

BEFORE THE HEARINGS PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

the Proposed Far North District Plan

**STATEMENT OF EVIDENCE OF DAVID ERIC BADHAM ON BEHALF
OF TOP ENERGY**

**HEARING STREAM 11 (Energy, Infrastructure, Transport and
Designations)**

Planning

14 April 2025

GREENWOOD ROCHE
LAWYERS
AUCKLAND
Solicitor: F M Lupis
(francelle@greenwoodroche.com)

Level 6, Hayman Kronfeld Building
15 Galway Street
Auckland 1010
PO Box 106006
Auckland 1143

1 INTRODUCTION

- 1.1 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.
- 1.2 My qualifications, experience and involvement with Top Energy on the Proposed Far North District Plan (*PDP*) are set out in Attachment 1 to my evidence filed on 13 May 2024 which addressed planning matters in relation to Hearing Stream 1 – Strategic Direction. I also filed planning evidence on 22 July 2024 on Hearing Stream 4 – Natural Environment Values and Coastal Environment, and on 7 October 2024 on Hearing Streams 6 and 7 – General District-Wide Matters and Genetically Modified Organisms.

Code of conduct

- 1.3 Although this is not an Environment Court proceeding, I have read and am familiar with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out in Attachment 1 to my Hearing Stream 1 evidence filed on 13 May 2024. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2 SCOPE OF EVIDENCE

- 2.1 My evidence addresses submission (#483) and further submission (#FS369) by Top Energy Limited (*Top Energy*) on the PDP, as relevant to Hearing Stream 11 and in particular, it addresses the following:
- (a) Pre-hearing meetings for the Infrastructure Topic (Section 3).

- (b) Supported recommendations of the Hearing 11 Section 42A Reports (*S42A Reports*) (Section 4).
- (c) Renewable Electricity provisions (Section 5).
- (d) Infrastructure provisions (Section 6).
- (e) Transport provisions (Section 7).
- (f) Designations (Section 8).
- (g) Additional definitions (Section 9).
- (h) Section 32AA evaluation (Section 10).
- (i) Concluding comments (Section 11).

2.2 I confirm I have also reviewed and considered the expert electrical engineering evidence of Mr Nishan Sooknandan in preparing this evidence statement.

3 PRE-HEARING MEETINGS – INFRASTRUCTURE TOPIC

3.1 I confirm that I was involved in several pre-hearing meetings in relation to the PDP Infrastructure Chapter. The intention of these meetings was to discuss and narrow key issues with the provisions in an attempt to streamline the hearings process. These meetings and the outcomes from them are summarised in the memorandum provided by the author of the Infrastructure S42A Report to the Hearings Panel.¹

3.2 As a result of these pre-hearing meetings, I consider that significant progress and improvements to the Infrastructure provisions have been made, in alignment with Top Energy's submission points and priorities. There are however still some outstanding matters to resolve. My evidence focuses on the areas of disagreement with regard to the Infrastructure Chapter, but also the other topics addressed in Hearing 11.

¹ Refer Memorandum – Far North PDP – Infrastructure – Pre-hearing Summary, accessible [here](#).

4 SUPPORTED RECOMMENDATIONS OF THE S42A REPORTS

- 4.1 Across the four topics, the S42A Reporting Officers have recommended the acceptance of a number of Top Energy's submission points, or have recommended amendments which are consistent with the relief sought by Top Energy. For some of those, Top Energy has confirmed that it is satisfied with the recommendations. I briefly outline these submission points in **Attachment 1** and do not address them further within my evidence.
- 4.2 The remainder of my evidence below focuses on the areas in contention where I have a different opinion to that of the relevant Reporting Officer.

5 RENEWABLE ELECTRICITY GENERATION

- 5.1 This section sets out the outstanding matters that I consider need to be resolved in response to Top Energy's submissions on the Renewable Electricity Chapter of the PDP.

Objective REG-O1

- 5.2 Top Energy sought to retain this objective as notified.²
- 5.3 The Reporting Officer has recommended a consequential amendment to this REG-O1 as follows:

The significant local, regional and national benefits from the use and development of renewable electricity generation activities, ~~and their technical, operational and functional needs and constraints,~~ are recognised and provided for.

