

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER

the Resource Management Act 1991 (RMA)

IN THE MATTER

of the Far North Proposed District Plan –

Hearing 11: Energy, Infrastructure, Transport and
Designations

**SUPPLEMENTARY EVIDENCE OF WAYNE ERIC SMITH
ON BEHALF OF FAR NORTH HOLDINGS LIMITED**

PLANNING

12 May 2025

INTRODUCTION

1. This supplementary evidence is in response to a request for additional information and clarification by the Hearings Panel for Hearing 11: Energy, Infrastructure, Transport and Designations which was held on the 28th April 2025.
2. The request required plans or maps to be provided which will assist the Hearings Panel in determining the need (or not) for protection measures via rules for Critical Electricity Lines within the Ngawha Innovation and Enterprise Special Purpose Zone. It must also be noted that the NIEP SPZ was originally excluded from the rule provisions relating to Critical Electricity Lines with all lines which are located within the Park, noted and accounted for, within the development platforms.
3. While the 110kV lines are mapped within the Proposed Plan, the 33kV lines were not mapped but rather requested to be included within the planning maps by Top Energy Limited within their submission. The recommendation from Council staff supports the respective lines being mapped and the proposed rules and conclusions appear to have been updated to reflect their inclusion. There remains uncertainty over key elements which were commented on during the hearing and evidence presented.
4. The required plans were to detail the following key components:
 - Mapped details of all overhead 33kV and 110kV lines which are located on the Ngawha Innovation and Enterprise site, and which is subject to the Ngawha Innovation and Enterprise Special Purpose Zone.
 - Confirmation that all lines have easements over the lines and to identify those lines which do not have the legal easements in place.
 - Overlay the parks proposed development areas identifying any sites on which there could be a potential conflict.
 - Provide confirmation that if there are no easements in place, that easements could be created to protect the lines.
5. In order to prepare the required plans the following sources of information were collated and cross referenced with Top Energy GIS data:
 - Survey information which identifies all legal easements which are used for electricity purposes. Confirm that easements are physically occupied by lines. Identify any lines not protected by easements and any surplus easements which still exist but where the line is no longer there.
 - The identification of the respective lines within the easements. It is noted that only the 110kV lines were illustrated in the proposed plan maps with the 33kV lines yet to be detailed.
 - Overlay the building and development envelopes as proposed within the Ngawha Innovation and Enterprise Special Purpose Zone.
 - Cross reference the above information with Top Energy Limited's GIS information and their easement documentation to ensure all information is accurate.

EASEMENTS

6. With the recent establishment of the Matawii Dam title and the re-organisation of property titles for the Park itself, there has been extensive recent survey work completed for the related subdivision applications. The title changes relate to the creation of a separate title for the Matawii Dam and the sale of several surplus houses which front onto State Highway 12. The dam remains within the Special Purpose Zone while the surplus houses are to be zoned Rural Production which is consistent with other adjacent properties. Surveying work completed provides an accurate and updated set of information on the electricity easements within the Park.
7. The attached plan shows all Top Energy's overhead line easements. There are several areas where the 33kV line is now underground and these have not been illustrated. The underground lines are protected by Easements and afforded all usual protections which an easement provides. With the focus of the proposed Critical Electricity Lines being on overhead lines and development in relation to these lines, there is no need to focus on underground supply.
8. The 110kV line is mapped within the proposed district plan and follows the western boundary of the Innovation and Enterprise hub with the line running to the west of development areas/ platforms 8-14. The line then veers in a north-western direction towards development platform 3 and then leaves the NIEP SPZ. The line travels through platform area 3 and would impact the use of the site as noted. With the line secured by an easement there is existing protection with compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) as well as compliance with the Electricity (Hazards from Trees) Regulations 2003 (Tree Regulations).
9. The Park's Design Guidelines details a 20m setback for the development platform areas from the 110kV lines which ensures the protection of the lines from inappropriate development. As noted within the hearing evidence there is some consented landscaping proposed within this 20m space but compliance with Electricity (Hazards from Trees) Regulations 2003 (Tree Regulations) will continue to be achieved. Other than for platform area 8, a 20m separation is provided with platform area 8 being positioned up to the easement. The completed development on platform area 8 has been designed to be compliant with NZECP34:2001. The careful development of the sites ensure that this code of practice can be achieved.
10. The remaining easements illustrated on the plans are the 33kV lines located within the site and which cover existing lines (solid lines) or former line locations no longer there (dashed lines). These 33kV lines affect development platforms 1, 3, 5, 6, 7, & 19. Development within these platform areas will be impacted on but can be designed to comply with New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). The restrictions from the existing easements are known and development within the site can be completed without major impediment. If the issues around the easements were insurmountable for these platform areas, they would not have remained as viable options and removed from the plans accordingly.

11. In discussions with FNHL design staff and Engineer's the following comments are noted for the above development platforms noting that recent development has realigned the 33kV lines with some lines also moving to be located underground. Compliance with NZECP34:2001 is considered to be a more acceptable solution to achieve the outcomes sought by the proposed CEL provisions.
12. Key elements of concern were conveyed at the hearing and these remain the concerns of FNHL as it relates to the Park. The consequences of the CEL and its retention could impact on the ability of the Park to deliver the outcomes sought within the zone.
13. All existing lines within the Park are covered by easements. There have been some minor re-routing which has occurred near the Matawii Dam where the line now follows the dam face. Also, some former overhead lines have been placed underground and have had minor changes to their alignment. In all instances these lines are protected whether they are overhead or underground.

CONCLUSION

14. There are existing 33kV and 110kV lines within the Park and all lines are protected by existing easements.
15. The mapping of 110kV and 33kV lines within the proposed district plan is a snapshot of the situation at the time of the plan's ratification. In the plans provided with this supplementary evidence there are changes to easements noted. These changes have only happened in the past few years. Further changes will likely occur in the future. Each and every time a change is made to an existing line or a new line is established, the proposed plan (which will be operative some point) will become further out of date. The provisions proposed do not allow or account for these changes which would happen throughout the district and through the life of the plan.
16. Mapping the lines does not afford any additional protection for sites where easements exist and where compliance with NZECP34:2001 is provided for within the development and its design. It is contended that these protections measures already exist or design can be adapted to comply.
17. This set of provisions for CEL adds a further layer of compliance when protection measures are already in place. The uncertainty over the final provisions as noted within the primary evidence adds to uncertainty for future users of the site.
18. FNHL remain of the view that the CEL and its provisions need not apply to the Park for the reasons noted above with the easements in place protecting the lines and compliance with both New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) as well as compliance with the Electricity (Hazards from Trees) Regulations 2003 (Tree Regulations) being a key design parameter.