

# Top Energy PDP Submission

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To: Far North District Council (FNDC)

Re: Submission on Proposed Far North District Plan (PDP) – Top Energy Limited (Top Energy)

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Date: 21 October 2022

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## Submission Information:

This is a submission on the Proposed Far North District Plan (PDP).

Top Energy could not gain an advantage in trade competition through this submission.

The specific provisions of the PDP that Top Energy's submission relates to are attached.

Top Energy opposes/supports/seek amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that Top Energy wishes Far North District Council (FNDC) to make to ensure the issues raised by Top Energy are dealt with are also contained in the attached document.

Top Energy wishes to be heard in support of this submission.

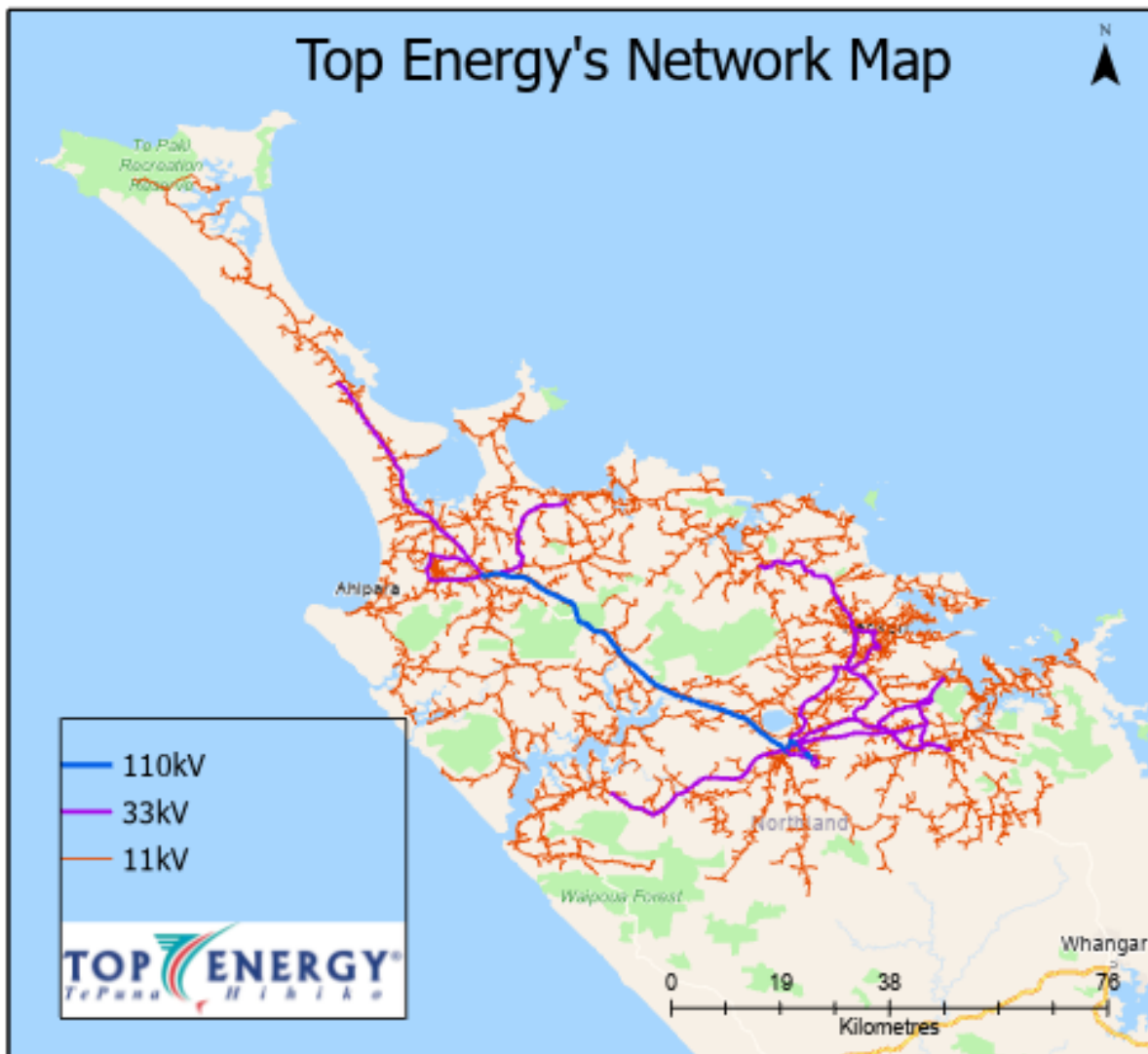
If others make a similar submission, Top Energy will consider presenting a joint case with them at a hearing.

Taryn Collins

Top Energy Limited

## 1.0 Introduction

Top Energy owns and operates the electricity lines network within the Far North District, servicing an area of 6,822km<sup>2</sup> and serving over 32,000 customers. Top Energy's current electricity network has a total system length of 4,016km and includes seventeen substations that are subject to Designations. Top Energy's network exists both above and below ground and traverses a number of zones and sensitive areas.



**Figure 1 – Top Energy's electricity distribution network in the Far North District**

Top Energy's network is considered by the Resource Management Act 1991 (RMA) as a physical resource and considered by the Regional Policy Statement (RPS) of Northland as regionally significant infrastructure.

The protection of existing infrastructure, and enabling the future growth of the network are vital in order to support growth and development in the Far North District, and must be provided for in the District Plan.

Reliable electricity supply is of critical importance to the growth of Northland's economy and to communities, and has a key role in opening up new economic and social opportunities. Electricity infrastructure also has a vital role to play in the decarbonisation of New Zealand's economy. It is critical for

local authorities to strike the right balance, and ensure that district plan provisions enable the critical infrastructure that underpins New Zealand’s emissions reduction aspirations.

This submission addresses the implications of the PDP for Top Energy as a lifeline network utility operator, focussed on the operation and maintenance of associated infrastructure and assets within the Far North District.

**Section 2.0** contains general comments on chapters of relevance to Top Energy, and identifies how/why relevant provisions could be improved to more efficiently and effectively achieve the proposed objectives of the Plan, and the purpose of the RMA. **Attachment 1** identifies the specific changes sought to provisions of relevance to Top Energy.

## 2.0 General Comments

### 2.1 Part 1 – Introduction and General Provisions

#### 2.1.1 How the Plan Works

Under the National Planning Standards, the How the Plan works chapter is crucial for understanding the mechanics and functions of a district plan. Top Energy has noted a number of discrepancies in terms of integration between Part 2 District Wide Matters and Part 3 Area Specific Matters which will result in integrity issues if not rectified. This heavily contributed to by the lack of definitions, nesting tables and inconsistent use of terminology throughout making it unclear what activities are provided for where.

S483.001  
& S483.003

#### Applications Subject to Multiple Provision

Top Energy has noted that the ‘Applications Subject to Multiple Provision’ section indicates that where a proposal is subject to different rules under different chapters, and a bundling approach applied, the most restrictive activity status applies. This section also provides some direction in terms of how some of the Overlays apply but does not specify which Overlays the commentary relates to. There is little further direction in terms of how the plan should be interpreted.

S483.023

The following provides examples of some of the integration issues Top Energy have identified:

- There is no specific direction as to which overlays treat activities as permitted unless otherwise specified and the activities rules in the underlying zone relied on (as is suggested to be the case in the How the Plan Works Chapter), or how activities that are managed District Wide Chapters are treated if not specified. As an example, in the Coastal Environment Overlay, where outside the coastal hazard areas, there is no discretionary default so it is assumed that activities that are not specified are permitted and managed through the zone and the built form managed through the more stringent building and structure thresholds but this is not specified.
- Further to the above, in the Coastal Environment Overlay, it is not clear what happens to activities provided for in standalone chapters such as the Infrastructure and Renewable Electricity Generation. It is assumed that the activity is permitted unless otherwise specified (and the built form managed through the more stringent rules in the Coastal Environment Chapter) but again, this is not specified.
- In the overlays where the default is not specified (and it assumed activities are permitted unless specified), due to the lack of definitions and nesting tables this could result in unintended consequences. As an example, in the Coastal Environment, outside the coastal hazard areas, farming is

only permitted outside high or outstanding natural character areas, and new mineral extraction activities prohibited. It is unclear if a farm quarry is a mineral extraction activity, and farm quarries are otherwise permitted in the Rural Production Zone which applies to most of the District’s coastal extent. As another example, in the Heritage Area Overlay, a discretionary default is specified but this would mean residential activities would be a discretionary activity.

- For Infrastructure and Renewable Electricity Generation, it is assumed that the built form controls specified withing the activities supersede those within the zone but this is not specified.

As an activities-based plan with a discretionary default in most zones and permitted defaults in some sensitive environments, Council needs to make it clear what activities are provided for and ensure consistent use of definitions throughout the Plan to avoid perverse outcomes, and unnecessary consenting constraints due to unclear drafting. Top Energy seeks clear definitions for all activities mentioned in the Plan and inclusion of nesting tables which clearly shows how definitions interact would further provide the necessary clarity as well as providing certainty for Plan users as to what activities are captured in the rules. The introduction and explanation of nesting tables would need to be included within the How the Plan Works Chapter.

S483.001  
& S483.003

Clarity around integration between chapter is also a critical component to usability. Top Energy seeks that it be made clear in the How the Plan Works Chapter which rules take precedence, or where users should be directed to refer to the relevant notes within the relevant Chapter.

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Further to the above, this Chapter should include direction regarding split zoning.

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## General Approach

Top Energy supports planned growth as this helps ensure efficient and effective infrastructure and is encouraged to see the reference to ‘Development Areas’ and spatial planning processes in the ‘General Approach’ section of this Chapter. Top Energy is aware that there are spatial planning documents in development and is interested in being involved in the development of these documents as a key stakeholder. It will be critical for Top Energy to align its infrastructure planning with directed future development.

## Definitions

As noted above Top Energy supports a clear and well written Plan to support ease of reading and implementation for Plan users. It generally supports the definitions contained within the PDP but seeks some changes and several new definitions which are set out in **Attachment 1** to this submission. The new definitions sought are necessary to achieve a safe, efficient and resilient electricity and telecommunication distribution network that can continue to serve the Far North community.

## 2.2 Part 2 District Wide Matters

### 2.2.1 Strategic Direction

The Strategic Direction Chapter is fundamental to the tone and direction of the PDP.

Top Energy notes that the Strategic Direction chapter only contains objectives for each topic, and not policies. In Top Energy’s view, the objectives need supporting policies to demonstrate how the objectives are going to be achieved in the Plan. It is also important, at this strategic level of the PDP, that the policies provide clear direction for the consideration of resource consent applications where there is conflict

S483.026

between different areas of strategic direction (e.g., for instance between the necessary provision of infrastructure, alongside the protection of the natural environment, or balanced against the risk of natural hazards).

This is particularly relevant in the context of Top Energy's assets given the role electricity has in decarbonising our economy, ensuring resilient and prosperous (socially and economically) communities and ensuring efficient and affordable urban growth.

Top Energy seeks specific changes to the Strategic Direction chapter as set out in **Attachment 1**.

## 2.2.2 Infrastructure

The Infrastructure Chapter is one of the most important with regard to Top Energy's interests and assets in the Far North District. Therefore, **Attachment 1** addresses that chapter in some detail.

Top Energy is largely supportive of the Infrastructure Chapter, but has sought a number of amendments to provisions to ensure the efficient and necessary provision of infrastructure and regionally significant infrastructure.

## 2.2.3 Renewable Electricity Generation

Top Energy is largely supportive of the enabling framework provided in the Renewable Energy Generation Chapter, but seeks changes as set out in **Attachment 1** to ensure integration between the objectives, policies and rules, and to ensure an appropriate balance between the provision of renewable energy generation activities and the protection of sensitive environments.

## 2.2.4 Transport

The Transport Chapter is not of significant interest to Top Energy. However, it is important that appropriate provision is made for the installation, operation and maintenance of infrastructure (e.g., electricity and telecommunications) within the transport network, in particular the roading corridor, where this infrastructure is often located. Top Energy seeks that this matter is adequately addressed through the amendments it seeks to the objectives, policies and rules in this chapter. Further specific submission points on the Transport Chapter are included in **Attachment 1**.

## 2.2.5 Natural Hazards

Top Energy understands the importance of the management of natural hazards, but considers that this needs to be balanced by the necessary operation, maintenance, repair and upgrading of existing infrastructure, and the provision of new infrastructure in areas subject to natural hazards where there is an operational or functional need for it to locate there. Further specific submission points on the Natural Hazards Chapter are included in **Attachment 1**.

## 2.2.6 Hazardous Substances

Whangārei District Council (**WDC**) has recently notified Plan Change 91 to the Whangārei District Plan which proposes to retain objectives and policies relating to hazardous substances for consideration at resource consent stage, but deletes any rules relating to hazardous substances.

Top Energy supports the WDC approach, which is consistent with the 2017 RMA amendments which removed explicit function for local authorities to control the adverse effects of the storage, use, disposal,

and transportation of hazardous substances. Further specific submission points on the Hazardous Substances Chapter are included in **Attachment 1**.

## 2.2.7 Notable Trees

It is important that the protection of notable trees is balanced with enabling the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities. Top Energy's submission on the objectives, policies and rules within the Notable Trees Chapter (see **Attachment 1**) is focused on achieving this balance.

## 2.2.8 Sites and Areas of Significance to Māori

Top Energy supports and acknowledges the importance and significance of Sites and Areas of Significance to mana whenua. Top Energy acknowledges that the purpose of this Chapter is to protect these sites from inappropriate subdivision and development. However, in some instances there is an operational and functional need for infrastructure to be located within areas identified as being of significance to Māori, particularly given the extent that some of these areas cover. It is important that this balance is achieved, and Top Energy's specific submission on this chapter (see **Attachment 1**) focuses on this.

## 2.2.9 Coastal Environment and Natural Character Areas

Top Energy supports the recognition of and provision for the functional and operational need of national grid and regionally significant infrastructure in the coastal environment, but considers that this should be extended to electricity infrastructure in general. Top Energy highlights Policy 6 of the NZCPS which specifically directs Councils to recognise this as an activity in the coastal environment and specifically notes transmission of electricity as being of importance to social, economic and cultural wellbeing of people and communities. Top Energy's specific submission points on these Chapters (in **Attachment 1**) are focused on achieving an appropriate balance between protection and the provision of necessary infrastructure.

## 2.2.10 Natural Features and Landscapes

Top Energy's specific submission points on the Natural Features and Landscapes Chapter (**Attachment 1**) largely focuses on the same matters as the Coastal Environment and Natural Character Areas. In particular, it highlights the need to provide for regionally significant infrastructure and recognise that in some instances there will be a functional and operational need for other electricity infrastructure in these sensitive areas.

## 2.2.11 Subdivision

Top Energy's specific submission points on the Subdivision chapter (**Attachment 1**) focus on the efficient and orderly provision of services and infrastructure at the time of subdivision.

## 2.2.12 Earthworks

Top Energy's specific submission points on this chapter (**Attachment 1**) seek to ensure that earthworks associated with new network utilities and the maintenance and upgrade of existing are adequately provided for.

## 2.2.13 Noise

Top Energy's submission on the noise chapter (**Attachment 1**) focuses on the appropriate recognition of the RPS (see Policy 5.1.1) directive to "avoid" the potential for reverse sensitivity effects and seeks that noise

generated by emergency generators is excluded from compliance with noise limits to ensure the continued operation of network utilities during emergencies is a permitted activity.

## 2.3 Other Matters

### 2.3.1 Designations

As part of its feedback on the Draft Plan, Top Energy indicated the designations that it would require to be included, with or without modifications, in the PDP. On 11th January 2021, FNDC wrote to Requiring Authorities requesting that they formally advise whether existing designations were to be included in the PDP with or without modification, and called for any Notices of Requirement for new designations.

By notice dated 7 March 2022, Top Energy confirmed the designations it required to be included in the PDP, and the modifications it required to some of those designations. The reasons for the modifications included:

- To identify that a designation had been given effect to;
- To correct discrepancies in legal description references;
- To align with the National Planning Standards template; and
- In regards to TE 249 Oruru Road Substation, to seek an extension of the lapse date and amend the wording of some of the conditions.

The modifications sought by Top Energy are generally reflected in the PDP as notified. Top Energy requests that the designations remain as notified except for Oruru Road Designation TE249; the following modification are sought for this designation: S483.187

- The lapse date in the PDP as notified states July 2032 (being 10 years from the month the Proposed Plan was notified). Top Energy sought that the lapse date for this designation be amended to “10 years after the date on which the designation is included in the District Plan”. This would be taken from the dated that the District Plan becomes operative. Accordingly, Top Energy requests that this be amended to reflect 10 years from the date at which District Plan becomes operative;
- Condition 2 is a duplication of condition 1, Top Energy requests that it be deleted; and
- Top Energy request a condition that an Outline Plan of Works is not required where the activity being undertaken is in accordance with the information submitted by Top Energy in support of the notice of requirement.

### 2.3.2 Zoning of Ngāwhā

Top Energy acknowledge that Ngawha Generation Limited (**NGL**), a subsidiary of Top Energy, has made a separate submission on the PDP regarding its land at Ngāwhā Springs and the appropriate zoning and provisions applying to it. Top Energy supports that submission and the relief sought by NGL.

### 2.3.3 Critical Electricity Lines

Through feedback on the Draft Plan, Top Energy sought similar protections for its lines network from inappropriate subdivision and land development to those provided for the National Grid. After a discussion with the author of the Infrastructure Chapter, Top Energy prepared a separate memo dated 20 September

2021 (see **Attachment 2**) which provided further detail in support of this request. In summary, the memo sought that:

- Top Energy's 33kv and 110kv lines identified in in **Figure 2** below be mapped in the PDP as 'Critical Electricity Lines' (CEL); and
- That rules be included in the PDP requiring setback from the CEL for earthworks, buildings and trees to protect the CEL from reverse sensitivity effects.