- 5.4 I disagree with the deletion of "and their technical, operational and functional needs and constraints". The Reporting Officer's justification for the amendment is that reference to those needs and constraints is covered by amendments to REG-O3.³ In my opinion, these objectives cover different matters.

² Submission 483.077.

³ I have already outlined in Section 5 above, that I support the Reporting Officer's amendments to REG-O3.

5.5 For instance, as notified, REG-O1 recognises and provides for the benefits of renewable electricity generation activities alongside their technical, operational and functional needs and constraints. REG-O3 is about recognising and providing for the operational and functional need of renewable electricity to be located in particular environments.⁴ I consider that it is important that both objectives refer to these specific needs and constraints, because renewable energy resources and infrastructure are not only located in particular environments.

5.6 Therefore, I consider that REG-O1 should be retained as notified.

Objective REG-O2

5.7 Top Energy sought that:⁵

Delete objective REG-O2 OR amend to avoid the objective being interpreted as a list of minimum requirements.

5.8 The Reporting Officer has recommended the following amendment in response:

Renewable electricity generation activities recognise and provide for the following benefits:

- a. contribute to the reduction in greenhouse gas emissions;
- b. increase the security of supply of electricity for the district and the region; and
- c. support the economic, social and cultural well-being of people and communities.

5.9 I consider the Reporting Officer's recommended amendments are an improvement on the notified wording, but I still consider that the objective is poorly worded. The renewable electricity generation activities themselves, should not be tasked with recognising and providing for the stated benefits (which is the implication of the proposed amendment above), but rather the benefits of the renewable electricity generation activities themselves should be recognised and provided for. As such, I consider that the objective would be more appropriately worded as follows:

⁴ As amended by the Reporting Officer, Section 42A Report for Renewable Electricity Generation, paragraph 86.

⁵ Submission 483.078.

~~Recognise and provide for the following benefits from~~ renewable electricity generation activities ~~recognise and provide for the following benefits:~~

- a. contribute to the reduction in greenhouse gas emissions;
- b. increase the security of supply of electricity for the district and the region; and
- c. support the economic, social and cultural well-being of people and communities.

Objective REG-O4 and Policy REG-P8

5.10 Top Energy sought the following amendment to REG-O4 as notified:

The ongoing efficient operation, maintenance, repair and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, ~~or otherwise mitigating~~, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities.

5.11 Top Energy also sought the following amendment to REG-P8:

Require sensitive activities to be designed and located to avoid ~~to the extent possible, or otherwise mitigate~~, reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities.

5.12 The Reporting Officer has recommended the addition of "repair" in REG-O4 as requested by Top Energy, but not the deletion of "or otherwise mitigating" from REG-O4. The Reporting Officer has recommended that REG-P8 be retained as notified.

5.13 I support the addition of "repair". I oppose the continued inclusion of "or otherwise mitigating" from REG-O4 or "to the extent possible, or otherwise mitigate," from REG-P8.

5.14 I reiterate the reference to the relevance of Policy 5.1.1(e) of the Northland Regional Policy Statement (**RPS**) from my evidence on behalf of Top Energy for Hearing 6/7.⁶ This states:

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(a) ...

⁶ See Section 3, paragraphs 3.6 – 3.12 of my evidence in chief for Hearing 6/7 dated 7 October 2024.

Should not result in incompatible land uses in close proximity **and avoids the potential for reverse sensitivity;**

(f)

(**emphasis** added)

