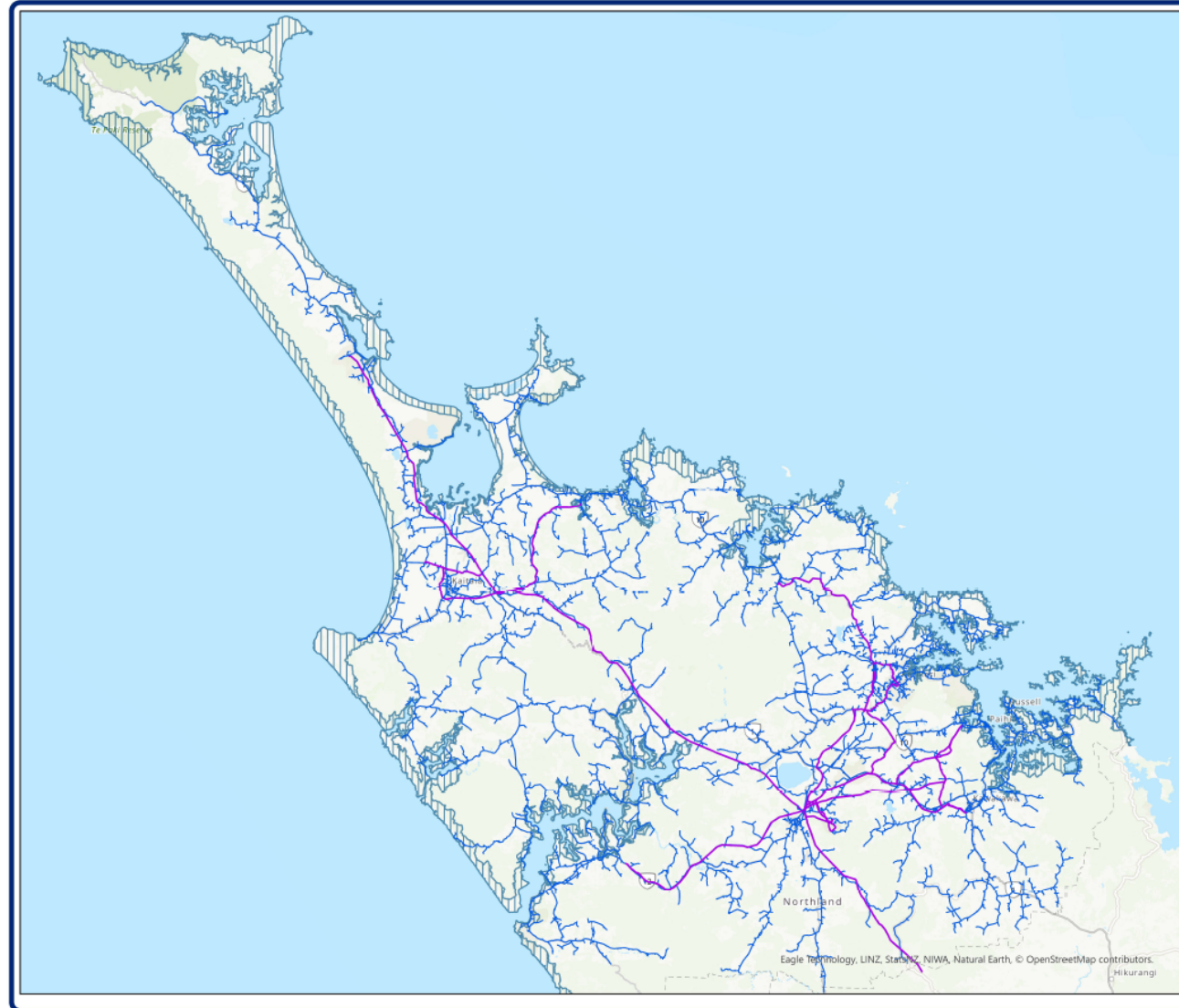
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**TOP ENERGY**  
Te Puna Hihiko

Relationship of  
Top Energy's  
Network to the  
Overlays

# Coastal Environment Overlay



## Legend

### Top Energy Network

- HV - 110kV and 33kV
- MV - 11kV

### FNDC

- Coastal Environment

### Amendments:

1	
2	
3	
4	
5	
6	
7	

Drawing Created: Jul/24

### Coastal Environment Overlay

Drawn: Carlo Pimental

Sheet: 2 of 1 Sheets

File Name:

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Relationship of  
Top Energy's  
Network to the  
Overlays

## Relationship of Top Energy's Network to the Overlays

### Overlap and significance

- ❖ The Far North district is large and dispersed and the Overlays are extensive.
- ❖ Top Energy's existing network interacts with these Overlays as shown in the maps.
- ❖ SNA's are not mapped, but it is inevitable that there will be significant overlap with Top Energy's network.
- ❖ Top Energy's focus is to ensure that the provisions adequately provide for the operational and functional need of infrastructure and network utilities to be located within the Overlays.

## Additional Objectives and Policies

### Recognition and provision for infrastructure and network utilities

- ❖ There needs to be adequate recognition and provision for Top Energy's network in the objectives and policies.
- ❖ Reporting Officers' preference is that these are located in the Infrastructure Chapter.
- ❖ If that is the preference, then Top Energy's submission points should be deferred to Hearing 12.
- ❖ Advice note is included in each of the Overlay Chapters to highlight that objectives and policies for infrastructure are located in the Infrastructure Chapter.