The memo provided justification as to why mapping this electricity infrastructure and including associated provisions would result in benefits that outweighed costs. This included that:

- It will give effect to the RPS which seeks to identify regionally significant infrastructure so that it can be protected from adverse effects including from new development, as well as ensuring that Northland's energy supplies are secure and reliable;
- Mapping CEL will provide certainty to Council and landowners as to the location of these lines. When undertaking subdivision and development, these lines will be clearly identifiable and the provisions will be consistently engaged with, unlike currently where ad hoc implementation of the Electricity (Hazards from Trees) Regulations 2003 and New Zealand Code of Practice for Electrical Safe Distance Regulations; and
- The provisions will achieve a degree of regional consistency with the Whangārei District which provides for CEL provisions for Northpower assets. While provisions are not yet within the Kaipara District Plan, Top Energy understands that Northpower are seeking a similar approach to that in Whangārei for the Kaipara District Plan Review which is scheduled for notification in 2022 (a draft in early – mid 2022 and a proposed plan in late 2022).

While the whole electricity network is 'critical' due to the interdependence on each element of the network on the other (including the 11kv lines), Top Energy acknowledged that mapping and identifying the entire lines network across the District as 'critical' would not be feasible.

Top Energy appreciates that Council has included a CEL overlay and corresponding rules in the PDP as notified, however notes that the overlay has only been applied to the 110kv lines and not the equally important 33kv lines. No justification for this has been provided in the s32 analysis.

As highlighted in the above, and in the referenced memo, protection of the 33kv lines as well as the 110kv lines is critical to ensuring the reliability and improved resilience of the network, and subsequently a prosperous district (socially and economically). Further, Top Energy seeks that the provisions pertaining to the CEL overlay be contained in a standalone chapter to provide clarity to Plan users. **S483.188**





Figure 2 - Top Energy 33kv (blue) and 110kv (pink) network. See full scale version in Attachment 2.

### 3.0 Conclusion

In conclusion, Top Energy seeks the following relief:

- (a) That Top Energy’s general comments in Section 2.0 are addressed through decisions on the PDP and the specific amendments sought in **Attachment 1** are made; and
- (b) Any further necessary consequential amendments required to achieve (a) above.

Top Energy looks forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

# Top Energy PDP Submission



## Attachment 1: Specific Submission Points on PDP

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
<b>DEFINITIONS CHAPTER</b>				
1	Definitions - General	Seek amendment	While the PDP includes activity-based rules which manage the establishment and operation of activities within zones and sites, some of the rules include activities that do not have definitions. There are also various inconsistencies between the activities and terms utilised within the zone provisions and resource overlay chapters.	Review all definitions, address any overlaps, and/or create definitions for terms which are not currently defined (see submission points below). Review and amend rules as necessary to refer only to defined terms used in activity-based rules. Introduce nesting tables to clearly group activities into categories.
				<b>S483.001</b>
				<b>S483.002</b>
				<b>S483.003</b>
2	Definitions – Community Scale Renewable Electricity Generation Activities	Support	Top Energy supports this definition as worded.	Retain as notified.
				<b>S483.004</b>
3	Definitions – Functional Need	Support	Top Energy supports this definition as worded.	Retain as notified.
				<b>S483.005</b>
4	Definitions - Infrastructure	Support	Top Energy supports the definition of Infrastructure, in particular the inclusion of clause d which specifically provides for electricity infrastructure.	Retain as notified.
				<b>S483.006</b>
5	Definitions – Large Scale Renewable Electricity Generation Activities	Support	Top Energy supports this definition as worded.	Retain as notified.
				<b>S483.007</b>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
6	Definitions – National Grid, National Grid Corridor and National Grid Yard	Support	Top Energy supports these definitions, noting that Transpower will be better placed to comment on suitability of exact wording.	Retain as notified.	\$483.008 to \$483.010
7	Definitions – Network Utility	Support	Top Energy supports this definition as worded.	Retain as notified.	\$483.011
8	Definitions – Network Utility Operator	Support	Top Energy supports this definition as worded.	Retain as notified.	\$483.012
9	Definitions – Regionally Significant Infrastructure	Support	Top Energy supports this definition as worded.	Retain as notified.	\$483.013
10	Definitions – Renewable Electricity Generation	Support	Top Energy supports this definition as worded.	Retain as notified.	\$483.014
11	Definitions – Renewable Electricity Generation Activities	Support	Top Energy supports this definition as worded.	Retain as notified.	\$483.015
12	Definitions – Small Scale Renewable Electricity Generation	Support	Top Energy supports this definition as worded.	Retain as notified.	\$483.016
13	Definitions – Substation	Support, amendment Seek	Top Energy largely supports this definition, but consider that the phrase “and having equipment rated over 22KV” is unnecessary from a technical perspective. In some instances, equipment in a substation will be rated under 22KV, and Top Energy consider that including this arbitrary limit will result in unnecessary	Amend the definition of ‘Substation’ as follows: <i>“means those parts of works or electrical installations, being a building, structure, or enclosure exceeding 10m2 in area <del>and having equipment rated at over 22 kV</del>, and incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity.”</i>	\$483.017

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			confusion and issues in interpretation when considering the definition.	
14	Definitions – New definition for ‘customer connection’	Seek amendment	<p>‘Customer connection’ is a term used in the Infrastructure Chapter (e.g. I-R2 New underground network utilities including customer connections) but is not defined. It is unclear to Top Energy what Council considers to comprise a ‘customer connection’ e.g., would it include a new transformer, and any new poles and cables required to connect to the grid? For certainty, Top Energy seeks that a definition for ‘customer connection’ be included in the Plan and suggests that the following components for connection are included: cabling, transformer and switch gear, poles, lines and pillars.</p>	<p>Include definition for ‘customer connection’ as follows (or wording to the same effect):</p> <p><b><u>‘Means any electricity infrastructure required to connect customers including cabling, transformers and switch gear, poles lines and pillars’.</u></b></p>
15	Definitions – New definition for ‘footprint’	Seek amendment	<p>‘GFA’ is a term used in a number of the sensitive environment overlays to manage the degree of change of building and structures.</p> <p>However, the definition only applies to buildings with floors (as suggested by the name) and does not specify how it relates to a structure.</p> <p>In general, Top Energy considers ‘footprint’ to be a better term to use where the rule relates to structures,</p>	<p>Include definition for ‘footprint’ as follows (or wording to the same effect):</p> <p><b><u>‘Means the ground area occupied by a structure’</u></b></p> <p>Where rules relate to structures and ‘footprint’ instead of GFA .</p>

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			however 'footprint' (while used in some rules) is not defined in the Plan. For the purpose of consistency and clarity, Top Energy seeks that footprint be defined, and that all rules that include thresholds for structures utilise 'footprint' as a measurement instead of 'GFA', and that 'footprint' be defined.	
16	Definitions – new definition for Operational Need	Seek amendment	Top Energy considers that there should be a definition for 'operational need' given the use of that term (including via amendments outlined in further submission points below) in other chapters. It suggests inclusion of the definition used in the National Planning Standards.	Add a definition for 'operational need' as follows (or to the same effect):  <i><u>"means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints."</u></i>
17	Definitions – New definition for Upgrading	Seek amendment	The term 'upgrading' is used throughout the PDP, in particular in the Infrastructure chapter. For the provision of Top Energy's infrastructure, this is a key term, and Top Energy would prefer the inclusion of a definition to avoid confusion and improve consistency in application, noting that the Whangārei District Plan and Draft Kaipara District Plan have definitions for 'Minor Upgrading'.	Include a definition for 'upgrading' as follows (or to the same effect):  <i><u>"means an increase in the capacity, efficiency or security of existing infrastructure."</u></i>

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
18	Definitions – New definition for Emergency Tree Works	Seek amendment	In accordance with Top Energy’s feedback on the Notable Trees chapter (see below), Top Energy consider that a definition of “emergency tree works” should be included in the PDP consistent with the definition used in the Whangārei District Plan Notable Trees chapter.	<p>Include a new definition for “emergency tree works” as follows:</p> <p><b><u>“means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure.”</u></b></p>
<b>HOW THE PLAN WORKS CHAPTER</b>				
19	How the plan works	Seek amendment	<p>As noted in Section 2.0 Top Energy considers that there is a lack of clarity throughout the PDP in terms of how the Chapters interact with each other, and some consistency. The How the Plan Works Chapter is key in terms of providing the necessary clarity for plan users.</p> <p>The Overlay chapters are one example and are inconsistent with respect to referencing rules for “activities not otherwise listed”. The How the Plan Works chapter includes a statement that indicates <u>some overlays</u> will automatically default to a permitted activity, however resource consent may still be required under other Part 2: District-wide Matters</p>	<ul style="list-style-type: none"> <li>Amend the “Applications Subject to Multiple Provisions” section of the How the Plan Works Chapter to provide clarity in terms of how the chapters within the plan interact. <b>S483.023</b></li> <li>Amend all relevant overlay chapters as necessary to insert rules for <b><u>“Activities not otherwise listed in this chapter”</u></b>, consistent with zone chapters. <b>S483.190 S483.191 S483.192 S483.193 S483.194</b></li> <li>Review all implementation advice notes across the plan to ensure consistency <b>S483.025</b></li> </ul>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>chapters and/or Part 3: Area-Specific chapters (including the underlying zone).</p> <p>Some Chapters include notes which provide some clarity in this regard (e.g. Heritage Overlay) however this isn't consistently applied through the overlays or the District Wide Chapters generally.</p> <p>Some overlays include a catch all 'activities not otherwise specified 'activity status (e.g. Treaty Settlement Land Overlay). Some overlays don't.</p> <p>This lack of consistency (coupled with inconsistent terminology) will cause confusion for Plan users and ultimately, impact the integrity of the plan. This is particularly relevant in the Overlay chapters where each Overlay chapter has a different approach to activity status default rules.</p> <p>With specific regard to the permitted activity default, it is noted that this could lead unintentional consequences, for example:</p>	

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>The Coastal Environment is silent with respect to farm quarries. In the absence of a discretionary default for all activities not specified, it is assumed that this activity within this overlay defaults to a permitted activity under How the Plan Works. Rule RPROZ-R12 Farm Quarry provides for this activity as a permitted activity.</p> <p>The lack of clarity around integration between chapters is also apparent in the District Wide Chapters. As an example, in the Infrastructure Chapter:</p> <ul style="list-style-type: none"> <li>• The Notes indicates that the rules only relate to network utility operators, but the Chapter includes setbacks for land use activities;</li> <li>• The Chapter does not provide guidance around Part 3 Area Specific Matters.</li> </ul>	
<b>STRATEGIC DIRECTION</b>				
20	Strategic Direction – Infrastructure and electricity – Policies	Seek amendment	<p>Top Energy note that the Strategic Direction chapter only contains objectives for each topic, and not policies.</p> <p>In Top Energy’s view, the objectives need policies to demonstrate how they are going to be achieved in the plan. It is also important at this strategic level of the PDP,</p>	<p>Add policies to the Strategic Direction Chapter for the objectives, noting Top Energy’s submission below on specific objectives relating to the provision of infrastructure, electricity and renewable energy generation activities.</p>

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction (e.g., for instance between the necessary provision of infrastructure, alongside the protection of the natural environment).	
21	Strategic Direction – Urban form and Development – SD-UFD-02	Support	Top Energy support a compact urban form consolidated around existing reticulated networks as this is more efficiently serviced by electricity and telecommunications infrastructure than sprawling development in rural areas.	Retain provision as notified.
22	Strategic Direction – Urban form and Development – SD-UFD-03	Support	Top Energy supports the requirement for adequate development infrastructure for future housing and business activities.	Retain provision as notified.
23	Strategic Direction – Infrastructure and electricity – SD-IE 01	Support	Top Energy supports the acknowledgment of the benefits infrastructure and renewable energy generation activities provide across the District.	Retain provision as notified.
24	Strategic Direction – Infrastructure and electricity – SD-IE 02	Support	Top Energy support the recognition of the necessity of protecting infrastructure and renewable electricity generation activities from incompatible land use, subdivision and development.	Retain provision as notified.

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
25	Strategic Direction - New objectives and policies for Regionally Significant Infrastructure	Seek amendment	While Top Energy supports the inclusion of objectives referencing infrastructure broadly, it notes that the Strategic Direction Chapter is silent on objectives and policies for Regionally Significant Infrastructure. Top Energy consider that it is important that strategic direction is provided at this level for Regional Significant Infrastructure, and note that other District Plans in Northland <sup>1</sup> have specifically included strategic direction in this regard. Such an approach is required to give effect to the provisions of the Northland RPS relating to Regionally Significant Infrastructure.	Add new objectives as follows for Regionally Significant Infrastructure. <sup>2</sup> <b><u>“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.”</u></b>	S483.031
<b>INFRASTRUCTURE CHAPTER</b>					
26	Infrastructure – general	Seek amendment	Top Energy seeks clear direction within the infrastructure that the chapter supersedes		S483.032
27	Infrastructure – I-O1	Support	Top Energy supports this objective.	Retain provision as notified.	S483.033
28	Infrastructure – I-O2	Support, seek amendment	Top Energy support the acknowledgment of the benefits of infrastructure and regionally significant infrastructure but seek amendments to capture the full	Amend I-O2 as follows: <b><u>“The economic, cultural, environmental and community social benefits of infrastructure and regionally significant infrastructure are recognised</u></b>	S483.034

<sup>1</sup> District Growth and Development Objectives for Regionally Significant Infrastructure in the [Operative Whangārei District Plan](#).

<sup>2</sup> See Regionally Significant Infrastructure provisions in the Northland RPS (e.g., Objective 3.7 and Policy 5.3.1) and more general infrastructure provisions (e.g., Objectives 3.8 and 3.9).

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			range of benefits in alignment with the Strategic Direction Chapter.	<del>and provided for., including the benefits of regionally significant infrastructure to enhance economic, cultural, environmental and social well-being in the district."</del>	
29	Infrastructure – I-O3	Support, seek amendment	<p>This objective seeks to ensure that infrastructure is protected from incompatible land use and development. Top Energy supports this direction, but considers that the wording needs to capture operation, repair<sup>3</sup>, maintenance and upgrading.</p> <p>This objective also refers to upgrading which Top Energy have sought a definition for in an earlier submission point.</p>	<p>Amend I-O3 as follows:  <i>"Infrastructure is protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects to ensure its effective operation, <b>repair</b>, maintenance and upgrading."</i></p>	S483.035
30	Infrastructure – I-O4	Support, seek amendment	<p>Top Energy supports the direction to manage adverse effects of infrastructure in areas with historical and cultural values, natural values and coastal values, but considers it is important that the operational and functional need of infrastructure to locate in these areas is recognised and provided for.</p>	<p>Amend I-O4 as follows:  <i>"Adverse effects of infrastructure are managed through the design and location of infrastructure to minimise adverse effects on areas with historical and cultural values, natural values, and coastal values, <b>while recognising and providing for the operational and functional need of infrastructure to locate in these areas.</b>"</i></p>	S483.036
31	Infrastructure – I-O5	Support	<p>Top Energy supports this objective as proposed.</p>	<p>Retain provision as notified.</p>	S483.037

<sup>3</sup> Top Energy note that there is a definition for “repair” currently, but that this relates specifically to a heritage item. At this stage, Top Energy do not consider that a definition of repair specific to infrastructure is required.

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
32	Infrastructure – I-O6	Seek amendment	Top Energy supports the ability of tangata whenua to develop land in the Māori Purpose Zone or Treaty Settlement overlay. However, Top Energy considers that the bar of “does not constrain” is too high. The provision of infrastructure to support the development of that land may lead to some constraints (e.g., the provision of electricity lines to service development on that land may require building setbacks to comply with the necessary safe setback distances in NZECP 34:2001). There is also often an operational and functional need for infrastructure to be located in these areas that needs to be recognised and provided for.	Amend I-O5 as follows: <i>“The location of infrastructure does not <u>unduly</u> constrain the ability of tangata whenua to develop land in the Māori Purpose zone or the Treaty Settlement overlay, <u>while recognising and providing for the operational and functional need of infrastructure to locate in these areas.</u>”</i>
33	Infrastructure – I-P1	Support, seek amendment	Top Energy supports this policy, but considers that the wording needs to also capture repair of infrastructure. This policy also refers to upgrading which Top Energy has sought a definition for in an earlier submission point.	Amend I-P1 as follows: <i>“Provide for the continued operation, <u>repair</u>, maintenance, upgrading and replacement of existing infrastructure.”</i>
34	Infrastructure – I-P2	Support, seek amendment	Top Energy supports this policy, but considers that the wording needs to also capture repair. Top Energy also considers that I-P2c should be amended to “recognising <u>and providing for.</u> ”	Amend I-P2 as follows: <i>“In the coastal environment, manage the effects of the development, operation, <u>repair</u>, maintenance and upgrading of infrastructure activities by:</i>

S483.038

S483.039

S483.040

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			This policy also refers to upgrading which Top Energy has sought a definition for in an earlier submission point.	<ul style="list-style-type: none"> <li>a. <i>avoiding adverse effects on the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character;</i></li> <li>b. <i>avoiding significant adverse effects on other natural features and landscapes, and areas of natural character;</i></li> <li>c. <i>recognising <b>and providing for</b> the technical, operational and functional needs and constraints of infrastructure activities; and</i></li> <li>d. <i>having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.”</i></li> </ul>
35	Infrastructure – I-P3	Support, seek amendment	<p>Top Energy supports this policy, but considers that the wording needs to also include repair.</p> <p>Top Energy considers that outside of the coastal environment, clause I-P3b should also refer to mitigation of adverse effects, as minimisation and remedying might not be readily achievable in every instance,</p>	<p>Amend I-P3 as follows:</p> <p><i>“Outside the coastal environment, manage the effects of the development, operation, <b>repair</b>, maintenance and upgrading of infrastructure activities by:</i></p>

S483.041

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			<p>and the consideration of mitigation needs to also be provided for.</p> <p>Top Energy also consider that I-P3c should be amended to “recognising <u>and providing for</u>.”</p> <p>This policy also refers to upgrading which Top Energy has sought a definition for in an earlier submission point.</p>	<ul style="list-style-type: none"> <li>a. <i>avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable;</i></li> <li>b. <i>minimising <del>or</del> remedying <u>or mitigating</u> adverse effects on historical and cultural values, natural environment values that cannot be avoided;</i></li> <li>c. <i>recognising <u>and providing for</u> the technical, operational and functional needs and constraints of infrastructure activities; and</i></li> <li>d. <i>having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.”</i></li> </ul>	
36	Infrastructure – I-P4	Support	Top Energy supports this policy which provides for the benefits of infrastructure.	Retain this policy as notified.	\$483.042
37	Infrastructure – I-P5	Support	Top Energy supports this policy which requires the coordination of infrastructure.	Retain this policy as notified.	\$483.043