- 5.15 This policy gives a strong avoidance directive for even the potential of reverse sensitivity to arise and that directive must be given effect to in the PDP provisions. The continued inclusion of "or otherwise mitigating" and "to the extent possible, or otherwise mitigate," is clearly inconsistent with, and does not give effect, to the strong avoidance directive.
- 5.16 In my opinion, the Reporting Officer's justification that "the RPS policy uses the term "should not" rather than the more directive "must not," allowing some flexibility for mitigation where appropriate" is based on an erroneous interpretation of Policy 5.1.1(e).⁷ In my opinion, the "should not" in that Policy relates to the outcome of "incompatible land uses in close proximity." It does not relate to "avoid", which stands alone as a directive for the manner in which subdivision, use and development should be located, designed and built. On that reading, the use of "avoid" is unqualified as it relates to avoiding the "potential for reverse sensitivity".
- 5.17 Finally, the Reporting Officer also includes a passing reference to the National Policy Statement on Renewable Electricity Generation 2011 (*NPS-REG*) Policy D as justification for a less restrictive approach to reverse sensitivity.⁸ In response to this, I note that the NPS-REG came into force from May 2011. The RPS became operative in May 2016, post dating the direction in the NPS-REG. As such, because the more recent RPS has given effect to the NPS-REG as the higher order document (and the Reporting Officer does not suggest anything to the contrary), I consider that greater weight should be given the clear and unqualified avoidance directive in RPS Policy 5.1.1(e).
- 5.18 I therefore consider that REG-O4 and REG-P8 should be amended in the manner outlined in Top Energy's submission above.

⁷ Section 42A Report for Renewable Electricity Generation, paragraph 122.

⁸ Section 42A Report for Renewable Electricity Generation, paragraph 123.

Policy REG-P9

5.19 Top Energy sought that REG-P9 be deleted.⁹

5.20 The Reporting Officer has recommended that it be retained as notified stating:¹⁰

The relief sought by Top Energy involves deleting Policy REG-P9 on the basis that there may be technical, operational, and functional needs for large-scale renewable electricity generation activities to be located outside the Rural Production Zone. While I acknowledge that such needs may arise in certain circumstances, I consider that deleting the policy is not appropriate. It is preferable for large-scale renewable electricity generation activities to be located within the Rural Production Zone. However, the policy appropriately allows for such activities to be located in other zones where it can be demonstrated that adverse effects will be no more than minor. In my opinion, this provides sufficient flexibility and ensures adverse effects from large-scale renewable electricity activities within more sensitive zones are adequately managed.

Additionally, it is important to note that in the notified provisions all largescale renewable electricity generation activities (including new developments and upgrades) located in any zone require resource consent as a discretionary activity under REG-R7. This allows for a site-specific assessment of the proposed renewable electricity generation activity and its appropriateness in the proposed location.

5.21 I disagree with the Reporting Officer and consider that REG-P9 should be deleted for the following reasons:

- (a) Renewable energy resources do not necessarily follow zone boundaries, and are located throughout the Far North district and not just within the Rural Production Zone. There will often be technical, operational and functional needs for such an activity to be located outside of the Rural Production Zone. I do not consider that there is any planning justification for having a low and arbitrary “no more than minor” effects threshold linked to a strong “avoid” policy, which, in my opinion, is unnecessarily prohibitive.

⁹ Submission S483.089.

¹⁰ Section 42A Report for Renewable Electricity Generation, paragraphs 211 and 212.

(b) Secondly, the inclusion of an “avoid” policy in this regard is inconsistent with, and clearly fails to give effect to, the enabling objectives and policies for renewable electricity generation within the:

(i) NPS-REG;¹¹

(ii) RPS;¹²

(iii) Strategic Direction Chapter of the PDP;¹³ and

(iv) the proposed Renewable Electricity Generation (*REG*) Chapter objectives themselves.

None of these planning provisions include any direction that renewable electricity generation activities should be avoided outside of rural production areas where adverse effects will be “no more than minor”.

(c) Finally, the suggestion that an effects bar of “no more than minor” is “sufficient flexibility” makes little sense from a planning perspective. “More than minor” is the effects threshold used to determine whether public notification is required pursuant to section 95A of the Resource Management Act 1991 (*RMA*). Proposals for large scale renewable electricity activities are often notified and can have adverse effects that are deemed to be more than minor on particular values (e.g., wetlands and landscape values) but are nevertheless considered acceptable under section 104 of the *RMA*. Requiring such a low effects threshold however would preclude these activities entirely outside of the Rural Production Environment, which is not the direction provided within the higher order documents or objectives within the PDP.

Policy REG-P10 and REG-P11

¹¹ Noting the single objective, and Policies A – G.

¹² Noting specific provisions within 5.4 of the RPS.

¹³ Noting the specific provisions including SD-IE-O1 and O2.