## Ecosystems & Indigenous Biodiversity

### Objectives and policies

- ❖ I support reference of “regionally significant infrastructure” in IB-P5.
- ❖ However, this is contrary to the position that this should be in the Infrastructure Chapter.
- ❖ I consider that this approach should be consistently applied across Overlay Chapters.
- ❖ Given the direction in SD-IE-O1, this should recognise both “infrastructure” and “regionally significant infrastructure.”

## Ecosystems & Indigenous Biodiversity

### Minimum necessary

- ❖ The term “minimum necessary” is recommended to be included in IB-R1 (and NATC-R3).
- ❖ I question the “vires” of this, and consider the language is unworkable in a permitted activity standard.
- ❖ There is significant ambiguity within the wording, and a case-by-case assessment is inappropriate.
- ❖ This will risk significant additional time, cost and delay with interpretation, litigation or enforcement.
- ❖ I recommend “minimum necessary” is deleted.



## **New Buildings & Structures, Extensions and Alterations Rules**

### **10m height restriction for infrastructure / network utilities**

- ❖ No specific consideration of the needs of the network utility provider.
- ❖ Top Energy have advised that a standard pole height replacement is typically 12.5m.
- ❖ Imposes an unnecessary consenting requirement, adding cost and delay.

## Poles and pi-poles

New Buildings  
& Structures,  
Extensions and  
Alterations  
Rules



# New Buildings & Structures, Extensions and Alterations Rules

## Poles and pi-poles

- ❖ Top Energy generally replaces pi-poles with singular poles on most occasions.
- ❖ However, there are operational and structural requirements where a pi-pole is needed.
- ❖ This generally results in less poles being required with greater expanses between poles.
- ❖ Where there already is an electricity line and a need to replace a pi-pole of the same height in a similar location, I consider it unnecessary to impose an additional consenting burden.

# New Buildings & Structures, Extensions and Alterations Rules

## 20% GFA limit

- ❖ Unclear how and whether this would apply to existing network poles.
- ❖ The definition of “structure” is broad and a power pole would fit within it.
- ❖ Yet the definition of “gross floor area” is difficult to see how it would be applied to a power pole structure, which generally only have a small footprint.
- ❖ I recommend that power poles, transformers and junction boxes are excluded from this requirement.

# New Buildings & Structures, Extensions and Alterations Rules

## Use of terminology

- ❖ There is inconsistent use of terminology throughout the Chapters.
- ❖ For example – references to upgrading of an “existing network utility”, “existing electricity network utilities” and “above ground network utility”.
- ❖ There is no definition of “upgrade” or “upgrading”.
- ❖ Definition to be considered in Hearing 18, but I consider it is relevant now for the consideration of these provisions.

# New Buildings & Structures, Extensions and Alterations Rules

## Matters of discretion

- ❖ Matters of discretion reference NATC-P6, CE-P10 and NFL-P8.
- ❖ This includes a clause that refers to “regionally significant infrastructure” and not “infrastructure” more broadly.
- ❖ Given that SD-IE-O1 refers to “infrastructure” more generally, I consider the appropriate wording of the matters of discretion / policy should be:
  - **the operational or functional need of infrastructure to be sited in the particular location.**

# New Buildings & Structures, Extensions and Alterations Rules

## Activity status

- ❖ NFL-R1 and CE-R1 have non complying activity statuses that apply when permitted / controlled criteria not meet.
- ❖ Will potentially have severe implications for infrastructure and network utilities.
- ❖ This is a perverse outcome, and does not adequately reflect that there will more likely be an operational and functional need for the infrastructure or network utility to be in that location.
- ❖ I consider a restricted discretionary activity status would be more appropriate.

# New Buildings & Structures, Extensions and Alterations Rules

## Other issues in specific rules

- ❖ There are specific issues with rules including:
  - Inconsistent rules for “lighting poles” in NATC-R1
  - Inconsistent height limit in NFL-R1.
  - In CE-R1, there would be no permitted pathway for the upgrade of an existing network utility in the coastal environment within a high or outstanding natural character area.
  - Cross reference to I-R3 in CE-R1, despite no scope in Hearing 4 to consider the wording of I-R3.



# Earthworks and Indigenous Vegetation Clearance Rules

## Issues in provisions

- ❖ Some changes better provide for the operation, repair, maintenance and upgrading of network utilities.
- ❖ Cross reference to R1 within the rules should be deleted or clarified.
- ❖ Disagree with the non-complying activity status in CE-R3 and NFL-R3. Should be restricted discretionary for operation, repair, maintenance and upgrading of an existing network utility.
- ❖ In CE-R1, there would be no permitted pathway for the upgrade of an existing network utility in the coastal environment within a high or outstanding natural character area.

## Other Matters

### Other issues that need to be addressed

- ❖ Disagree with the deletion of NFL-R2, CE-R2 and NATC-R2 which permitted the repair and maintenance of network utilities.
- ❖ Numbering conventions – need to be reviewed and consistently applied across the Chapters.
- ❖ Reference to “and” and “or” needs to be carefully checked throughout.

## Summary

### Key points and next steps

- ❖ I consider the Reporting Officers have made a number of constructive recommendations to address Top Energy's concerns in their submission.
- ❖ However, there are a number of areas where I consider further amendments are necessary.
- ❖ I consider that it would be beneficial to the Hearings Panel, if the Reporting Officers and any other planning experts on infrastructure provisions, undertake expert caucusing on this.

**He Pātai | Any Questions?**