

Proposed Far North District Plan – Top Energy Limited

*Presentation to Far North PDP Hearings Panel, evidence
presented by David Badham*

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Introduction

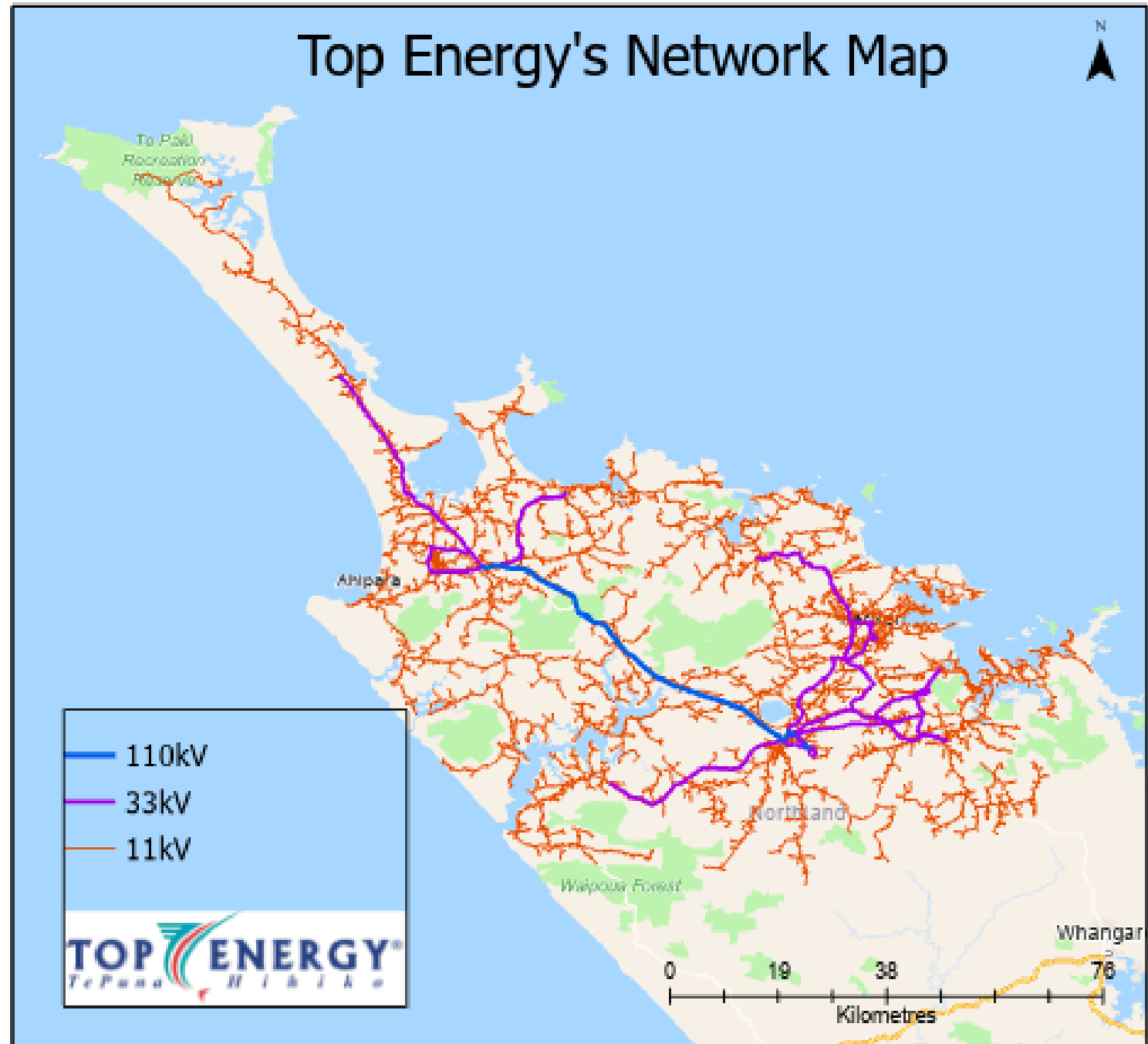
What we will briefly cover

- ❖ About Top Energy.
- ❖ The important role of the SD Chapter and need for policies to give effect to the objectives.
- ❖ Strategic Direction – Regionally Significant Infrastructure.
- ❖ Other Minor Matters.

About Top Energy

- ❖ Established in 1992.
- ❖ Services an area of 6,822km² with over 34,000 customers.
- ❖ Owned by the Top Energy Consumer Trust. Profits and the benefits of the ownership are returned to consumers.
- ❖ Top Energy's network is fundamental to the wellbeing of communities and businesses within the Far North District.
- ❖ Top Energy operates in a comprehensive and complex legislative environment.
- ❖ It is critical that the Council strikes the right balance that enables critical infrastructure.