5.22 Top Energy sought to move REG-P10 to a matter for consideration as part of REG-P11. As a result, Top Energy sought the following amendment to REG-P11:¹⁴

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:

1. ...

12. plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas.

5.23 The Reporting Officer has recommended the following in response:¹⁵

Top Energy seeks to delete this policy and instead include it as a matter of consideration in REG-P11. In my opinion, this approach is not appropriate. The matters listed in REG-P11 pertain to the assessment of proposed renewable electricity generation activities and their compliance with specific criteria. In contrast, REG-P10 establishes a requirement that, during or following decommissioning, renewable electricity generation structures, buildings, and concrete areas must either be removed or mitigated to align with future land use.

I consider that this requirement is distinct from the evaluative matters in REG-P11 and is more appropriately addressed as a standalone policy.

5.24 I disagree and consider that REG-P10 should be deleted and REG-P11 redrafted as requested by Top Energy because I consider it makes sense for this to be a relevant consideration for assessing and managing effects of renewable electricity generation activities via a resource consent process. As a standalone policy within REG-P10, there is no specific method or rule implementing this policy, making it redundant in my opinion. Whereas as part of REG-P11, it becomes a relevant matter for consideration when assessing and managing effects or renewable electricity generation activities.

5.25 The Reporting Officer has also recommended a consequential amendment to REG-P11 to be consistent with other PDP chapters. I

¹⁴ Submission S483.092.

¹⁵ Section 42A Report for Renewable Electricity Generation, paragraphs 218 and 219.

agree with this consequential amendment. I have reflected this wording in my recommended changes for REG-P11 in **Attachment 2**.

New Policy – REG-PX

5.26 Top Energy sought the inclusion of a new policy REG-PX as follows:¹⁶

Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.

5.27 The Reporting Officer has recommended rejecting this on the basis that it is already covered in REG-P3.¹⁷ While I accept that there is some overlap between Top Energy’s proposed wording for REG-PX, it is still necessary in my opinion to include a specific enabling policy for consistency in order to give effect to RPS Method 5.4.3 and the direction within clause (1)(a) to be “as permissible as possible.”

5.28 In my opinion, if an unnecessary overlap / duplication is considered to apply, then it is more logical to amend REG-P3 to consequentially remove “the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation” so that that policy focuses on the “small scale renewable electricity generation activities”. I have recommended such an amendment to REG-P3 alongside a new REG-PX in **Attachment 2**.

New Permitted Activity Rule to enable Renewable Energy Generation Investigation Activities

5.29 Top Energy sought to include a new permitted activity rule to provide for investigation activities, as follows:¹⁸

REG-RX Renewable energy generation investigation activity.

Permitted

Where:

PER-1

¹⁶ Section 42A Report for Renewable Electricity Generation, paragraph 130.

¹⁷ Section 42A Report for Renewable Electricity Generation, paragraph 131 and 132.

¹⁸ Submission 483.102.

Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m².

PER-2

Any building or structure can comply with the height, setback, height in relation to boundary performance standards of the underlying zone.

5.30 The Reporting Officer has recommended accepting this in part on the basis that Rule REG-3 is amended to include all of types of renewable energy generation, rather than create a new rule.¹⁹

5.31 The Reporting Officer has recommended the following amendments to Rule REG-R3, as follows:

REG-R3 New buildings or structures associated with ~~in-stream hydro investigation and electricity generation,~~ a renewable energy generation investigation activity, excluding in-stream structures (new and upgrading)

All Zones

Activity status: Permitted

Where:

PER-1

The building or structure does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.

PER-2

It is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.

PER-3

It is not located on any unformed road.

5.32 I disagree with this approach because this only permits the buildings and structures associated with the “renewable energy generation investigation activity”, not the activity itself, which is the intent of Top Energy’s submission. I therefore recommend the change is as per the Top Energy submission rather than as outlined by the Reporting Officer as the changes permit the investigation activity in alignment with Method 5.4.3 of the RPS and new policy REG-X as I have outlined above.

¹⁹ Section 42A Report for Renewable Electricity Generation, paragraph 254.