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
38	Infrastructure – I-P6	Support	Top Energy supports this policy, in particular the qualifier at the start of “where practicable and appropriate for the type of infrastructure.” This is important in order to recognise and provide for the operational and functional needs of infrastructure which may not be able to minimise adverse visual effects in every instance.	Retain this policy as notified.
39	Infrastructure – I-P7	Support, seek amendment	<p>Top Energy supports policy I-P7, which seeks to protect regionally significant infrastructure from the effects of incompatible land uses and subdivision. In particular, Top Energy is interested in and supports the inclusion of clause I-P7e and I-P7g of this policy.</p> <p>In terms of the first sentence of the policy, Top Energy considers that it is important that this policy protects nationally and regionally significant infrastructure, and also local infrastructure. With regard to electricity distribution, the whole distribution network is important because the network operates as an electricity ecosystem, which is reliant on all components of the network to ensure the safe and efficient provision of electricity to customers and communities. This is already acknowledged in clause g, but it is</p>	<p>Amend I-P7 as follows:</p> <p><i>“Protect <b>nationally and</b> regionally significant infrastructure and <b>local infrastructure</b> from the effects of incompatible land use and subdivision, including reverse sensitivity effects, which may compromise the operation and capacity of infrastructure by:</i></p> <ol style="list-style-type: none"> <li><i>a. locating and designing noise sensitive activities to avoid potential reverse sensitivity effects on airports and State Highways;</i></li> <li><i>b. avoiding physical obstructions in take-off, approach, landing and departure paths and runway end protections areas;</i></li> <li><i>c. managing new noise sensitive activities within a defined air noise contour;</i></li> <li><i>d. managing access to the railway corridor, and local, regional and national road network;</i></li> </ol>

S483.044

S483.045

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>important that the leading sentence also acknowledges this.</p> <p>I-P7e addresses the management of landuse and subdivision activities near 'Critical Electricity Lines'. Top Energy provided feedback on the Draft FNDC seeking that some of the critical electricity distribution network be mapped. FNDC has included part of the area requested by Top Energy in the PDP as an Energy Infrastructure Overlay 'Critical Electricity Lines'. As addressed in earlier comments, the extent of mapping is more limited than that sought by Top Energy and only incorporates the 110kv line from Kaikohe to Kaitaia. Top Energy seeks that this be extended to also include the 33kv lines across the District. Top Energy also considers that I-P7e should be amended to include "the identification of critical electricity lines as a mapped overlay."</p> <p>Top Energy has suggested some minor grammatical changes to I-P7e.ii.</p>	<p>e. <u>Identifying Critical Electricity Lines as a mapped overlay and managing landuse and subdivision activities in proximity to Critical Electricity Lines to:</u></p> <ul style="list-style-type: none"> <li>i. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the line;</li> <li>ii. ensure that future buildings and building alterations, earthworks, planting <b>of</b> trees <b>and</b> construction activities do not compromise the effective operation of the electricity distribution network and maintain safe electrical clearance distances under all electricity distribution line operating conditions.</li> </ul> <p>f. managing land disturbance and activities sensitive to gas transmission to avoid, or mitigate potential adverse effects on, gas transmission pipelines; and</p> <p>g. managing other activities, through setbacks and design controls where necessary, to achieve appropriate protection of local, regional and nationally significant infrastructure."</p>



# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
40	Infrastructure – I-P8	Support	Top Energy supports this policy which seeks to provide for resilient infrastructure.	Retain policy as notified.	S483.046
41	Infrastructure – I-P9	Support, seek amendment	Top Energy seeks amendment to this policy to ensure that the operational and functional needs of infrastructure are taken into account when encouraging new linear infrastructure to be located within roads.	Amend I-P9 as follows: <i><b><u>“Taking into account the operational and functional needs of infrastructure, Encourage new linear infrastructure to be located within roads and, where practicable, adjacent to the carriageway unless this would result in a risk to health and safety.”</u></b></i>	S483.047
42	Infrastructure – I-P10	Support	Top Energy supports recognition for the National Grid, which is fundamental to the electricity network, and assumes Transpower will address any issues with provisions relating to the National Grid.	Retain policy as notified.	S483.048
43	Infrastructure – I-P11	Seek amendment	Top Energy supports the ability of tangata whenua to develop land in the Māori Purpose Zone or Treaty Settlement overlay, however Top Energy opposes the avoidance directive in this policy. This is incongruous with the wording of objective I-06 (including Top Energy’s suggested amendments above).  Furthermore, Top Energy considers that the bar of “does not constrain” is too high. The provision of infrastructure to support the development of that land may lead to some constraints (e.g., the provision of	Amend policy I-P11 as follows: <i><b><u>“Avoid Manage new infrastructure where it will unduly compromise the ability to develop and use land in the Māori Purpose zone or in the Treaty Settlement overlay unless the owners of the land agree to the new infrastructure, while recognising and providing for the operational and functional need of infrastructure to locate in these areas.”</u></b></i>	S483.049

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			electricity lines to service development on that land may require building setbacks to comply with the necessary safe setback distances in NZECP 34:2001). There is also often an operational and functional need for infrastructure to be located in these areas that needs to be recognised and provided for.	
44	Infrastructure – I-P12	Support, seek amendment	Top Energy supports the recognition of the benefits of new infrastructure, but considers the wording should be “recognise <u>and provide for</u> .”	Amend I-P12 as follows: <i>“Recognise <b>and provide for</b> the benefits of new technology in infrastructure that:</i> <ol style="list-style-type: none"> <li><i>improve access to, and efficient use of, networks and services;</i></li> <li><i>increases resilience or reliability of networks and services;</i></li> <li><i>protects the on-going safety of the community and the integrity of the network; or</i></li> <li><i>results in environmental benefits or enhancements.”</i> </li> </ol>
45	Infrastructure – I-P13	Support, seek amendment	Top Energy supports this policy, but considers that the wording of clause I-P13a should be amended to enable the full suite of effects management (e.g., including offsetting or compensating) for upgrades and new infrastructure.  Top Energy also considers that clause I-P13b needs to reference the specific	Amend I-P13 as follows: <i>“Manage the adverse effects of infrastructure on the environment by:</i> <ol style="list-style-type: none"> <li><i>avoiding, remedying, <del>or</del> mitigating, <b>offsetting or compensating</b> the adverse effects of substantial upgrades</i> </li> </ol>

S483.050

S483.051

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>standards and guidelines for electric and magnetic emissions that are considered “recognised standards.” If not, Top Energy considers that this policy could be misused or misinterpreted to reference other standards or guidelines that are not actually the ones referenced in the Infrastructure rules.</p> <p>With regard to clause I-P13c, Top Energy has included three other factors that need to be considered in terms of determining whether undergrounding is the most appropriate method of installation of network utilities in the Urban Zones and Settlement zone.</p>	<p>to, or the development of new infrastructure, including effects on:</p> <ul style="list-style-type: none"> <li>i. natural and physical resources;</li> <li>ii. amenity values;</li> <li>iii. sensitive activities;</li> <li>iv. the safe and efficient operation of other infrastructure;</li> <li>v. the health, well-being and safety of people and communities.</li> </ul> <p>b. avoiding radio, electric and magnetic emissions that do not meet the recognised standards <b><u>in New Zealand Standards NZS2772.1: 1999 Radiofrequency fields</u></b> or guidelines in International Commission on <b><u>Non-Ionising Radiation Protection Guidelines</u></b>;</p> <p>c. requiring the undergrounding of network utilities in Urban zones and the Settlement zone where <b><u>it</u></b>:</p> <ul style="list-style-type: none"> <li>i. <b><u>it</u></b> is technically feasible; <b><u>and</u></b></li> <li>ii. <b><u>it</u></b> is justified by the extent of adverse visual effects; and</li> <li>iii. <b><u>it</u></b> provides for the safety of the community; <b><u>or</u></b></li> <li>iv. <b><u>it will not result in adverse effects on the environment that are greater than placing the infrastructure above; or</u></b></li> </ul>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
				<p>v. <u>there are not natural or physical features or structures that render underground placement impractical or undesirable; or</u></p> <p>vi. <u>there are not significant operational, functional, technical, cultural, historic heritage or economic reasons that require the infrastructure to be above ground."</u></p>	
46	Infrastructure – I-P14	Support	Top Energy supports this policy which provides clarity about some relevant matters to be considered in resource consent applications under the Infrastructure Chapter.	Retain I-P14 as notified.	S483.052
47	Infrastructure - Note 1 & 5	Seek amendment	<p>Clarity is needed within the Chapter in terms of what happens where there is overlap between chapters and how the chapter interacts with the Part 3 – Area Specific Matters.</p> <p>With regards to the sensitive environment overlays, the How the Plan Works Chapter indicates that if not specified, the activity is permitted unless otherwise stated. However, this is not made clear in the Chapter, and given the importance of this (and for consistency), to assist Plan users,</p>	<p>Specify that this chapter supersedes/takes precedence over Part 3 – Area Specific Matters.</p> <p>Specify that overlays only manage infrastructure building and structures and that the activities in the Infrastructure Chapter are permitted in the overlays except where more stringent building and structure controls apply subject to amendments sought in the overlays.</p>	<p>S483.053</p> <p>S483.054</p>

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>Note 1 should be extended to re-iterate this (see sub# 19 also).</p> <p>Top Energy also highlight that Note 5 means that I-R11, I-R12, and I-R13 would only apply to network utility operators, and have commented on this in the submission points below.</p>	
48	Infrastructure – I-S1 Radio Frequency Fields and I-S2 Electric Magnetic Fields	Oppose	<p>Top Energy seeks a discretionary activity status where compliance isn’t achieved with I-S1 and I-S2. While non-compliance with these standards is unlikely, in the event that they are breached, it will more likely than not be a operational or functional requirement necessary to ensure distribution of electricity and telecommunications to the District which are lifeline utilities. Given that this rule only applies to network utilities, Top Energy considers discretionary activity status for non-compliance with I-S1 and I-S2 to be appropriate and enable adequate assessment of adverse effects.</p>	<p>Amend activity status for non-compliance with I-S1 and I-S2 throughout the Infrastructure Chapter from non-complying to discretionary.</p>
49	Infrastructure – I -R1 Operation, maintenance, repair and removal of existing above ground network utilities	Support	<p>Top Energy supports the permitted activity status for operation, maintenance, repair and removal of existing above ground network utilities in all zones noting the amendments sought in above for non-compliance with I-S1 and I-S2</p>	<p>Retain as notified.</p>

S438.055 & S483.056

S483.057

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
50	Infrastructure I -R2 New underground network utilities (including customer connections) or upgrading of existing underground network utilities	Support, seek amendment	<p>Top Energy supports the permitted activity status for new underground network utilities, and upgrade to existing underground network utilities in all zones noting the previous submission point seeking a definition of customer connection be included and above for non-compliance with I-S1 and I-S2 .</p> <p>Top Energy also supports retaining rules pertaining to Notable Trees in the Notable trees section noting comments made as part of this submission on the Notable Trees Chapter. Top Energy also support providing a clear link to relevant provisions within other chapters and considers that this is a useful inclusion for plan users, and helpful in terms of understanding integration of the Plan. Top Energy suggest that this approach be taken consistently throughout the plan.</p>	Retain as notified.
51	Infrastructure I -R3 Upgrading of existing above ground network utilities	Seek amendment	<p>Permitted activity status for the upgrade of existing above ground network utilities in all zones is supported by Top Energy. However, the rule contains a number of arbitrary numbers in performance standards making this rule of limited use in terms of enabling upgrades to existing above ground network utilities which are required to ensure this lifeline service to</p>	<p>Delete I-R3 and include new rules as follows:</p> <p><i>Upgrading of existing above ground network utilities</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><b><u>General</u></b></p> <p><b><u>PER-1</u></b></p>

S483.058

S483.059 & S483.060

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>the communities is functional and resilient.</p> <p>On review of the s32 analysis for the Infrastructure Chapter, there is no assessment of the proposed rule framework or any justification for the thresholds, making it difficult to understand what has informed them, and what actual effect they are intended to manage. Top Energy provided similar comments on the Draft Infrastructure Chapter provisions. While it appears some changes may have been made to try and make this provision clearer, it is still cumbersome, non-sensical and unnecessarily restrictive.</p> <p>All of Top Energy’s network utility infrastructure would either be captured as a structure or building under this rule as notified. To avoid confusion and unnecessary technical terminology, Top Energy considers that performance standards should be simplified and has suggested wording primarily based on baseline thresholds for ‘structures’ and ‘building’ bottom lines in terms of overall degree of change noting that this rule</p>	<p><u><i>The upgrade of network utility structures or buildings :</i></u></p> <ol style="list-style-type: none"> <li><u><i>1. is within 5m of the existing alignment location of the original structure or building;</i></u></li> <li><u><i>2. does not increase the gross floor area by more than 30 percent in a 10 year period if it is a building;</i></u></li> <li><u><i>3. complies with the zone’s permitted setback standards if it is a building; and</i></u></li> <li><u><i>4. does not result in an increase to the diameter of a replacement pipe by more than 300mm.</i></u></li> </ol> <p><u><i>PER-2</i></u></p> <p><u><i>The activity complies with standards:</i></u></p> <ol style="list-style-type: none"> <li><u><i>1. I-S1 Radio frequency fields; and</i></u></li> <li><u><i>2. I-S2 Electric and magnetic fields.</i></u></li> </ol> <p><u><i>Electricity</i></u></p> <p><u><i>PER-3</i></u></p> <p><u><i>In addition to PER 1 and PER 2, the upgrade of electricity network utilities structures or buildings must not result in:</i></u></p> <ol style="list-style-type: none"> <li><u><i>1. Pole or tower height that exceeds 25m above ground level;</i></u></li> </ol>

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>relates to upgrades of existing infrastructure present on the landscape.</p> <p>Top Energy considers that the amendments sought remove some of the cross over between provisions (e.g. PER- 1, noting that all infrastructure referenced is manmade and fixed to land in some way) and streamlines the provisions to make it clearer to the user what is provided for.)</p> <p>For the same reasons as noted above, Top Energy considers the appropriate activity status for non-compliance with performance standards should be restricted discretionary as any adverse effects resulting from upgrades to existing infrastructure can readily be managed by well-considered matters of discretion, given that in the case of this rule, the activity already exists and given the threshold, upgrades will be minor in nature and largely relate to visual amenity.</p> <p>Top Energy considers that this amendment sought results in a more sensible approach (and better alignment) when considering that <u>new</u> overhead lines are provided for in some zones as a permitted activity (e.g., I-R6) and as a</p>	<p><b><u>2. More than two additional poles; and</u></b></p> <p><b><u>3. Additional towers.</u></b></p> <p><b><u>PER -4</u></b></p> <p><b><u>1. Additional cross arms must not exceed a length of more than 4m;</u></b></p> <p><b><u>Gas</u></b></p> <p><b><u>PER - 5</u></b></p> <p><b><u>In addition to PER 1 and PER 2, the realignment, relocation or replacement of a gas transmission line is within:</u></b></p> <p><b><u>1. an existing easement in favour of the pipeline;</u></b></p> <p><b><u>2. 12m of the existing alignment or location</u></b></p> <p><b><u>Telecommunications</u></b></p> <p><b><u>PER 6</u></b></p> <p><b><u>In addition to PER 1 and PER 2</u></b></p> <p><b><u>1. A replacement panel antenna does not increase the face area by more than 20 percent in a 10 year period.</u></b></p>



# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			restricted discretionary activity in others (e.g., I-R15). See sub# 48 re activity status for non-compliance with I-S1 and I-S2.	<p><b><u>2. A replacement dish antenna does not increase in diameter by more than 20 percent in a 10 year period.</u></b></p> <p><b><u>Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary</u></b></p>	
52	Infrastructure – I-R4 Electricity generators or self-contained power units for the supply of network utility	Support	Top Energy supports this rule, noting sub# 48 regarding activity status for non-compliance with I-S1 and I-S2	Retain as notified.	S483.061
53	Infrastructure – I-R5 New above ground customer connections		<p>As noted earlier, Top Energy seeks that a definition of what comprises a ‘customer connection’ be included.</p> <p>In general, Top Energy continues to support the permitted activity status in the Rural Production, Māori Purpose, Rural Lifestyle, Horticulture and Kauri Cliffs Zone, and understands the rationale behind encouraging underground connections in the residential and industrial zones. However, Top Energy seeks that rule be extended to Ngawha Innovation and Enterprise Park and Rural Settlement Zones which are rural in nature. For all of these zones, given their isolation from urban areas,</p>	<p>Amend 1-R5 as follows (or to same effect):</p> <ul style="list-style-type: none"> <li>• Include Ngawha Innovation Zone and Rural Settlement Zone;</li> <li>• Amend PER -1 to read as follows: “The poles don't exceed a maximum of 25m in height <b><u>above ground level</u></b>”;</li> <li>• Amend activity status for non-compliance with PER – 1 to restricted discretionary activity; and</li> <li>• Amend activity status for non-compliance with PER – 2 to discretionary.</li> </ul>	S483.062

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			<p>undergrounding electricity infrastructure would be cost prohibitive and unnecessary.</p> <p>Top Energy also seeks a restricted discretionary activity for non-compliance with PER -1, this results in better alignment with I-R15 which treats new overhead lines outside of these zones as a restricted discretionary activity with no height restrictions.</p> <p>Top Energy also seeks that PER – 1 be amended to specify above ground level, and that non-compliance with PER -2 be a discretionary activity as opposed to non-complying.</p>	
54	Infrastructure – I-R6 new network utilities in existing buildings	Support, seek amendment	Top Energy supports this rule, but seeks that non-compliance with I-S1 and I -S2 be a discretionary activity for reasons identified in sub# 48.	Amend activity status for non-compliance with I - S1 and I -S2 to discretionary.
55	Infrastructure – I-R7 new overhead lines and associated poles, telecommunication and attached antennas, or towers	Support, seek amendment	<p>This rule applies to the Rural Production, Rural Lifestyle and Māori Purpose Zones. For the same reasons as noted above in sub# 53 Top Energy seeks that this be extended to Ngawha Innovation and Enterprise Park and Rural Settlement Zones.</p> <p>Top Energy seeks that PER 1 and PER 2 specify 'above ground'.</p>	<p>Amend I-R7 as follows:</p> <ul style="list-style-type: none"> <li>• Include Ngawha Innovation Zone and Rural Settlement Zone.</li> <li>• Amend PER -1 to read as follows: “The poles don't exceed a maximum of 25m in height <b><u>above ground level.</u></b>”</li> </ul>