Top Energy's Network in the Far North District



Strategic Direction Chapter

The Important role of the Strategic Direction Chapter

- ❖ This is the “engine room” of the PDP – it is important to get this right.
- ❖ Lack of policies to give effect to the SD objectives.
- ❖ These can be located in other chapters, but no clear link has been established currently.
- ❖ I consider these are best located in the SD Chapter.

Regionally Significant Infrastructure (RSI)

Provisions needed in the Strategic Direction Chapter

- ❖ Top Energy's network is considered RSI in the Regional Policy Statement.
- ❖ Top Energy seek the following new provisions:

Regionally Significant Infrastructure is identified and protected.

The benefits of Regionally Significant Infrastructure are recognised and provided for.

Avoid, remedy mitigate or offset adverse effects arising from the development, operation, maintenance, and upgrading of Regionally Significant Infrastructure.

Regionally Significant Infrastructure (RSI)

What does the RPS say about RSI?

3.7 Regionally significant infrastructure

Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.

5.3.1 Policy – Identifying regionally significant infrastructure

The regional and district councils shall recognise the activities identified in Appendix 3 of this document as being regionally significant infrastructure.

5.3.2 Policy – Benefits of regionally significant infrastructure

Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure.

Regionally Significant Infrastructure (RSI)

Provisions needed in the Strategic Direction Chapter

5.3.3 Policy – Managing adverse effects arising from regionally significant infrastructure

- (1) *Allow adverse effects arising from the establishment and operation of new regionally significant infrastructure and the re-consenting of existing operations where:*
 - (a) *The proposal is consistent with Policies 4.4.1(1), 4.4.1(2), 4.6.1(1)(a), 4.6.1(1)(b), 4.6.1(2) and 4.6.2 (1);*
 - (b) *The proposal does not result in established water quality limits or environmental flows and / or levels being exceeded or otherwise could lead to the over-allocation of a catchment (refer to Policy 4.1.1);*
 - (c) *Damage to and / or loss of the relationship of iwi with ancestral sites, sites of significance, wāhi tapu, customary activities and / or taonga is avoided or otherwise agreed to by the affected iwi or hapū; and*
 - (d) *In addition to the matters outlined in 1) (a) – (c) above, other adverse effects are avoided, remedied or mitigated to the extent that they are no more than minor.*
- (2) *Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located, where:*
 - (a) *The adverse effects whilst the maintenance or upgrading is being undertaken are not significant; and*
 - (b) *The adverse effects after the conclusion of the maintenance or upgrading are the same or similar to before the activity being undertaken.*
- (3) *When managing the adverse effects of regionally significant infrastructure decision makers will give weight to:*

Regionally Significant Infrastructure (RSI)

Provisions needed in the Strategic Direction Chapter

- (a) The benefits of the activity in terms of Policy 5.3.2;*
- (b) Whether the activity must be recognised and provided for as directed by a national policy statement;*
- (c) Any constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects;*
- (d) Whether the proposal is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland.*
- (e) The extent to which the adverse effects of the activity can be practicably reduced. Such an assessment shall also take into account appropriate measures, when offered, to provide positive effects, either within the subject site or elsewhere provided that the positive effects accrue to the community of interest and / or resource affected; and*
- (f) Whether a monitoring programme for any identified significant adverse effects with unknown or uncertain outcomes could be included as a condition of consent and an adaptive management regime (including modification to the consented activity) is used to respond to such effects.*
- (g) Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.*

Regionally Significant Infrastructure (RSI)

Provisions needed in the Strategic Direction Chapter

5.3.4 Method – Statutory plans and strategies

The regional and district councils, through regional and district plans, shall include provisions (objectives, policies, rules and other methods) which:

- a) Implement Policies 5.3.1, 5.3.2 and 5.3.3; and*
- b) Reduce constraints on the operation, maintenance and upgrading of regionally significant infrastructure by appropriately using regionally or nationally accepted performance standards.*

5.3.5 Method – Monitoring and information gathering

The regional council will work with relevant stakeholders to:

- (a) Maintain a record of regionally significant infrastructure and contact details (where publicly available or permission obtained) and make it freely available; and*
- (b) Identify and, where appropriate, map the location of regionally significant infrastructure.*

Regionally Significant Infrastructure (RSI)

Provisions needed in the Strategic Direction Chapter

- ❖ It is clear in my opinion that RSI provisions need to be included in the SD Chapter. They are included in Whangārei.
- ❖ More efficient and effective in this chapter → it needs elevation in the plan hierarchy commensurate to its significance across all of the PDP.
- ❖ The consequence if not included, is that RSI will not be adequately provided for if there is a conflict between different areas of strategic direction.
- ❖ I consider that including the requested objectives for RSI is the most appropriate way to achieve the purpose of the RMA in terms of s32(1)(a).

Supported recommendations and Part 1 – General & Miscellaneous

Other Minor Matters

- ❖ There are four amendments in the s42A that are supported.
- ❖ In terms of Part 1 General and miscellaneous, some of the changes are helpful, but further changes may be needed. Acknowledged that this may be better addressed in future chapter and topic specific hearings.

He Pātai | Any Questions?