New Restricted Discretionary Rule for Large-scale Solar Renewable Electricity Generation Activity

5.33 Top Energy sought to include a new restricted discretionary activity rule to provide for large-scale solar renewable electricity generation activities, as follows:²⁰

REG-RX Large-scale solar renewable electricity generation activity

Activity status: Restricted Discretionary

Matters of discretion are restricted to:

- a. Adverse visual amenity effects resulting from the scale of the buildings or structures and whether landscaping can effectively manage such effects
- b. Adverse effects on the natural character of the site or surrounding area
- c. Adverse noise effects on adjoining properties
- d. Adverse effects on transportation network resulting from construction traffic
- e. Adverse effects on adjoining properties or the wider catchment resulting from stormwater runoff

5.34 The Reporting Officer has recommended the following in response:²¹

I agree with the intent of the submitter's request; however, in my view, it is more appropriate to amend the existing provisions and definitions to accommodate this within the notified framework along with adding a new rule. Introducing a singular new separate rule as recommended by Top Energy would add unnecessary complexity and would not fit within the existing rule framework.

...

In my opinion, REG-R6 should be amended to include both community-scale and large-scale solar renewable electricity generation activities, subject to the permitted standards which have been amended to relate specifically for solar. Where these standards cannot be met, the activity would become restricted discretionary. This amendment would continue to apply to the Rural Production Zone, Māori Purpose Zone, and Open Space Zone, where these activities are anticipated.

...

²⁰ Submission 483.101.

²¹ Section 42A Report for Renewable Electricity Generation, paragraphs 256, 258 and 265.

The notified matters of discretion in REG-R6 are more appropriate than the matter recommended by Top Energy as they cover a wider range of matters enabling a more complete assessment of solar renewable electricity generation types of activities.

5.35 As a result, The Reporting Officer has recommended the following amendments to Rule REG-R6, as follows:

REG-R6 Solar energy large scale or community scale renewable electricity generation activity (new and upgrading)

Rural Production zone

Māori Purpose zone

Open Space zone

Activity status: Permitted

Where:

PER-1

No structure or device, including any attachments ~~or turbine blades~~, exceeds a maximum height above ground level of 20m.

PER-2

All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².

PER-3

Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.

PER-4

The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.

PER-5

~~Compliance is achieved with NZS 6806:2010 Acoustics – Wind farm noise for any proposal involving wind generation.~~

PER-56

Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.

Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, or PER-5, ~~PER-6 or PER-7~~: Restricted Discretionary

Matters of discretion are restricted to:

- a. Location, scale and size of the activity;
- b. Adverse effects on any area with historical or cultural values, natural environment values or coastal environment values;
- c. Shadow flicker and glare on surrounding sites, waterbodies and private and public roads;
- d. Character, level, duration of noise received at the boundary or ~~national~~notional boundary of another site;
- e. Effects on migratory birds using any identified and scientifically established flight path;
- f. Function and operational need to be in that location;
- g. Alternative design options for the structure; and
- h. Colour scheme of structure(s), screening and landscaping.

5.36 The Reporting Planner has also recommended a new rule specifically for wind-based community-scale and large-scale renewable electricity generation activities as part of the above amendment to Rule REG-R6.²²

5.37 I am supportive of the following aspects of the Reporting Officer's recommended amendments:

- (a) The extension of the permitted activity status to both "Community Scale Renewable Electricity Generation Activities" and "Large Scale Electricity Generation Activities."
- (b) The minor amendment to refer to the "notional" boundary in the matters of discretion.

5.38 I disagree with the following aspects:

- (a) Separation into a "solar" and "wind" rule. The Reporting Officer appears to have made this in response to Top Energy's submission. To be clear, Top Energy did not request this in its submission.

²² Section 42A Report for Renewable Electricity Generation, paragraph 275.

- (b) The permitted standards are identical between the two rules. It is simple and more logical in my opinion, to keep this as a single rule.
- (c) I consider that there is no basis for a discretionary activity classification for wind versus solar. The matters of discretion in REG-R6 provide sufficient scope to consider and address relevant matters and full discretion is inappropriate in my opinion.
- (d) The Rule should apply to “All Zones” as the renewable energy resource is not limited to a specific zone as I have outlined above.