S483.063

S483.064

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<ul style="list-style-type: none"> <li>Amend PER – 2 to read as follows: “Towers do not exceed a height of 15m <u>above ground level.</u>”</li> <li>Amend activity status for non-compliance with PER – 1 &amp; 2 to restricted discretionary activity.</li> </ul>
56	Infrastructure – I-R8 new telecommunication kiosk	Support, seek amendment	In general, telecommunication kiosks aren’t of particular interest to Top Energy. However, it is noted that kiosks often co-locate on other infrastructure such as electricity poles or towers. Accordingly, the height limit of 3.5m might be an issue and an exemption is sought where the kiosk is located on an existing pole or tower.	Amend I-R8 to expressly enable the co-location of telecommunication kiosks on existing infrastructure. <span style="color: red;">S483.065</span>
57	Infrastructure - I-R10 substations	Support, seek amendment	<p>Top Energy supports the provision for substations in the Rural Production and Rural Lifestyle Zones as a permitted activity, but suggests the inclusion of an additional rule which provides for subdivisions in the Rural Production and Rural Lifestyle, where contained within a building that complies with the building and structure performance standards of the underlying zone.</p> <p>The reasoning for this is that where intensification is promoted, additional substations may be required in urban</p>	Retain R-10 as notified , and include an additional rule for substations in zones other than Rural Production and Rural Lifestyle as a permitted activity where located within a building that complies with the relevant performance standards of the underlying zone, I-S1 and I-S2 and the thresholds contained within I-R10 PER-1. <span style="color: red;">S483.066 &amp; S483.067</span>

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			settings. The main concerns associated with substations relate to visual amenity, noise, radio frequency and electric and magnetic field. These days, it is common for modern substations to be fully housed in buildings that can be designed to be appropriate for an urban setting from a visual perspective. Noise would be managed through the District Wide Chapter, and compliance with I-S1 and I-S2 can be relied on to address any remaining potential effects. Given that these matters can be readily managed, an additional Rule providing for such an activity in zones other than Rural Production and Rural Lifestyle is considered to more appropriate than the discretionary status that would otherwise apply by default.	
58	Infrastructure – I-R11 New buildings or structures, and extensions to existing buildings or structures, in the National Grid Yard	Support	<p>Top Energy considers that Transpower are best placed to comment of provisions relating to the national grid, but given the electricity distribution and transmission networks in the Far North are interdependent, Top Energy supports the protection of these assets.</p> <p>Top Energy also supports the explicit exemption from this rule for any part of electricity infrastructure that connects to the national grid.</p>	<p>Amend I-R11 to exempt work undertaken by the electricity network utility provided</p> <p>Review Plan and amend as necessary to ensure that the rule applies to all plan users, not just network utility providers.</p>

S483.068

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			However, Top Energy notes that as per its comment above in regards to Note 5, these provisions would only apply to work undertaken to by network utility operators and consider that this rule also needs to be replicated within the Zones.	
59	Infrastructure I-R12 New buildings or structures, and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Line	Support, seek amendment	<p>Top Energy generally supports the inclusion of provisions relating to the Critical Electricity Lines Overlay (noting earlier comments re extent) but seeks that:</p> <ul style="list-style-type: none"> <li>• wording is Included to exempt works with the CEL undertaken by the electricity network utility provider;</li> <li>• as per the above comments re Note 5, that this rule should be applied to all plan users, not just network utility providers (the preference is that provisions that relate to CELS are contained within an overlay chapter for ease of reference); and</li> <li>• 10m either side of the CEL is specified, or a figure is included (similar to Whangārei District</li> </ul>	<p>Amend I-R12 to exempt works with the CEL undertaken by the electricity network utility provider.</p> <p>Review Plan and amend as necessary to ensure the rule applies to all plan users, not just network utility providers.</p>

S483.069

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			Council’s approach which specified the corridor width of 10m either side.	
60	Infrastructure – I-R13 Tree Planting within 20m of a Critical Electricity Line	Support, seek amendment	<p>Top Energy supports the inclusion of provisions relating to the Critical Electricity Lines Overlay (noting early comments regarding extent) but seek that:</p> <ul style="list-style-type: none"> <li>• wording is Included to exempt works with the CEL undertaken by the electricity network utility provider,</li> <li>• as per the above comments re Note 5, this rule should be applied to all plan users, not just network utility providers. The preference is that provisions that relate to CELs are contained within an overlay chapter for ease of reference),</li> <li>• wording is Included to exempt works with the CEL undertaken by the network utility provider.</li> <li>• 10m either side of the CEL is specified, or a figure is included (similar to Whangārei District Councils approach which specified the corridor width of 10m either side.</li> </ul> <p>Top Energy also notes that the Electricity (Hazard from Trees) Regulation 2003 is not linked. As per the above comments in</p>	<p>Amend I-R13 to exempt work undertaken by the electricity network utility provider.</p> <p>Review Plan and amend as necessary to ensure the rule applies to all Plan users, not just network utility providers.</p> <p>Include reference to <a href="#">Electricity (Hazard from Trees) Regulations 2003</a>.</p>

S483.070

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			regards to Note 5, seek that this rule be replicated in the Zones.	
61	Infrastructure I-R12 New buildings or structures, and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Line	Support, seek amendment	<p>Top Energy supports the inclusion of provisions relating to the Critical Electricity Lines Overlay. While Top Energy understands Council exemption for buildings or structures that do not require building consent to avoid unnecessary consenting requirements for smaller buildings and structures, Top Energy is concerned that this is too broad reaching. As an example, in the Rural Production Zone a pole shed of up to 100m<sup>2</sup> can be built without triggering building consent. While it is acknowledged that the shed must be single story to be exempt, this could still result in a considerably sized structure that could still cause issues in terms of the associated regulations and standards.</p> <p>Accordingly, Top Energy seek that a height restriction be incorporated into PER 1.</p> <p>Top Energy also:</p> <ul style="list-style-type: none"> <li>• Seeks that wording is Included to exempt works with the CEL undertaken by the network utility provider;</li> </ul>	<p>Amend I-R12-PER-1 as follows:</p> <p>“1.The building or structure <b>is less than 3m in height and</b> does not require a building consent; or</p> <p>2.The extension of the building or structure does not exceed the envelope or footprint of the existing building or structure”</p> <p>Top Energy also seeks that:</p> <ul style="list-style-type: none"> <li>• I-R12 be amended to exempt work undertaken by the electricity network utility provider</li> <li>• I-R12 is replicated in Zones so the rule applies to all development.</li> <li>• Reference to Electricity (Hazard from Trees) Regulations 2003 be included.</li> </ul>

S483.071

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<ul style="list-style-type: none"> <li>Notes that the Electricity (Hazard from Trees) Regulation 2003 is not linked; and</li> <li>As per the above comments in regards to Note 5, seeks that this rule be replicated in the Zones.</li> </ul>	
62	Infrastructure – I-R13 Tree planting within 20m of a Critical Electricity Lines Overlay	Seek amendment	Top Energy considers that clause PER-1 of this rule is confusing and ultimately unnecessary. Any tree planting should be captured by the Electricity Act and associated regulations. Whether it is for the purpose of a shelterbelt, plantation forestry or commercial horticultural operations is irrelevant. This rule should be redrafted to require that confirmation is provided of accordance with the Electricity Act and associated regulations.	<p>Amend I-R13 as follows:</p> <p><del>“PER-1</del></p> <p><del>The planting of trees is not for the purpose of providing a shelterbelt, plantation forestry or commercial horticultural operations.</del></p> <p>PER-2:</p> <p><del>Activities that do not comply with PER-1 provided that:</del></p> <p>1. prior to works <del>notification</del> <u>being undertaken confirmation</u> is provided to Council <del>and that</del> the proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010).”</p>

S483.072



# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
63	Infrastructure – I-R15 New overhead lines and associated poles, telecommunication poles and attached antennas, or towers	Seek amendment	Top Energy acknowledges that restricted discretionary activity status is appropriate for this type of new overhead infrastructure outside of the Rural Production and Māori Purpose Zone but considers that Rural Lifestyle should also be included for consistency with I-R7 (as well as the additional zones noted in sub# 58).	Amend I-R15 to exclude Rural Lifestyle, Ngawha Innovation Zone and Rural Settlement Zone.	S483.073
64	Infrastructure I-R16 Telecommunications lines, cabinets, poles antennas regulated by the NES-TF that do not meet the Permitted Activity standards in Regulations 20,21,22,27,29,31,33,35 or 37 of the NES-TF and are not provided for as a controlled activity in Part 3 of the NES-TF Regulations	Support	Top Energy generally supports the provision for telecommunications infrastructure not permitted by the NES – TF as a restricted discretionary activity.	Retain as notified.	S483.074
65	Infrastructure – New Rule	Seek amendment	Top Energy seeks a restricted discretionary activity status for new above ground customer connections outside of those provided for as a permitted activity by I-R5 (as well as the additional zones noted in sub# 58).	Include additional restricted discretionary activity for new above ground customer connections in all zones other than those covered in I-R5.	S483.075

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			There is no provision for this activity otherwise and assumedly, this results in a default to discretionary activity which does not align I-R15 which provides for new overhead lines in all zones other than Rural Production and Māori Purpose zone as a permitted threshold with no height limits.	
<b>RENEWABLE ENERGY GENERATION</b>				
66	Renewable Energy – REG – General Comment	Support	<p>In general, Top Energy supports the outcomes sought within this chapter. The nature of this chapter is unique to others in that it seeks to manage a specific activity on a district wide basis.</p> <p>It is not clear how this Chapter interacts with Part 3 - Area Specific Matters. It is assumed that the standards within Part 3 would apply (except where more permissive standards are provided in the REG chapter). However, without specific direction within the chapter confirming that this is the case, this could generate confusion for plan users.</p> <p>The How the Plan works Chapter gives specific direction as to how Part 2: District - Wide Matters interacts with the Sensitive Environment Overlays, but not how this chapter should be treated.</p>	Amend the Plan to provide clarity around integration of this chapter with other Chapters in the Plan so that the provisions of the REG chapter have precedence.

S483.076

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
67	Renewable Energy – REG-O1	Support	Top Energy supports acknowledgement of the significance of the local regional and national benefits of renewable energy and recognition in the Plan of its inclusion as a matter of national significance in the RMA. Further the acknowledgment of the operation, functional, technical needs and constrains.	Retain as notified.
68	Renewable Energy – REG-O2	Seek amendment	It is unclear whether this objective seeks to direct minimum requirements, or recognise the benefits of renewable energy. On review of the policies, Top Energy considers it is likely the latter, and if this is the case the objective is unnecessary given that REG O1 recognises and provides for the benefits and REG – P4 establishes what the benefits include.	Delete objective REG-O2 OR amend to avoid the objective being interpreted as a list of minimum requirements.
69	Renewable Energy – REG-O3	Seek amendment	The current wording is unclear whether adverse effects on values should be avoided or minimised. Managing adverse effects is more aligned with the Regional Policy Statement (Policy 5.3.3) noting that renewable energy generation is considered regionally significant infrastructure. Further, the reference to values should align with what is mapped in the Plan.	Amend REG-O3 as follows:  <b><u>“Adverse effects from renewable energy generation activities on values mapped in the Plan are managed.”</u></b> <del>Renewable electricity generation activities are located and designed to avoid and minimise adverse effects on areas with historical, cultural, environmental and coastal values.</del>

S483.077

S483.078

S483.079

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
70	Renewable Energy – REG-04	Support, seek amendment	<p>Top Energy supports the enablement of operation, maintenance, and upgrade of these activities, and the protection from reverse sensitivity effects, but consider that repair should also be included.</p> <p>Top Energy also highlights that the use of “or otherwise mitigating” reverse sensitivity effects is inconsistent with and does not give effect to the Northland Regional Policy Statement, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that “should not result in incompatible land uses in close proximity <u>and avoids</u> the potential for reverse sensitivity” [our emphasis added].</p>	<p>Amend REG-04 as follows:</p> <p><i>“The ongoing efficient operation, maintenance, <b>repair</b> and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, <del>or</del> <b>otherwise mitigating</b>, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities.</i></p>	S483.080
71	Renewable Energy – REG – P1	Support	<p>Top Energy supports this recognition and provision for renewable energy generation activities as Regionally Significant Infrastructure, including where the electricity is directed to a high energy user.</p>	<p>Retain as notified.</p>	S483.081
72	Renewable Energy – REG – P2	Support, seek amendment	<p>Top Energy supports the provision for ongoing maintenance, operation and upgrade but considers that this should be enabled and seeks wording to reflect this in the policy and amendments to</p>	<p>Amend REG-P2 as follows:</p> <p><i>“<del>Provide for</del> <b>Enable</b> the continued operation, maintenance, <b>repair</b>, upgrading and replacement</i></p>	S483.082

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			associated rules to reflect this (see submission points below).	<i>of renewable electricity generation activities to maintain and increase generation capacity.”</i>	
73	Renewable Energy - REG – P3	Support	Top Energy supports this policy.	Retain as notified.	S483.083
74	Renewable Energy - REG – P4	Support, seek amendment	<p>Top Energy support the intent of this policy but seek amendments to:</p> <ul style="list-style-type: none"> <li>• Recognise and provide for the benefits in alignment with RPS and NPS-REG;</li> <li>• Specifically acknowledge improved resilience (through a variety of energy sources) as a benefit;</li> <li>• Remove REG-P4(g) as it is not a ‘benefit’ and does not fit in this policy.</li> </ul>	<p>Amend REG-P4 as follows:</p> <p><i>“<b>Recognise and</b> provide for the benefits of new community scale and new large-scale renewable electricity generation activities, which include:</i></p> <ul style="list-style-type: none"> <li><i>a. security of electricity supply;</i></li> <li><i>b. increased energy independence <b>and improvements in resilience of supply resulting from local generation;</b></i></li> <li><i>c. economic benefits to the local, regional or national economy;</i></li> <li><i>d. helping to meet local, regional or central government renewable electricity and emission reduction targets;</i></li> <li><i>e. improved quality of life and standard of living;</i></li> <li><i><b>and</b></i></li> <li><i>f. public health.<del>;</del><b>and</b></i></li> </ul>	S483.084

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<del>g. adverse effects are managed in accordance with REE-P5 and P6.”</del>
75	Renewable Energy - REG – P5	Seek amendment	<p>Top Energy consider that more balance needs to be provided for in terms of the avoidance directive in this policy.</p> <p>Renewable energy activities (e.g., wind in particular) are inevitably located within the coastal environment. An outright ‘avoid’ directive for any adverse effects is not realistic and will unduly constrain renewable energy generation activities.</p> <p>Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.</p>	<p>Amend REG-P5 as follows:</p> <p><i>“In the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:</i></p> <p><i>a. avoiding adverse effects <b>that are more than minor</b> on the characteristics of significant natural areas, and <b>mapped</b> outstanding natural features or landscapes, areas of outstanding natural character;</i></p> <p><i>b. avoiding significant adverse effects <b>that are more than minor</b> on other <b>mapped</b> natural features and landscapes, and areas of natural character;</i></p> <p><i>c. recognising the technical, operational and functional needs and constraints of renewable electricity generation activities;</i></p> <p><i>d. having regard to offsetting and environmental compensation measures <b>including measures or compensation which benefit the local environment and community affected</b> where there are more</i></p>

S483.085

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<i>than minor residual adverse effects that cannot be avoided, remedied or mitigated.”</i>
76	Renewable Energy - REG – P6	Seek amendment	For the same reasons as noted in sub# 75, Top Energy seeks amendments to better align with the NPS-REG and the RPS.	<p>Amend REG-P6 as follows:</p> <p><i>“Outside the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:</i></p> <p><i>a. avoiding <b>significant effects that are more than minor on significant natural areas, and mapped historical and cultural values, <del>significant natural areas,</del></b>—and outstanding natural features or landscapes to the extent practicable;</i></p> <p><i>b. minimising or remedying adverse effects on <b>mapped</b> historical and cultural values, natural environment values that cannot be avoided;</i></p> <p><i>c. recognising the technical, operational and functional needs and constraints of renewable electricity generation activities; and</i></p> <p><i>d. having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.”</i></p>

S483.086

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
77	Renewable Energy - REG – P7	Support	Top Energy supports separate policy direction for solar electricity generation that recognises the discrete nature of the adverse effects associated with the activity.	Retain as notified.	\$483.087
78	Renewable Energy - REG – P8	Support, seek amendment	Top Energy supports protecting large scale renewable electricity generation activities. However, Top Energy is concerned that the use of “to the extent possible, or otherwise mitigate” reverse sensitivity effects is inconsistent with, and does not give effect to the Northland Regional Policy Statement, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that “should not result in incompatible land uses in close proximity <u>and avoids</u> the potential for reverse sensitivity” [our emphasis added].	Amend REG-P8 as follows:  <i>“Require sensitive activities to be designed and located to avoid <del>to the extent possible, or otherwise mitigate,</del> reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities.”</i>	\$483.088
79	Renewable Energy - REG – P9	Oppose	As per earlier comments, given that renewable energy resources are located throughout the district and not just within the Rural Production Zone, Top Energy notes that in some instances there will be technical, operation and functional needs for such an activity to be located outside of the Rural Production Zone.	Delete REG-P9.	\$483.089



# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			It is acknowledged that the opportunity for this will generally be limited due to the area of land required for such an activity, none the less Top Energy seeks that this provision be deleted.	
80	Renewable Energy - REG – P10	Support, seek amendment	While Top Energy has no problem with this policy in principle, it would be better placed as a matter under REG -P11 for consideration at resource consent stage.	Move REG-P10 to a matter for consideration as part of REG-P11.
81	Renewable Energy - REG – P11	Support, seek amendment	Top Energy considers that this policy gives useful direction for plan users but seek some amendments to provide additional direction.	Amend REG-P11 as follows (or to the same effect): <i>“Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</i>  <i>1. ...</i>  <b><u>12.plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas.”</u></b>
82	Renewable Energy - REG – New Policy	New policy	Method 5.4.3 of the RPS directs Council to Encourage and Provide for activities associated with investigation for the identification renewable energy sources. In the context of Top Energy’s interests,	Include a new policy as follows (or to the same effect):  <b><u>“REG – PX</u></b>

S483.090 & S483.091

S483.092

S483.093

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>this is of particular relevance to geothermal energy where sub surface investigation is often required to understand the availability of the resource to inform feasibility.</p> <p>The inclusion of such a policy also supports REG – 3 and REG – 4 which provide for investigation activities associated with hydro and wind.</p>	<p><u>Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.</u></p>
83	REG - Notes	Seek Amendment	As noted in sub# 19 it is not clear how this Chapter interacts with Part – 3 Area Specific Matters. An additional Note is one way this clarity could be provided.	Provide clarity in the Plan around how renewable electricity generation interacts with Part – 3 Area Specific Chapters.
84	Renewable energy - REG-R1 Operation, maintenance, repair and removal of an existing renewable electricity generation activity.	Support, seek amendment	<p>Top Energy seeks amendment to this rule, or addition of a new one to enable minor upgrades to an appropriate scale and increased power generation.</p> <p>As an example, in the case of geothermal, there may be a need to increase pipe size as technologies improve. Or for solar, the panels themselves may require upgrade of a slightly different footprint (but may not change the overall activity footprint) that would not otherwise be considered maintenance or repair would not be noticeable. These minor upgrades may also be required to improve power generation.</p>	<p>Include a new permitted activity rule as follows (or to the same effect):</p> <p><u>'REG – RX - Upgrading or repowering existing renewable electricity generation activities</u></p> <p><u>Permitted</u></p> <p><u>Where:</u></p> <p><u>1. The upgrade or repowering does not result in an overall increase to the footprint or envelope of the renewable electricity generation activity.</u></p> <p><u>2. For wind farms, compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise.</u></p>

S483.094

S483.095

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			Enabling such upgrades as a permitted activity without triggering the need for a discretionary resource consent (as would otherwise be required pursuant to REG – R7 for large scale projects) is critical to ensuring the viability and resilience of this critical infrastructure, noting that this is consistent with how it is addressed in the Infrastructure Chapter.	
85	Renewable Energy – REG R2 – R6	Support, seek amendment	Top Energy supports the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the availability and feasibility of the resource, and should not be constrained by artificial zoning lines on a map. The Overlays will still apply, and can address any particular sensitivities in sensitive environments.	Amend these rules to apply to all zones consistently.
86	Renewable energy - REG-R7 – Large scale renewable electricity generation activity (new and upgrading)	Seek amendment	As per previous feedback provided, Top Energy considers that adverse effects associated with solar renewable electricity generation are readily understandable and therefore this activity should be enabled as a restricted discretionary activity with clear matters of discretion. This rule could be applied to specific zones only e.g. Rural Production where the Chapter encourages	Include new restricted discretionary rule as follows (or to the same effect):  <b><u>REG – RX Large scale solar renewable electricity generation activity</u></b>  <b><u>Activity status: Restricted discretionary</u></b>  <b><u>Matters of discretion are restricted to:</u></b>

S483.096  
to S483.100

S483.101

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			renewable electricity generation activities to locate.	<ul style="list-style-type: none"> <li>a. <u>adverse visual amenity effects resulting from the scale of the buildings or structures and whether landscaping can effectively manage any such effects</u></li> <li>b. <u>adverse effects on the natural character of the site or surrounding area</u></li> <li>c. <u>adverse noise effects on adjoining properties</u></li> <li>d. <u>adverse effects on transportation network resulting from construction traffic</u></li> <li>e. <u>adverse effects on adjoining properties or the wider catchment resulting from stormwater runoff</u></li> </ul>
87	Renewable Energy - New Rule	Seek amendment	<p>As noted earlier, Method 5.4.3 of the RPS directs Council to ‘Encourage and Provide’ for activities associated with investigation for the identification renewable energy sources, this is of particular relevance for geothermal renewable electricity generation.</p> <p>Top Energy seeks a new rule to provide for investigation activities other than those currently provided in REG – 3 and REG – 4. Without such a rule, these activities would default to discretionary</p>	<p>Amend REG – R3 as follows (or to the same effect):</p> <p><u>REG-RX Renewable energy generation investigation activity.</u></p> <p><u>Permitted</u></p> <p><u>Where:</u></p> <p><u>PER 1</u></p> <p><u>Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m<sup>2</sup></u></p>

S483.102

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p><u>PER 2</u></p> <p><u>Any building or structure can comply with the height, setback, height in relation to boundary performance standards of the underlying zone."</u></p>
<b>TRANSPORT</b>				
88	Transport Chapter – Overall	Seek amendment	The Transport Chapter is not of significant interest to Top Energy. However, it is important that recognition is made for the appropriate provision of infrastructure (e.g., electricity and telecommunications) in the transport network, in particular the roading corridor, as often this infrastructure is located within it. Rather than making detailed submissions on the chapter, Top Energy seek that this is adequately addressed across the objectives, policies and rules in this chapter.	Review the transport provisions to provide for objectives, policies and rules that enable the operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor.
89	Transport Chapter – New Objective	Seek amendment	Include a new objective to recognise and provide for the operation of operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor.	Insert a new objective in the Transport Chapter (or wording to the same effect):  <u>"Recognise and provide for the operation, maintenance, repair and upgrading of other infrastructure including electricity and telecommunications infrastructure within the</u>

S487.103 to S483.105

S487.106

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
				<u>transport network, in particular the roading corridor</u>	
90	Transport Chapter – New Policy	Seek amendment	Include a new policy to recognise and provide for the operation of operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor by enabling these activities as a permitted activity.	Include a new policy in the Transport Chapter as follows (or wording to the same effect):  <u>“Recognise and provide for other infrastructure by enabling the operation, maintenance, repair and upgrading of infrastructure in the transport network as a permitted activity”</u>	S483.107
91	Transport Chapter – New Rule	Seek amendment	Include a new rule providing for the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure as a permitted activity	Include a new rule in the Transport Chapter making the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure a permitted activity.	S483.108
<b>NATURAL HAZARDS</b>					
92	Natural Hazards – General	Support, seek amendment	Top Energy supports the creation of resilient communities, responding to and managing risk from natural hazards to ensure the health, safety and wellbeing of Northland residents, and highlights the critical contribution which connection to electricity provides in terms of enabling this. Top Energy seeks a number of amendments to provisions in this chapter to facilitate this.	Amend wording to ensure adequate enablement of electricity infrastructure as set out below.	S483.109

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
93	Natural hazards – NH-O3	Support, seek amendment	Top Energy supports the acknowledgement of the functional and operational need for infrastructure to be located in areas subject to natural hazards. However, Top Energy also seeks acknowledgment through an objective for the operation, maintenance, repair and upgrade requirements on existing infrastructure within hazard mapped areas to specifically acknowledge the need to provide for existing infrastructure within hazard mapped areas. Inclusion of such a policy will align with/provide a direct link to NH-P10	Include new objective as follows (or to the same effect):  <b><u>“Operation, maintenance, repair and upgrade of existing infrastructure is enabled to ensure a resilient and reliable network.”</u></b>	S483.110
94	Natural hazard – NH – P10	Support, seek amendment	Top Energy supports this policy but notes that ‘minor upgrade’ is not a term defined in the Proposed Plan, and considers that this term should be removed from the policy and the threshold in the chapter relied on instead to establish what scale is deemed appropriate.	Amend NH-P10 as follows:  <b><i>“Provide for the operation, maintenance, and <del>minor</del> upgrading of existing infrastructure in identified natural hazard areas.”</i></b>	S483.111
95	Natural hazard – NH – P11	Support, seek amendment	Top Energy supports this policy.	Retain as notified.	S483.112
96	Natural hazards – NH - Rules	Seek amendment	It is unclear to Top Energy how maintenance, repair or upgrade of infrastructure in a 1 in 10 year River Flood Hazard and it assumed that this would default to discretionary activity. For	Amend NH-R1 as indicated below to provide for maintenance, repair of upgrading of infrastructure in 1 in 10 year floods as indicated in sub# 97 below.	S483.113

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			reasons noted above, Top Energy seek that this be provided for as a permitted activity where there is not increase to footprint.	
97	Natural Hazard – NH – R1 Maintenance, Repair or upgrading of infrastructure, including structural mitigation assets		<p>While Top Energy appreciates the risk caused by natural hazards, it is considered that PER -1 (which requires no increase in above ground footprint) is overly restrictive for the 1 in 100 year River Flood Hazard Areas and will require unnecessary resource consent applications. As currently written, the rule does not adequately ‘provide for’ upgrades (even to a minor degree) as is rightfully directed in NH-P10.</p> <p>Further, for above ground infrastructure, it is more restrictive than NH-R2 and NH-R3 (2) which relate to buildings and structures generally e.g. no enablement in acknowledgment of the importance of infrastructure.</p>	<p>Amend NH-R1 as follows (or the same effect):</p> <p><i>“NH-R1 Maintenance repair, or upgrading of infrastructure, including structural mitigation assets</i></p> <p><i>1 in 100 Year River Flood Hazard Areas</i></p> <p><b><u>1 in 10 year River Flood Hazard Areas</u></b></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><b><u>The works are located in a 1 in 10 Year River Flood hazard area</u></b></p> <ol style="list-style-type: none"> <li><i>1. There is no increase to the footprint of any above ground infrastructure; and</i></li> <li><b><u>2. Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path; and</u></b></li> <li><b><u>3. Ground is reinstated to the equivalent state that existed prior to the works</u></b></li> </ol> <p><i>PER-2</i></p>

S483.114



# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p><u>The works are located in a 1 in 100 Year River Flood hazard area</u></p> <ol style="list-style-type: none"> <li><u>1. Any works to maintain, repair or upgrade infrastructure do not result in an increase of footprint or GFA by more than 10m<sup>2</sup>; and</u></li> <li><u>2. Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path; and</u></li> <li><u>3. Ground is reinstated to the same ground level that existed prior to the works.</u></li> </ol> <p><b>PER—3</b>  <del>Ground is reinstated to the equivalent state that existed prior to the works”</del></p>
98	Natural Hazard – NH-R3 New buildings or structures	Oppose, seek amendment	<p>This rule should include a provision for new network utilities that is more enabling than PER-1, noting that infrastructure is not habitable.</p> <p>Top Energy seeks that all new underground structures be permitted, and that above ground infrastructure of an appropriate scale is provided for in acknowledgment of the critical importance of this infrastructure and that it is not habitable.</p> <p>Top Energy highlight that NH-R4 provides for structures ancillary to farming of up to 100m<sup>2</sup> in area with no height threshold</p>	<p>Include a new permitted rule for new infrastructure in the 1 in 100 Year Flood hazard zone as follows (or to the same effect):</p> <p><u>“NH-RX New network utilities</u>  <u>1 in 100 Year River Flood hazard areas</u>  <u>Activity status permitted</u></p> <p><u>Where:</u>  <u>PER-1</u></p>

S483.115

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>and seek similar enablement for new network utilities.</p>	<p><u>Any building or structure associated with the new network utility is one of the following:</u></p> <p><u>1.Underground; or</u></p> <p><u>2.Has a footprint that is less than 100m<sup>2</sup>:</u></p> <p><u>PER -2</u></p> <p><u>Any building or structure associated with the new network utility is not located within or does not alter or divert an overland flow path.</u></p> <p><u>Activity status where compliance with PER -1 and PER 2 is not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>a. the effects of flood hazards on the integrity of the building or structure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</u></p> <p><u>b. the effects of the building or structure on overland flow paths and flooding on surrounding sites; and</u></p> <p><u>c. the extent to which the risk to people and property from the flood hazard is avoided or managed.”</u></p>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
99	Natural Hazard – NH-R5 and NH-R6 Wildfires	Support	Top Energy supports that this rule only relates to non-habitable structures.	Retain as notified.
100	Natural hazards – NH-S1	Seek amendment	The information standard is not linked in the table and located at the end of the page making it easy to miss. The standard should be linked in the second column of the rules table to make it clear that where resource consent is required, compliance must be achieved with NH-S1.	Include requirement to comply with NH-S1 where resource consent is required in the activities table.

S483.116 &  
S384.117

S483.118

## HAZARDOUS SUBSTANCES

101	Hazardous Substances – Overall Approach	Oppose	<p>Whangārei District Council has recently notified Plan Change 91 to the Whangārei District Plan which proposes to retain objectives and policies relating to hazardous substances for the consideration at resource consent stage, but deletes any rules relating to hazardous substances.</p> <p>Top Energy supports the WDC approach which is consistent with the 2017 RMA amendments which removed explicit function for local authorities to control the adverse effects of the storage, use, disposal, and transportation of hazardous substances.</p>	Delete rules for hazardous substances in the PDP.
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S483.119

## HERITAGE OVERLAYS

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought		
102	Heritage Area Overlays – General	Support, amendments	seek	On review of the Notes provided in the Chapter, it appears that both the District Wide and PART – 3 Area Specific Chapters also apply, and that the more stringent rule takes precedence. Top Energy appreciates this clear direction, noting earlier submissions seeking such clarity.	Amend the Historical Heritage provisions so that they enable the appropriate provision of infrastructure (e.g., electricity and telecommunications) for the maintenance, repair and upgrading of scheduled heritage buildings in all of the Heritage Overlays as set out below.	S483.120
103	Heritage Area Overlays - HA-R5 Earthworks	Seek amendment	<p>Top Energy seeks amendments to PER-2 and PER-3 to exempt earthworks associated with the undergrounding of cables from the volume and area thresholds.</p> <p>Undergrounding of cables should be encouraged in these visually sensitive environments, and the thresholds proposed in the PDP as notified will not facilitate this. Given that the earthworks themselves (as underground) will not have any visual or character impact, and the setback is required, exclusion is considered appropriate.</p>	<p>Amend HA-R5 PER -2 and PER-3 as follows (or to the same effect)</p> <p>PER-2</p> <p><b><u>1.The earthworks are associated with new underground network utilities and:</u></b></p> <p><b><u>a. are not within 20m of a scheduled Heritage Resource; and</u></b></p> <p><b><u>b. comply with standard HA-S3 Accidental Discovery Protocol.</u></b></p> <p><b><u>2. For all other earthworks:</u></b></p> <p><del>1-a</del>.do not exceed 2m<sup>3</sup> in volume over an area of 5m<sup>2</sup></p> <p><del>2-b</del>.is not within 20m of a scheduled Heritage Resource;</p>	S483.121	

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<del>3-c</del> complies with standard HA-S3 Accidental Discovery Protocol.
104	Heritage Area Overlays - HA-R6 Infrastructure And renewable electricity generation infrastructure	Seek amendment	<p>Top Energy supports enablement of infrastructure and renewable energy generation activities, and associated buildings and structures in all Heritage Overlays but find this rule confusing as the rules in this chapter otherwise relate to buildings and structures, or earthworks, suggesting this overlay only manages effects, not activities.</p> <p>However R6 states 'activity' in the rule, and R-11 results in a discretionary activity status for all activities not otherwise listed in the Chapter, meaning that even residential activities would be discretionary in all Heritage Overlays.</p> <p>Accordingly, Top Energy seeks clarification and certainty that existing and new network utility building and structures are appropriately provided for. This would provide clear alignment with RPS direction.</p>	<ul style="list-style-type: none"> <li>Review approach taken in Heritage Area Overlay in regards to infrastructure and renewable energy infrastructure as an 'activity'. <b>S483.122</b></li> <li>Include a new permitted activity rule for the maintenance, upgrade, repair of existing network utilities building and structures in all Heritage Area Overlays. <b>S483.123</b></li> <li>Include a new permitted activity rule for new network utilities in all Heritage Area Overlays. <b>S483.124</b></li> </ul>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
105	Heritage Area Overlays - HA-R6 Infrastructure And renewable electricity generation infrastructure	Oppose	For similar reasons to that stated above (sub#100) Top Energy seeks that this rule be deleted, or amended to exclude network utilities.	Delete HA-R6.
<b>HISTORIC HERITAGE</b>				
106	Historic Heritage - General	Support, seek amendment	The historic heritage chapter is not of significant relevance to Top Energy. However, it is important that recognition is made within the chapter for the appropriate provision of infrastructure (e.g., electricity and telecommunications) for the maintenance, repair and upgrading of scheduled heritage buildings.	Review Historic Heritage provisions to enable the provision of infrastructure (e.g., electricity and telecommunications) for the maintenance, repair and upgrading of scheduled heritage buildings as a permitted.
107	Historic Heritage -HH R6 Infrastructure and renewable electricity generation infrastructure within a site containing a Scheduled Heritage Resource	Oppose	Top Energy opposes a discretionary activity status for infrastructure related activities within a site containing a Heritage Resource. As noted earlier, ensuring electricity connection to this resource is critical to ensuring they are looked after, are functional and safe.  Top Energy considers that it is better to manage the effects of activities on sensitive resources through performance standards relating to earthworks and buildings and structures.  Accordingly, Top Energy seek that HH-R10 be deleted, or amended to exclude	Delete HH-6.

S483.125

S483.126

S483.127

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			network utilities and that HH-R4 and HH-R5 be relied on instead to manage any adverse effects associated with the built form of network utilities.	
<b>NOTABLE TREES</b>				
108	Notable Trees – NT-O1	Seek amendment	It is important that the protection of notable trees is balanced with enabling the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities. Top Energy considers that NT-O1 should be amended to include wording to this effect.	Amend NT-O1 as follows: <span style="float: right;">S483.128</span>  <i>“Notable Trees and groups of trees which contribute to the botanical, ecological, historical, cultural or amenity value of the District are identified and protected, <b><u>while enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities.</u></b>”</i>
109	Notable Trees – NT-P2	Seek amendment	It is important that this policy refers to notable trees specifically, and enables safe and efficient use and operation of infrastructure or network utilities.	<i>Enable the pruning and trimming of branches <b><u>on Notable Trees</u></b> where the works will:</i>  <i>a. retain or improve the health of the notable tree; <b>and</b></i> <i>b. allow the regular pruning of the notable tree; <b>or</b></i> <i>c. will improve public safety, or prevent damage to property or infrastructure; <b>or</b></i> <i>d. <b><u>Enable the safe and efficient use and operation of infrastructure or network utilities.</u></b></i> <span style="float: right;">S483.129</span>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p>e. control any other maintenance works to ensure that the works will:</p> <ul style="list-style-type: none"> <li>i. maintain the health, form and shape of the tree; and</li> <li>ii. be supervised or undertaken by a suitably qualified and experienced arborist.”</li> </ul>
110	Notable Trees – NT-P3	Seek amendment	Top Energy considers that this policy needs to expressly refer to infrastructure and that it should be ‘or’ between a and b, not ‘and.’	<p>Amend NT-P3 as follows:</p> <p>“Only allow activity, <u>infrastructure</u> <del>and</del> <u>or</u> development within the root zone area of a notable tree or group of trees where:</p> <ul style="list-style-type: none"> <li>a. it is demonstrated that the activity, <u>infrastructure</u> <del>and</del> <u>or</u> development will not be detrimental to the long-term health and significance of the tree or group of trees; <del>and</del> <u>or</u></li> <li>b. there is a functional or operational need for the <u>activity, infrastructure or</u> development to occur within the root protection area and there are no other practical alternative locations.”</li> </ul>
111	Notable Trees – NT-P4	Support	Top Energy support this policy as proposed.	Retain this provision as notified.
112	Notable Trees – NT-P5	Seek amendment	The wording of this policy needs to be updated to include direction on	Amend NT-P5 as follows:

S483.130

S483.131

S483.132

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>infrastructure for the removal of trees. In Top Energy’s opinion, it is important that tree removal is provided for where it poses a serious threat to not just public safety, but also the safe and efficient use and operation of infrastructure or network utilities.</p>	<p>“Avoid the destruction or removal of a notable tree or trees unless:</p> <ul style="list-style-type: none"> <li>a. <i>there is an imminent threat to the safety of people and property, <b><u>or to the safe and efficient use and operation of infrastructure or network utilities</u></b>; or</i></li> <li>b. <i>it is necessary to maintain infrastructure and pruning or relocation of the tree is not possible; or</i></li> <li>c. <i>the use and enjoyment of a property and surrounds is significantly compromised or diminished; or</i></li> <li>d. <i>it is dead, or is in terminal decline; and</i></li> <li>e. <i>it has been assessed by a suitably qualified and experienced arborist as being suitable for destruction or removal.”</i></li> </ul>
113	Notable Trees – NT-P6	Support	Top Energy generally support the inclusion of this policy regarding potentially relevant matters for the consideration of resource consents under this chapter.	Retain the provision as notified. <span style="float: right;">S483.133</span>
114	Notable Trees – NT-R1	Support	Top Energy supports this provision as notified.	Retain provision as notified. <span style="float: right;">S483.134</span>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
115	Notable Trees – NT-R2	Seek amendment	<p>Top Energy notes there are issues with the wording of this rule that need to be addressed including:</p> <ul style="list-style-type: none"> <li>• That the restriction on branch diameter to 50mm is unnecessarily restrictive, and inconsistent with other recent district plans in Northland. Top Energy considers that 200mm is a more reasonable branch diameter. Essentially, to maintain a notable tree adjacent to Top Energy assets at 50mm diameter, we would need to prune it annually, which is chargeable to FNDC (after the first trim) or FNDC need to employ someone to prune it annually. Trimming allowances need to be increased to provide for this.</li> <li>• Provision should be made for emergency tree works with no limit on root or branch diameter, in accordance with the definition sought by Top Energy above in the Definitions Section.</li> </ul>	<p>Amend NR-R2 as follows (or to the same effect):</p> <p><i>“Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The maximum branch diameter must not exceed <del>5</del>200mm at severance.</i></p> <p><i>PER-2</i></p> <p><i>No more than 10% of live growth of the tree may be removed in any one calendar year.</i></p> <p><i>PER-3</i></p> <p><i>The works must be undertaken by a person that is a suitably qualified person as per NT-S1 Qualified Arborist - Level 4</i></p> <p><i>PER-4</i></p> <p><i>Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising work confirming that they have the qualifications required by NT-S1 Qualified Arborist - Level 4.</i></p>

S483.135

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p><i>PER-5</i></p> <p><i>All trimming or alteration must retain the natural shape, form and branch habit of the tree.</i></p> <p><i>PER-6</i></p> <p><i>All pruning and trimming shall adhere to the Minimum Industry Standards: MIS308- Tree Pruning, as per the Arboriculture Australia and New Zealand Arboriculture standards.</i></p> <p><b><u>PER-X</u></b></p> <p><b><u>If the pruning or trimming is required as emergency tree works, PER-1-6 above do not apply."</u></b></p>
116	Notable Trees – NT-R3	Support	Top Energy supports this provision as notified.	Retain provision as notified.
117	Notable Trees – NT-R4	Support, seek amendment	Top Energy supports the permitted activity status for pruning of notable trees close to existing electricity lines however considers that clauses PER-2 and PER-3 should be deleted. The works are administered by Top Energy and other parties in accordance with the regulations, and imposing a separate requirement on the qualification level of the arborist is unnecessary. Furthermore, such tree	Amend NT-R4 to delete PER-2 and PER-3.

S483.136

S483.137

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			works can be many, and requiring a notification to FNDC for these works is unnecessary and will flood FNDC with information that is ultimately not required.	
118	Notable Trees – NT-R5	Support, seek amendment	Top Energy supports this provision as notified, apart from clause PER-1 which requires the infrastructure to be greater than 1m below ground level. This is inconsistent with the 800mm for directional drilling provided for in NT-R6, and also inconsistent with the 650mm provided for in TREE-R2 of the Whangārei District Plan Notable Tree Chapter.	<p>Amend NT-R6 as follows:</p> <p><i>“Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>In the rootzone area of notable tree or groups of trees, the infrastructure:</i></p> <ol style="list-style-type: none"> <li><i>1. is at least <del>1m</del> <b>650mm</b> below ground level;</i></li> <li><i>2. is installed by hand-digging or thursting;</i></li> <li><i>3. has an entry point that is located outside of the rootzone area.”</i></li> </ol>
119	Notable Trees – NT-R8	Seek amendment	Top Energy considers that provision needs to be made for the removal of a notable tree that constitutes emergency tree works in accordance with the definition sought earlier.	<p>Amend NT-R8 as follows (or to the same effect):</p> <p><i>“Removal or relocation of a notable tree</i></p> <p><b><i>Permitted</i></b></p> <p><b><i>Where:</i></b></p> <p><b><i>PER-1</i></b></p>

S483.138

S483.139

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p><u>The removal is required as emergency tree works.</u></p> <p><u>Activity status where compliance not achieved: Discretionary</u></p>
<b>SITES AND AREAS OF SIGNIFICANCE TO MĀORI</b>				
120	Sites of Significance to Māori – Objectives, Policies and Rules	Seek amendment	<p>Top Energy support the acknowledgement. importance and significance of these sites to tangata whenua/mana whenua. Top Energy acknowledge that the purpose of this Chapter is to protect these sites from inappropriate subdivision and development. However, in some instances there is an operational and functional need for infrastructure to be located within areas identified as being of significance to Māori, particularly given the extent that some of these areas cover.</p>	<p>Include additional objectives and policies that recognises the need for the location of new infrastructure, within Sites and Areas of Significance to Māori where there is an operational and functional need and any adverse effects are adequately managed.</p> <p>Include additional objective and policy that provides for the operation, maintenance repair and upgrading of infrastructure within sites and areas of significance to Māori.</p> <p>Amend rules to allow the suitable provision of new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and upgrading of infrastructure within sites and areas of significance to Māori.</p>
				<p>S483.140 &amp; S483.141</p> <p>S483.142 &amp; S483.143</p> <p>S483.144</p>
<b>ECOSYSTEMS AND INDIGENOUS BIODIVERSITY</b>				
121	Ecosystems and indigenous biodiversity – Objectives and policies	Seek amendment	<p>Top Energy acknowledges that objectives and policies for infrastructure within SNAs are located within the Infrastructure Chapter but seek to ensure that</p>	<ul style="list-style-type: none"> <li>• Include additional objectives and policies that recognise the need for the location of new infrastructure within areas containing indigenous biodiversity where there is an</li> </ul>
				<p>S483.145 &amp; S483.146</p>

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			appropriate provision for operation, repair, maintenance and upgrade of electricity infrastructure (in particular) is made in the objectives and policies of this Chapter in alignment with method 4.6.3, Policies 5.1.2 and 5.1.3 given that it also relates to indigenous vegetation clearance not captured as significant.	operational and functional need, and any adverse effects are adequately managed. <ul style="list-style-type: none"> <li>• Include additional objective and policy that provides for the operation, maintenance repair and upgrading of infrastructure within areas of indigenous biodiversity.</li> <li>• Amend rules to allow the suitable provision of new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and upgrading of infrastructure within areas of indigenous biodiversity.</li> </ul>	S483.145 & S483.146 S483.147
122	Ecosystems and indigenous biodiversity - Notes	Support	Noting the concerns raised in sub# 19, as a general comment, Top Energy supports the clear direction provided in the notes of this Chapter regarding how the chapter interacts with others.	Retain as notified, noting sub# 19.	S483.148
123	Ecosystems and indigenous biodiversity - Rules	Oppose	The rules as currently proposed, reference activities 'within' and 'outside of a Significant Natural Area (SNA). However, SNA's have not been included as a mapped value in the PDP. Accordingly, for a Plan user to understand whether or not the provisions relate to indigenous biodiversity, it is assumed they will be required to obtain an ecological assessment (as is indicated in IB-R4) given that the mapping undertaken by Council is	Amend rules to remove reference to 'Significant Natural Areas' in the absence of these being mapped as part of the PDP, and enable appropriate indigenous vegetation clearance for the operation, maintenance, repair and upgrade of infrastructure.	S483.149

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>no longer publicly available, and as it has not been included in the Plan will not be subject to a Schedule 1 process and cannot be relied on by Council as a statutory layer.</p> <p>This is not considered to be a fair or reasonable approach, and does not provide any certainty for Plan users. This is of particular concern given that these rules have been identified as having immediate 'legal effect'.</p> <p>Further, while it is not necessarily of concern to Top Energy, it is noted that this approach, as well as generating issues for Plan users, will create monitoring and compliance issues for Council.</p> <p>With the above in mind, Top Energy seeks that the reference to SNAs be removed from the rules, and that the clearance of indigenous vegetation is what is managed through these rules.</p> <p>Further, that adequate provision is made for upgrades to existing legally established infrastructure to enable future proofing of the infrastructure so as to meet the reasonably foreseeable needs of the community as is directed by RPS Policy 5.2.2.</p>	
<p><b>NATURAL CHARACTER</b></p>				

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
124	Natural Character General	- Seek amendment	Top Energy understands that this Chapter seeks to manage the natural character associated with the margins of waterbodies (wetlands, lakes and rivers). It is unclear how this Chapter interacts with the National Environmental Standard for Freshwater Management (NES:FW) in regards to natural wetlands (including coastal wetlands), and whether consideration has been given to the potential for duplication of consenting requirements under these frameworks.	Clarify the relationship between this Chapter and the NES:FW. <b>S483.150</b>
125	Natural Character Objectives and policies	- Seek amendment	<p>It is critical that operation, maintenance, repair and upgrading of the electricity distribution network is appropriately provided for to ensure the continued resilience of this lifeline service throughout the District.</p> <p>Top Energy seeks amendments to this chapter to make sure that this is provided for all electricity infrastructure noting the potential for overlap with NES:FW</p>	<ul style="list-style-type: none"> <li>• Include additional objectives and policies that recognise the need for the location of new infrastructure within the margins of waterbodies where there is an operational and functional need, and any adverse effects are adequately managed. <b>S483.151 &amp; S483.152</b></li> <li>• Include additional objective and policy that provides for and enables the operation, maintenance, repair and upgrading of infrastructure within the margins of waterbodies. <b>S483.151 &amp; S483.152</b></li> <li>• Amend rules to permit the suitable provision of new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and <b>S483.153</b></li> </ul>



# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				upgrading of infrastructure within within the margins of waterbodies.
126	Natural Character – NATC - R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Seek amendment	<p>It is unclear why PER 1 is required where buildings or structures with ONL and ONF will be managed through the Natural features and landscape chapter.</p> <p>As noted throughout, electricity infrastructure is a critical component to ensuring a resilient, well-connected community. Top Energy seeks the following amendments in the right hand column to better provide for this within the margins of water bodies noting sub# 124 and 125 re the potential for overlap with NES FW.</p>	<p>Amend NATC – R1 as follows:</p> <p><b>“PER-1</b></p> <p><del>The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.</del></p> <p><b>PER-2</b></p> <p>The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:</p> <ol style="list-style-type: none"> <li>1. restoration and enhancement purposes; or</li> <li>2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or</li> <li>3. park management activity in the Open Space or Sport and active recreation zone; or</li> </ol>

S483.154

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
				<p>4. a post and wire fence for the purpose of protection from farm stock, <u>or</u></p> <p>5. river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings, <u>or</u></p> <p>6. activities related to the construction of river crossings, <u>or</u></p> <p>7. pumphouses utilised for the drawing of water provided they cover less than 25m<sup>2</sup> in area, <u>or</u></p> <p>8. <u>maintenance, repair, operation or upgrading of network utilities where the works are permitted by the Infrastructure Chapter I-R3.</u></p>	
127	Natural Character – NATC - R2 Repair or maintenance	Support	Top Energy support the enablement of repair and maintenance of network utilities within the margins of waterbodies noting sub# 124 and 125 re the potential for overlay with NES FW.	Retain as notified.	S483.155
128	Natural Character – NATC - R3 Earthwork and indigenous vegetation clearance	Seek amendment	Top Energy supports NATC-R3, in particular PER 1 (1) and (2) but seeks that it be amended to provide for works associated with upgrading as sought	Amend PER 1 as follows (or to the same effect): "PER-1	S483.156

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			through the inclusion of a new rule (see previous submission point).	<p><i>The earthworks or indigenous vegetation clearance within wetland, lake and river margins is:</i></p> <p><i>1.required for the repair or maintenance permitted under NATC-R2;<del>or</del>; <u>or</u></i></p> <p><i>2.required to provide for safe and reasonable clearance for existing overhead power lines; <u>or</u></i></p> <p><i>3.necessary to address a risk to public health and safety; <u>or</u></i></p> <p><i>4.for biosecurity reasons; <u>or</u></i></p> <p><i>5.for the sustainable non-commercial harvest of plant material for rongoā Māori; <u>or</u></i></p> <p><b><u>6.Required for the upgrade of network utilities where the works are permitted by the NATC-R1”</u></b></p>

## NATURAL FEATURES AND LANDSCAPES

129	Natural features and landscapes – General	Seek amendment	As noted in sub# 19 regarding How the Plan Works, it is unclear how this Chapter interacts with other District Wide Chapters. Based on the exclusion of a catch all discretionary activity status for rules not otherwise specified it is assumed that, for any activity not specified, the default activity status is permitted. As	Provide clarity around interrelationship between chapters.
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S483.157

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			noted in the earlier submission, this should be clarified in the Chapter itself.	
130	Natural features and landscapes – objectives and policies	Seek amendment	Top Energy acknowledges that objectives and policies for infrastructure within the coastal environment, and natural features and landscapes, are contained within the Infrastructure Chapter, and note the comments made in this section regarding ensuring that the provision of electricity infrastructure is appropriately provided for.	See earlier submission points numbered 26-47 regarding amendments to the objectives and policies in the Infrastructure Chapter.
131	Natural features and landscapes – NFL R1 New buildings or structure, and extensions or alterations to existing buildings or structures	Oppose	<p>No provision has been made to allow for new network utilities of an appropriate scale within these environments.</p> <p>Top Energy generally supports a preference to underground infrastructure where possible in ONL and ONFs, but this needs to be enabled and may require additional network utility buildings and structures (e.g., transformers and pillars) above ground to facilitate this which would otherwise comply with the 25m<sup>2</sup> and 5m height limit afforded to buildings and structures ancillary to farming.</p> <p>On review of the s32 analysis for the Coastal Environment, it is understood that</p>	<p>Amend NFL-R1 as a follows(or to the same effect):</p> <p><i>“PER-1</i></p> <p><i>If a new building or structure is located outside <b>or inside</b> the coastal environment it is:</i></p> <p><i>1. ancillary to farming (excluding a residential unit) <b>or a network utility</b>;</i></p> <p><i>2. no greater than 25m<sup>2</sup>.</i></p> <p><b>PER-2</b></p> <p><del><i>If a new building or structure is located within the coastal environment it is:</i></del></p> <p><del><i>1. ancillary to farming (excluding a residential unit);</i></del></p>

S483.032 to S483.054

S483.158

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>structures associated with primary production are enabled; this analysis does not expressly identify why. However, it is assumed it is because farming activities are a common fixture within this environment and that farming is a dominant primary sector industry within the District as is highlighted in the s32 Overview).</p> <p>Given that connection to electricity infrastructure is critical to such operations, Top Energy seeks that the same permitted activity threshold applies to network utilities.</p> <p>Further Top Energy notes that PER-2 thresholds duplicate that in PER-1.</p>	<del>2. no greater than 25m2."</del>
132	Natural features and landscapes - NFL – R2 Repair or maintenance	Support	Top Energy supports the repair or maintenance of network utilities as a permitted activity.	Retain as notified.
133	Natural features and landscapes – New rule	Seek amendment	Top Energy seeks inclusion as a permitted activity for upgrades to existing electricity infrastructure that cannot comply with NFL – R1 PER (3) relating to 20% GFA and PER 4 relating to NFL-31 maximum height.	Include a new rule as follows (or to the same effect): <u><i>“NFL-RX Upgrade of electricity network utilities</i></u> <u><i>Activity Status: Permitted</i></u>

S483.159

S483.160

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>Given that these network utilities are already present on the landscape, Top Energy seeks to ensure that they can be appropriately upgraded to meet the demands of technology, and ensure continued resilient, flexible and adaptable supply throughout the District.</p> <p>Top Energy also notes, that given the interdependencies of Top Energy's networks, some of the lower voltage lines within these rural coastal communities meet the criteria of Regionally Significant Infrastructure.</p> <p>Top Energy considers that the amendments sought result in better alignment with RPS policies (5.2.2 and 5.3.2 in particular).</p>	<p><u>Where:</u></p> <p><u>PER - 1</u></p> <p><u>The upgrade of electricity network utility structures or buildings:</u></p> <p><u>1. is within 5m of the existing alignment location of the original structure or building;</u></p> <p><u>2.does not increase the gross floor area by more than 30 percent in a 10-year period if it is a building;</u></p> <p><u>3.complies with the zones permitted setback standards if it is a building;</u></p> <p><u>4.does not result in pole or tower height that exceeds 25m above ground level;</u></p> <p><u>5.does not result in more than two additional poles;</u></p> <p><u>6.does not result in additional towers; and</u></p> <p><u>7.any additional cross arms do not exceed a length of more than 4m."</u></p>
134	Natural features and landscapes – NFL – R3 Earthworks and	Seek amendment	Top Energy supports NFL-R3 in particular PER- 1 (2) but seeks that this be extended to provide for upgrading as provided for in the new rule sought (see sub# 133).	Amend PER 1 as follows (or to the same effect): "Activity status: Permitted

S483.161

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
	indigenous vegetation clearance		Further, Top Energy suggests that PER-3 is deleted and PER-2 relied on for both inside and outside of the coastal environment noting that in both instances NFL-S3 is referenced.	<p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The earthworks or indigenous vegetation clearance is:</i></p> <ol style="list-style-type: none"> <li><i>1.required for the repair or maintenance permitted under NFL-R2 Repair or maintenance; or</i></li> <li><i>2.required to provide for safe and reasonable clearance for existing overhead power lines; or</i></li> <li><i>3.necessary to address a risk to public health and safety; or.</i></li> <li><i>4.for biosecurity reasons; or</i></li> <li><i>5.for the sustainable non-commercial harvest of plant material for rongoā Māori; or.</i></li> </ol> <p><b><u>6.Required for the upgrade of network utilities where the works are permitted under NF-RX</u></b></p> <p><i>PER-2</i></p> <p><i>The earthworks or indigenous vegetation clearance <b>is inside or</b> outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</i></p>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p>PER 3</p> <p>The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL R3 PER 1 but it complies with standard NFL S3 Earthworks or indigenous vegetation clearance to provide for earthworks and vegetation clearance associated with upgrading of infrastructure.”</p>
<b>SUBDIVISION</b>				
135	Subdivision – General	Seek amendment	In general, Top Energy seeks to ensure that adequate provision for electricity and telecommunications infrastructure is provided at the time of subdivision to ensure planned and coordinated development, and that existing infrastructure is protected from inappropriate development and future land use.	Amend subdivision chapter to ensure that electricity and telecommunications infrastructure is adequately provided for at the time of subdivision as sought below.
136	Subdivision – SUB – O2	Seek amendment	Top Energy seeks to ensure that existing electricity infrastructure is not compromised. As noted in the memo provided to Council dated 20 <sup>th</sup> September 2021, given the regional significance of most of the electricity infrastructure network, protection of this infrastructure	Amend the SUB – O2 as follows (or to the same effect):  “Subdivision provides for the: a. Protection of highly productive land; <del>and</del> b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding

S483.162

S483.163

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			is required to achieve alignment with the RPS and with SUB – R10 and SUB-R9.	<i>Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage; <b>and</b> <b>c. Electricity infrastructure network.</b></i>
137	Subdivision – SUB – O3	Seek amendment	Top Energy supports the requirement for infrastructure as part of subdivision.	Retain as notified. <span style="float: right;">S483.164</span>
138	Subdivision – SUB – New Policy	Seek amendment	A new policy is required to direct the protection of electricity infrastructure from reverse sensitivity effects generated by in appropriate subdivision and future land use to achieve alignment with the RPS and to SUB – R10 and SUB-R9.	Include a new policy as follows (or to the same effect).  <b><u>“SUB-PX</u></b>  <b><u>Ensure that subdivision and future land uses do not generate reverse sensitivity effects on electricity network by:</u></b>  <b><u>ensuring suitable setbacks are achieved from all electricity infrastructure including by requiring setbacks at the time of subdivision from mapped Critical Electricity Lines.”</u></b> <span style="float: right;">S483.165</span>
139	Subdivision – SUB – P11	Seek amendment	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. To	Amend SUB – P11 to include the follow additional matter of discretion:  <b><u>“any potential for reverse sensitivity effects on electricity infrastructure”.</u></b> <span style="float: right;">S483.166</span>

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>achieve this, Top Energy seeks that a further matter of consideration to be included that required consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.</p> <p>This will provide a trigger for processing planners to encourage consultation with Top Energy where any subdivision is proposed where not captured by SUB – R9 &amp; 10. While there is no overlay to trigger this, above ground infrastructure will be visible when site visits are undertaken.</p>	
140	Subdivision – SUB R9 Subdivision of a site within the National Grid Corridor and	Support	Top Energy supports the protection of the National Grid from inappropriate development and considers that ensuring this at the time of subdivision is critical to the resilience of the wider network.	Retain as notified.
141	Subdivision - SUB R10 Subdivision within 32m of the centreline of a Critical Electricity Line	Support, seek amendment	Top Energy supports the inclusion of a provision requiring the protection of the CELS (noting earlier submissions regarding the mapped extent). However Top Energy consider that the rule needs to be amended to be effective. Where compliance with this cannot be achieved, the activity should become non-complying as is the case for SUB-R9.	Amend the wording of SUB – R10 to: <i>“SUB -R10 Subdivision of a site within 32m of the centre line of Critical Electricity Line Activity status: Restricted Discretionary <u>Where:</u> <u>PER -1</u> <u>The proposed building platforms are identified outside of a 32m setback from the centre line of a CEL</u></i>

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S483.168

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<u>Activity Status where not achieved: Non complying</u>
142	Subdivision – SUB S6 Telecommunication and power supply	Support, seek amendment	Top Energy supports the requirement for connection to electricity supply at the boundary of the site area of the allotment for the zones specified, but seeks that the requirement also apply to Rural Lifestyle and Quail Ridge given it is most cost effective and efficient to provide easements at time of subdivision design and install infrastructure at time of physical site construction. It should be made expressly clear that for other Zones, an easement to facilitate future connection must be provided at the time of subdivision. Such a requirement should be included as part of this rule.	Amend SUB – S6 to include the following (or to same effect) applicable to all zones not specified in SUB – S6  <u>“Easements shall be provided to the boundary of the site area of the allotment to facilitate future connection.”</u>
<b>COASTAL ENVIRONMENT CHAPTER</b>				
143	Coastal Environment – General	Seek amendment	As noted in sub# 19 regarding How the Plan Works, it is unclear how this Chapter interacts with other District Wide Chapters. Based on the exclusion of a catch all discretionary activity status for	Provide clarity around interrelationship between chapters.  Confirm permitted activity status for activities not otherwise specified including where the activities

S483.169

S483.170

S483.171

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>rules not otherwise specified, it appears that for any activity not specified, the default activity status is permitted. As noted in the earlier submission points, this should be clarified in the Chapter itself.</p> <p>Top Energy seeks a permitted activity default where not otherwise specified in clarified through notes and/or rule; and</p> <p>That it be clarified that this includes activities managed District Wide Chapter (e.g., Infrastructure and Renewable Electricity Generation).</p> <p>that for activities default to permitted activity unless otherwise specified, and that this includes .</p>	are managed by District Wide Chapter (e.g. Infrastructure and Renewable Electricity Generation).
144	Coastal Environment Objectives and policies	– Seek amendment	<p>Top Energy acknowledges that objectives and policies for infrastructure within the coastal environment, and natural features and landscapes, are contained within the Infrastructure Chapter, and note the comments made in this section regarding ensuring that the provision of electricity</p>	<p>See earlier submission points 26 - 46 regarding amendments to the objectives and policies in the Infrastructure Chapter.</p>

**S483.032 to S483.052**

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			infrastructure is appropriately provided for.	
145	Coastal Environment – CE R1 new buildings or structures, and extensions or alterations	Oppose	<p>No provision has been made to allow for new network utilities of an appropriate scale within these environments.</p> <p>CE-R1 provides limited ability for new structures within the Coastal Environment.</p> <p>Of concern to Top Energy are the rules that apply to sites not located within an Urban zone; outside that zone, new buildings are limited to 25m<sup>2</sup> and only permitted where they are associated with structures that are ancillary to farming activities. No provision has been made to allow for new network utilities of an appropriate scale within this environment.</p> <p>Top Energy generally supports a preference to underground new customer connections in the Coastal Environment where possible, but this needs to be enabled and may require additional small scale network utility buildings and structures (e.g., transformers and pillars)</p>	<p>Amend CE-R1 as follows:</p> <p><b>“PER-1</b></p> <p><i>If a new building or structure is located in an urban zone it is:</i></p> <ol style="list-style-type: none"> <li><i>1.no greater than 300m<sup>2</sup>.</i></li> <li><i>2.located outside high or outstanding natural character areas.</i></li> </ol> <p><b>PER-2</b></p> <p><i>If a new building or structure is not located within an urban zone it is:</i></p> <ol style="list-style-type: none"> <li><i>1.ancillary to farming activities (excluding a residential unit) <u>or a network utility.</u></i></li> <li><i>2.no greater than 25m<sup>2</sup>.</i></li> <li><i>3.located outside outstanding natural character areas.</i></li> </ol> <p><b>PER-3</b></p>

S483.172

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>above ground to facilitate this which would otherwise comply with the 25m<sup>2</sup> and 5m height limit afforded to buildings and structures ancillary to farming.</p> <p>On review of the s32 analysis for the Coastal Environment chapter, it is understood that structures associated with primary production are enabled; this analysis does not expressly identify why. However, it is assumed it is because farming activities are a common fixture within this environment and that farming is a dominant primary sector industry within the District as is highlighted in the s32 Overview).</p> <p>Given that connection to electricity infrastructure is critical to such operations, Top Energy seeks that the same permitted activity threshold applies to network utilities.</p>	<p><i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</i></p> <p><b>PER-4</b></p> <p><i>The building or structure, or extension or addition to an existing building or structure, complies with standards:</i></p> <p><i>CE-S1 Maximum height.</i></p> <p><i>CE-S2 Colours and materials.”</i></p>
146	Coastal Environment - CE – R2 Repair or maintenance	Support	Top Energy supports the repair or maintenance of network utilities as a permitted activity.	Retain as notified.

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# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
147	Coastal Environment - CE New Rule	Seek amendment	<p>Top Energy notes that most of the provisions included in the draft Plan relating to network utilities and regionally significant infrastructure have been removed, as have some provisions relating to existing power lines and other infrastructure within the coastal environment. Given that these network utilities are already present in the landscape, Top Energy seeks to ensure that they can be appropriately upgraded to meet the demands of technology, and ensure continued resilient supply to the rural coastal communities. Top Energy also notes that, given the interdependencies of Top Energy's networks, some of the lower voltage lines within these rural coastal communities meet the criteria of Regionally Significant.</p> <p>Currently there is no provision for minor upgrade to network utilities where compliance cannot be achieved with CE-R1 PER.3 and PER 4.</p> <p>Accordingly Top Energy seeks that a rule be added that specifically provides for upgrades to network utilities as a permitted activity.</p>	<p>Include a new rule as follows: <span style="float: right; color: red;">S483.174</span></p> <p><b><u>"CE-RX Upgrade of electricity network utilities</u></b></p> <p><b><u>Activity Status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER - 1</u></b></p> <p><b><u>The upgrade of electricity network utility structures or buildings:</u></b></p> <ol style="list-style-type: none"> <li><b><u>1. is within 5m of the existing alignment location of the original structure or building;</u></b></li> <li><b><u>3. does not increase the gross floor area by more than 30 percent in a 10-year period if it is a building;</u></b></li> <li><b><u>4. complies with the zones permitted setback standards if it is a building;</u></b></li> <li><b><u>5. does not result in pole or tower height that exceeds 25m above ground level;</u></b></li> <li><b><u>6. does not result in more than two additional poles;</u></b></li> <li><b><u>7. does not result in additional towers;</u></b></li> <li><b><u>8. any additional cross arms do not exceed a length of more than 4m."</u></b></li> </ol>

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			The inclusion of this rule results in better alignment with the NZCPS specifically policy 6.1.a, as well as the RPS policies 5.2.2 and 5.3.2 in particular.	
148	Coastal Environment – CE – R3 Earthworks and indigenous vegetation clearance	Seek amendment	Top Energy supports-R3 in particular PER-1 (2) but seeks that this be extended to provide for upgrades as provided for in the new rule sought (see sub# 147)	<p>Amend PER 1 as follows (or to the same effect) to provide for earthworks and vegetation clearance associated with upgrades of infrastructure as a permitted activity.</p> <p><i>PER-1</i>  <i>The earthworks or indigenous vegetation clearance is:</i></p> <p><i>1.required for repair or maintenance permitted under CE-R2 Repair or Maintenance;<u>or</u></i>  <i>2.required to provide for safe and reasonable clearance for existing overhead power lines;<u>or</u></i>  <i>3.necessary to ensure the health and safety of the public;<u>or</u></i>  <i>f.for biosecurity reasons;<u>or</u></i>  <i>5.for the sustainable non-commercial harvest of plant material for rongoā Māori;<u>or</u></i></p> <p><b><u>6.Required for the upgrade of network utilities where the works are permitted by CE-RX”</u></b></p>
149	Coastal Environment – R11 - Maintenance repair	Support	Top Energy supports the permitted activity status for this activity where there is no	Retain as notified.

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
	or upgrading of infrastructure, including structural mitigation assets (in coastal hazard areas)		increase in footprint for above ground infrastructure and does not direct coastal inundation. Top Energy also supports the restricted discretionary activity status for non-compliance with this rule.	
<b>EARTHWORKS</b>				
150	Earthworks – General	Support	Top Energy supports the enablement provided throughout this Chapter for earthworks associated with the installation, upgrade and maintenance of infrastructure.	Retain provisions that enable earthworks associated with the installation, upgrade and maintenance of infrastructure. <b>S483.177</b>
151	Earthworks – EW R7 Earthworks for new infrastructure or repair and upgrades	Seek amendment	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Delete EW-S1 from EW-R7. <b>S483.178</b>
152	Earthworks – EW R8 Earthworks for new	Seek amendment	Top Energy notes that no particular benefit is provided by this rule when	Delete EW-S1 from EW-R8. <b>S483.179</b>

# Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
	infrastructure or repair and upgrades of existing infrastructure owned by network utility providers or requiring authorities.		compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volumes will otherwise be managed by Regional Council, an amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	
153	Earthworks -EW R15 110kv Transmission lines and National Grid Yard	Support	Top Energy supports the inclusion of reference to Top Energy in the wording of the rule but notes that as notified, the wording of the rule doesn't work as a non-complying activity and needs to be redrafted so that the activities identified are a permitted activity with a non-complying default, and notes potential overlap with I-R12 given it also applies to Top Energy's 110kv lines, however as currently drafted the Infrastructure Chapter only applies to network utility operators.	Review provisions relating to earthworks within proximity to Top Energy's 110kv lines.

S483.180

## NOISE

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
154	Noise – NOISE-O2	Oppose	The wording of this objective is inconsistent with the approach required in the RPS (see Policy 5.1.1, RPS) which is to “avoid” the potential for reverse sensitivity effects. The District Plan is required to give effect to the RPS and use of the word “manage” does not give effect to the “avoid” directive in the RPS.	Amend NOISE – O2 as follows:  <i>“New noise sensitive activities are designed and/or located to minimise conflict <u>with (and avoid reverse sensitivity effects on) existing lawfully established noise generating activities.</u>”</i>
155	Noise – NOISE – P2	Oppose	For the same reasons as noted in sub# 154 above, Top Energy seeks amendments to this policy to achieve better alignment with the RPS.	Amend NOISE – P2 as follows, to achieve better alignment with the RPS objective 3.6 and policy 5.1.1:  <i>“Ensure noise sensitive activities proposing to locate within the Mixed Use, Light Industrial and Air Noise Boundary are located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to:</i>  <i>a. any existing <u>lawfully established</u> noise generating activities and the level of noise that will be received within any noise sensitive building;</i>

S483.181

S483.182

# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p>b. <u>the need to avoid any reverse sensitivity effects on lawfully established noise generating activities.</u></p> <p>c. <i>the primary purpose and the frequency of use of the activity; and</i></p> <p>d. <i>the ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night."</i></p>
156	Noise – Notes - Seek amendment	Seek Amendment	<p>Top Energy seeks to ensure that an exemption from the noise rules is provided in all zones for emergency use of generators required to ensure continued supply of electricity and that the exemption for use of generators for this purpose is not limited to operation by emergency services or lifeline utilities. Note 8 provides an exemption, but the 48 hour restriction is arbitrary and unnecessary. There is no guarantee that the requirement to utilise generators in an emergency will be less than 48 hours, and</p>	<p>Amend Note 8 as follows: <span style="float: right; color: red;">S483.183</span></p> <p><i>"8. the use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance <del>not exceeding 48 hours in duration</del>, where they are operated by emergency services or lifeline utilities;"</i></p>

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# Top Energy PDP Submission



Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			having to apply the rules of the Noise Chapter and potentially apply for consents in emergency is impractical and inefficient.	
<b>ZONES</b>				
157	Mapping	Seek Amendment	As a general comment, the range of grey colours and symbols used to identify a number of zones (e.g., Horticulture, Rural Residential, Māori Purpose, and Hospital Zone) are difficult to differentiate between.	Utilise different colours to assist with differentiating between the different zones.

S483.184

Attachment 2: Top Energy Critical Electricity Lines Provisions –  
Memo to FNDC dated 20 September 2021

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20 September 2021

Far North District Council  
C/O Jerome Wyeth 4Sight  
Via email: jeromew@4sight.co.nz

Kia Ora Jerome,

## Re: Far North District Plan Review – Top Energy Critical Electricity Lines Provisions

### 1.0 BACKGROUND

As highlighted in Top Energy Limited's (**Top Energy**) feedback on the Draft Far North District Plan dated 4 May 2021, Top Energy owns and operates the electricity lines network within the Far North District stretching from Hukerenui in the south to Te Paki in the north with over 32,500 customers connection points. Top Energy's network distributes electricity from the National Grid which finishes at Kaikohe Substation (TE 245), as well as electricity sourced from Ngawha geothermal power station and some small-scale solar farms. The regulatory asset value of the network was recorded as being more than \$280 million as at 31 March 2020.<sup>1</sup>

Top Energy's network is considered by the Resource Management Act 1991 (**RMA**) as a physical resource and considered by the Regional Policy Statement (**RPS**) of Northland as regionally significant infrastructure. Subsequently, Top Energy has requested acknowledgment of its status as regionally significant infrastructure as part of their feedback, and improved protection through district plan provisions akin to that applied to the that the National Grid and critical electricity lines (**CEL**) in the Whangārei District to ensure a resilient electricity network for the remainder of the Far North District.

Further to Top Energy's written feedback and a meeting with you and Far North District Council (**FNDC**) staff on 1 September 2021, this letter provides further information and justification for the request for CEL provisions in the Proposed Far North District Plan (**PDP**). It is anticipated that this information will be used within the s32 evaluation for Infrastructure to conclude whether FNDC support Top Energy's request.

<sup>1</sup> Top Energy 2021 Asset Management Plan

<https://topenergy.co.nz/tell-me-about/top-energy-group/publications-and-disclosures>



## 2.0 CONTEXT/ISSUES

The population of the Far North District is dispersed with over 60 identified 'urban areas' as well as a number of rural communities. To service these communities, Top Energy's electricity network covers an area of 6, 822km<sup>2</sup> comprising:

- 64km of Transmission Lines (110kv);
- 21km of sub-transmission cables (33kv);
- 321km of sub-transmission cables (33kv);
- 2,900km of 22, 11 and 6.35kv distribution cables and lines; and
- 17 designated substations.

The dispersed nature of these communities poses a number of challenges to the reliability of the network and affordability of the infrastructure, as does the fringe location on the transmission grid network. Top Energy have invested significantly in upgrades to address these issues which have resulted in improvements to reliability over recent years. However, land use activities, and in particular establishment of buildings and vegetation within proximity to infrastructure remains a significant cause of supply unreliability. This is despite the obligations under the Electricity (Hazards from Trees) Regulations 2003 and New Zealand Code of Practice for Electrical Safe Distance Regulation which prescribe minimum setback for buildings and vegetation from power lines. For context, Top Energy's forecast for total maintenance expenditure over a 10-year period is \$62 million; 30% of that is allocated to vegetation management, with 21% allocated to service interruptions and emergencies some of which result to damage caused to lines by falling vegetation.<sup>2</sup>

With regard to land use and subdivision, the key factor in terms of impacting resilience and reliability of supply comes from impediment to access to undertake maintenance and repair of lines across the network, as well as potential reverse sensitivity issues generated by residential development within close proximity to critical lines infrastructure and substations. Top Energy have provided a record of 'Line Issues' resulting from land use, provided as **Attachment 1**. We note that this record is not complete but rather provides a snap shot of some of the issues faced by Top Energy as a result of inappropriate land use activities, and highlight that there are likely to be a number of situations that Top Energy are unaware of. Based on the record of lines issues provided and conversations with Top Energy Staff, we note the following:

- New buildings, and extensions to existing buildings within close proximity to overhead lines is the most common land use issue for Top Energy; this not only causes a risk to the network

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<sup>2</sup> Top Energy 2021 Asset Management Plan.

<https://topenergy.co.nz/tell-me-about/top-energy-group/publications-and-disclosures>



during the construction phase, but long term it affects reliability of the network by restricting access for maintenance and repair.

- While not as common in occurrence, new builds over top of underground cables results in a more significant issues in terms of access for maintenance, as well as increased health and safety risk during works given that cables are not visible like overhead lines.

Top Energy have advised that in addition to the risk to network reliability and health and safety, inappropriate land uses like the above can result in legal issues and associated costs on both sides, and have in the past required the removal of buildings and relocation of infrastructure to address the risk raised.

### 3.0 REQUESTED APPROACH

We consider that mapping both the 110Kv as well as the 33Kv lines as in the PDP and applying corresponding setback rules to the lines and substations similar to those provided in the CEL Chapter of the Operative Whangarei District Plan (provided as **Attachment 2**) will help to address reliability issues, and improve the resilience of the network. **Attachment 3** provides a visual indication of these lines (both underground and overhead), a shapefile has also been provided. We note that these lines and Top Energy's substations meet the definition of regionally significant infrastructure, abbreviated version provided in **Figure 1** below, and full version in **Appendix 3** of the RPS:

- Regionally significant infrastructure includes:
- 1) Energy, water, communication
    - (a) Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities;
    - (b) Key facilities required for communication (including telecommunication, broadband, wireless networks and radio);
    - (c) The 'national grid' as defined by the Electricity Industry Act 2010 including facilities for the transmission of electricity from the 'national grid' (such as substations, grid injection points etc.) to the 'network';
    - (d) Network electricity lines and associated infrastructure that constitute the sub-transmission<sup>25</sup> network;
    - (e) Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised";
    - (f) Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local distribution network;
    - (g) Regional and district council water storage, trunk lines and treatment plants;
    - (h) Regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network including treatment devices;
    - (i) Marsden Point oil refinery and truck loading facility.

Figure 1 Exert of relevant criteria for regionally significant infrastructure from RPS Appendix 3.

With this context in mind, we consider that the requested approach will have the following key benefits which will outweigh any associated costs:

- It will give effect to the RPS which seeks to identify regionally significant infrastructure so that it can be protected from adverse effects including from new development, as well as ensuring that Northland's energy supplies are secure and reliable.
- Mapping CEL will provide certainty to Council and landowners as to the location of these lines. When undertaking subdivision and development, they will be clearly identifiable and the provisions will be consistently engaged with, unlike currently where ad hoc implementation of the Electricity (Hazards from Trees) Regulations 2003 and New Zealand Code of Practice for Electrical Safe Distance Regulations.
- The provisions will achieve a degree of regional consistency with the Whangārei District which provides for CEL provisions for Northpower assets. While provisions are not yet within the Kaipara District Plan, Top Energy understands that Northpower are seeking a similar approach to that in Whangārei for the Kaipara District Plan Review which is scheduled for notification in 2022 (a draft in early – mid 2022 and a proposed plan in late 2022).

## **4.0 OTHER RELEVANT REGULATIONS**

During the meeting on 1 September 2021, questions were raised about the usefulness of the suggested approach given the management approach provided by other regulations. The below provides some commentary on relevant regulations.

### **4.1 ELECTRICITY (HAZARDS FROM TREES) REGULATIONS 2003**

This regulation seeks to protect the security of the supply of electricity and the safety of public by specifying setbacks (Growth Limit Zones, Schedule 1), setting rules and responsibilities for trimming trees that encroach, and provides a disputes resolution framework. As has been raised earlier, this regulation does not effectively address the significant issues faced by Top Energy in terms of vegetation establishment within proximity to lines, possibly due to the lack of awareness of this legislation, the location of relevant power lines and that there is no process established to notify developers of these setback requirements or network utility providers when activities are being undertaken that may result in a non-compliance. This regulation does provide useful liability and arbitration processes for dealing with the issue once it has arisen. The provisions suggested are more restrictive than that proposed in Schedule 1 Growth Zone Limits of this regulation and as such are not considered to result in a conflict.

## 4.2 NEW ZEALAND CODE OF PRACTICE FOR ELECTRICAL SAFE DISTANCE REGULATIONS

Section 2 and 3 of this regulation cover the safe distance requirements for building works and excavations near overhead lines and support structures to manage the potential for damage to overhead electric lines. This regulation does not address resilience and reliability issues resulting from physical obstructions for maintenance caused by inappropriate land use, or the risk building works and excavations pose for underground cables. Similarly, while Council should consider this regulation when processing building and resource consents, in Top Energy's experience this is not effectively implemented. Mapping the 110Kv and 33Kv lines and requiring setbacks from the lines and substations through district plan provisions would help to address this to some extent. These regulations will provide the management approach to all other overhead lines in the District, and as per the Whangārei approach, we would request a note highlighting this. As above, the provisions suggested are more restrictive than those referenced in this regulation that would otherwise apply to the 110kv and 33kv lines, and as such are not considered to result in a conflict.

## 5.0 SUMMARY

Top Energy's local distribution network is integral infrastructure to the social and economic wellbeing of the Far North District. The proposed approach is considered an effective and efficient way to ensure the resilience of this critical electricity lines that contribute to this network over and above what is provided for through existing regulations, as well as give effect to the direction given for regionally significant infrastructure in the RPS.

Ultimately, mapping CEL in the District Plan is a key way of providing clarity to Council and landowners as to where these assets are located so that the proper consideration can be given to them at the time of subdivision and development. This is a gap in the current regime which was acknowledged and addressed in the Whangārei District. Top Energy are seeking a similar approach to avoid issues in the future.



**Alice Hosted**  
Senior Planner



**David Badham**  
Senior Associate/Whangarei Office  
Manager

**Barker & Associates Ltd**

**B&A**

Urban & Environmental

## Line Consenting Issues

<b>Date</b>	<b>Address</b>	<b>Description</b>
Aug-19	Moana Ave, Paihia	Renovation under existing powerline
Mar-19	SH10, Oromahoe	Existing Low Line
Jan-20	SH10, Awanui	New Building too close to lines
Sep-18	Russell Heights Rd, Russell	Building retaining wall over lines
Jan-19	English Bay Road, Opua	Renovation near existing powerline
Mar-18	Williams Rd, Paihia	Renovation near existing powerline
Feb-20	Old Hospital Rd, Whangaroa	New Building too close to lines
Jul-21	Pomare Rd, Russell	New Building too close to lines
Nov-18	Titoki Place, Kerikeri	Existing Low Line too close to building
Mar-16	Tapuaetahi Beach Road, Tapuaetahi	New Building close to lines
Sep-18	SH10, Cable Bay	Existing Low Line too close to building
Jan-21	Titore Way, Russell	New Building close to lines
Aug-16	Davis Crescent, Paihia	Renovation near existing powerlines
Feb-18	West Coast Road, Kohukohu	Renovation near existing powerlines
Oct-16	Waimate North Road, Waimate North	New build over cables
Feb-17	Quinces Landing, Kerikeri	New build over cables
Mar-17	Far North Rd, Houhora	New build over cables
Sep-16	Pungaere Road, Kerikeri	New build over cables
Nov-20	MacFarlane Street, Kawakawa	Erected scaffolding too close to lines
Mar-21	Otatara Marae	New Building under lines
Jul-21	Panguru Transfer Station	Container under the lines
Mar-16	Puketona Road, Kerikeri	New Building too close to lines
Sep-20	Conifer Lane, Kerikeri	New Building too close to lines
Nov-18	SH1, Awanui	New Building too close to lines
Feb-20	Pungaere Rd, Kerikeri	New Building too close to lines
Mar-20	Kapiro Rd, Kerikeri	New Building too close to lines
Feb-19	Ruapekapeka Rd, Towai	New Building too close to lines
Nov-18	Chapel Street Russell	Erected scaffolding too close to lines
Jan-19	Rawhiti Road	House built directly under line less than 1m clearance
Nov-20	Taikirau Road, Maromaku	Roadway installed under line, breaching compliance clearances
Feb-21	Fern Flat Road	New Building directly beneath lines - too close to lines

# CEL.1

# Critical Electricity Lines (CELs) and Substations

## Index

### CEL.1 Critical Electricity Lines (CELs) & Substations

CEL.1.1	Description & Expectations
CEL.1.2	Permitted Activity Land Use
CEL.1.3	Restricted Discretionary Activities – Land Use
CEL.1.4	Restricted Discretionary Activities – Subdivision
CEL.1.5	Assessment Criteria
CEL.1.6	Notification

## CEL.1.1 Descriptions and Expectations

*NOTE: The following provisions apply district wide in addition to any other provisions in this Plan applicable to the same areas or site.*

Critical Electricity Lines (CEL's) and substations are the key components of the electricity network in the Whangarei District. To provide a resilient electricity network the use and development of CEL's and substations must be sustainable, secure and efficient. CEL's and substations can be vulnerable to inappropriate subdivision or building location to the extent that they can restrict access and affect the ability to maintain the CEL's (lines, cables and support structures). Trees planted too close to lines or cables can disrupt supply.

CEL's are, or have the potential to be, critical to the quality, reliability and security of electricity supply throughout the district or region. These lines contribute to the social and economic wellbeing and health and safety of the district or region and are lines that:

- Supply essential public services such as the hospital, civil defence facilities or Lifeline sites; or
- Supply large (1MW or more) industrial or commercial electricity consumers; or
- Supply 1000 or more consumers; or
- Are difficult to replace with an alternative electricity supply if they are compromised.

The locations of CEL's and designated substations are identified in the planning maps of the District Plan.

## CEL.1.2 Permitted Activity Land Use

The following activities are permitted activities:

1. Within 10m of a CEL or the designation boundary of a substation:
  - i. Any building or structure that does not require building consent; or
  - ii. Alteration of any building that does not exceed outside the envelope or footprint of the existing building; or
  - iii. Earthworks that:
    - a. Are not directly above an underground cable(s); and
    - b. Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and

# CEL.1

## Critical Electricity Lines (CELs) and Substations

- c. Are in accordance with NZECP 34:2001.
- 2. Within 20m of a CEL or the designated boundary of a substation:
  - i. Planting of trees other than shelterbelts, plantation forestry or commercial horticultural operations.
- 3. Activities described in CEL.1.2.1 and CEL.1.2.2 that do not meet the requirements for permitted activities under CEL.1.2.1 and CEL.1.2.2 provided that:

### EITHER

3.1 Prior to the commencement of any works:

- i. Written notification has been provided to the Council; and
- ii. The proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010);

### OR

3.2 The proposed activity is being carried out by a network utility operator or territorial authority in accordance with NZECP 34:2001.

Note:

1. Specified distances from CEL's are to be measured from a point directly below the centreline of the line or cluster of lines, as shown in Fig 1.

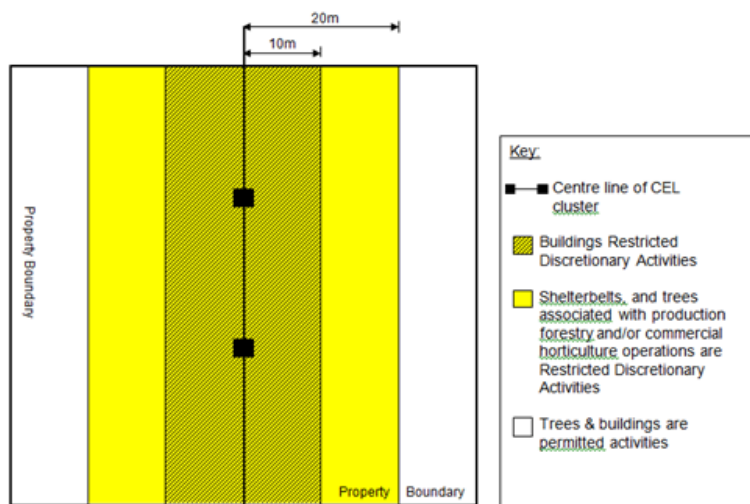


Figure 1: Classification of Activities in vicinity of CEL's

2. While only critical electricity lines are identified on the planning maps, works in close proximity to all electric lines can be dangerous. Compliance with NZECP 34:2001 as amended from time to time is mandatory for buildings, earthworks, and when using machinery or equipment within close proximity to any electric lines.

# CEL.1

## Critical Electricity Lines (CELs) and Substations

### CEL.1.3 Restricted Discretionary Activities – Land Use

1. Activities described in CEL.1.2 that do not meet the requirements for permitted activities are restricted discretionary activities.

### CEL.1.4 Restricted Discretionary Activities - Subdivision

1. Subdivision within 32m of the centre line of a CEL, or within 32m from the designation boundary of a substation shall be a restricted discretionary activity.

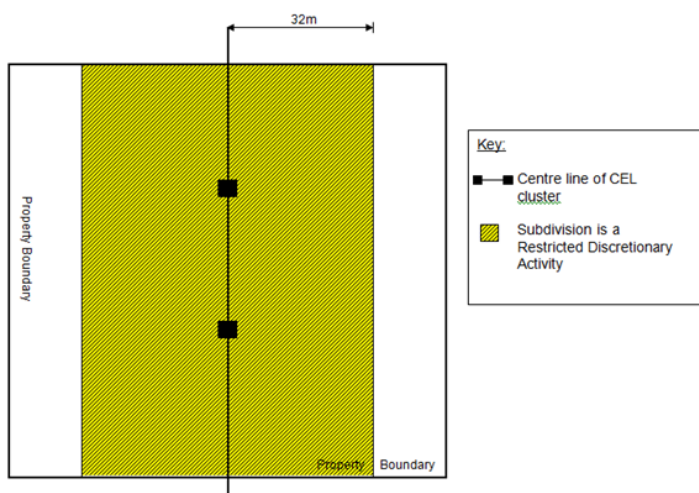


Figure 2: Classification of Subdivision in vicinity of CEL's

### CEL.1.5 Assessment Criteria

1. When considering any restricted discretionary activity under CEL.1.3 and CEL.1.4, discretion will be restricted to:
  - i. the safe and efficient operation and maintenance of the electricity supply network, including:
    - a. The use, design and location of buildings; and
    - b. The mature size, growth rate, location, and fall zone of any associated tree planting, including landscape planting and shelterbelts; and
    - c. Compliance with NZECP 34:2001; and
    - d. Effects on public health and safety; and
    - e. Effects on access to CEL's, designated substations and associated infrastructure for maintenance purposes.

### CEL.1.6 Notification

For restricted discretionary activities under CEL.1.3 and CEL.1.4 the relevant network utility operator will be considered an affected party under s 95E of the Resource Management Act, 1991.

# Critical Electricity Lines (CELS) and Substations

## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
12 June 2013	MD	New Chapter	Plan Change 117 – addition of new chapter to the District Plan.	Operative Date 25 June 2013 TRIM 13/44408	MM
10 May 2016	TB	Whole Chapter	Re-formatting of Chapter to ensure consistency.	Clause 20A Memo TRIM 16/55469	MM
6 March 2019	AM	Amendments throughout	Plan Changes 85 A-D, 86A, &102	Operative Date 6 March 2019	

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Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community