Definition – Community Scale Renewable Electricity Generation Activities

5.39 The Reporting Officer has recommended amendments to this definition, to improve alignment with the NPS-REG.²³ I agree that the amendments are an improvement, in particular the removal of the arbitrary 10mW limit. However, I consider that the Reporting Officer and Far North District Council have not demonstrated why there should be a different definition in the PDP to that in the NPS-REG. Therefore, to avoid confusion and overlap, I consider that the definition should simply be adopted from the NPS-REG, and consequentially updated within the REG Chapter. I have recommended amendments to the definition in this regard in **Attachment 2**, but have not outlined the consequential amendments which would need to be undertaken separately.

6 INFRASTRUCTURE

6.1 This section sets out the outstanding matters that I consider need to be resolved in response to Top Energy’s submissions on the Infrastructure Chapter of the PDP.

²³ Section 42A Report for Renewable Electricity Generation, paragraph 259.

Infrastructure in the Roding Corridor - New Objective, Policy and Rule

- 6.2 Top Energy made a submission seeking to insert a new objective as follows:²⁴

Recognise and provide for the operation, maintenance, repair and upgrading of other infrastructure including electricity and telecommunications infrastructure within the transport network, in particular the roading corridor.

- 6.3 Top Energy also made a submission seeking to insert a new policy as follows:²⁵

Recognise and provide for other infrastructure by enabling the operation, maintenance, repair and upgrading of infrastructure in the transport network as a permitted activity.

- 6.4 Top Energy also sought the following:²⁶

Include a new rule in the Transport Chapter making the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure a permitted activity.

- 6.5 The Reporting Officer has recommended rejecting submission points relating to the new objective and policy and notes:²⁷

I recognise the importance of allowing for appropriate infrastructure, such as electricity distribution lines and telecommunication facilities to locate within the road corridor, and this is reflected in certain provisions (e.g. I-P9 which seeks to encourage new linear infrastructure within road corridors). However, in my view it is more appropriate and effective for I-O2 to retain a higher-level focus on recognising and providing for the benefits of infrastructure throughout the District, which includes the benefits of infrastructure located within road corridors.

- 6.6 In relation to the insertion of a new policy, the Reporting Officer further notes:²⁸

In short, I do not consider that a specific policy on the benefits of infrastructure within road corridors is necessary, particularly as I-P9 already seeks to encourage new infrastructure in the road corridor.

²⁴ Submission 483.106.

²⁵ Submission 483.104, Submission 483.107.

²⁶ Submission 483.108

²⁷ Section 42A Report for Infrastructure, paragraph 10.

²⁸ Section 42A Report for Infrastructure, paragraph 181.

6.7 I consider that a new objective and policy should be included because:

- (a) The language used within the existing provisions referred to by the Reporting Officer (I-O2 and I-P9) is not sufficiently directive toward enabling infrastructure in the roading corridor.
- (b) Objective I-O2 recognises and provides for the benefits of infrastructure more generally throughout the District rather than enabling the operation, maintenance, repair and upgrading of infrastructure within the transport corridor more specifically. Additionally, Policy I-P9 is limited to encouraging “linear” infrastructure only to be located within the road corridors, rather than enabling all infrastructure within the road corridor.
- (c) Objective 3.8 of the RPS seeks to manage resource use to strategically enable infrastructure to lead or support regional economic development and community wellbeing. Part of this involves planning for the right infrastructure in the right place at the right time. I consider that enabling all infrastructure, and not just linear infrastructure, within the transport corridor is of importance as the majority of infrastructure (including that belonging to Top Energy) is located within the road corridor.
- (d) Further, Objective I-O1 of the Strategic Direction Chapter in the PDP is as follows:

The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.
- (e) In my opinion, “encouraging” infrastructure to be located within road corridors does not translate to “providing for” the benefits of infrastructure within road corridors. I consider that a specifically enabling objective, policy and associated rule is required (as sought by Top Energy) to provide for infrastructure within road corridors.
- (f) I also note that the inclusion of this new objective and policy is not addressed in the Transport Chapter because the preference is for the Infrastructure Chapter to enable all infrastructure. As

such, I consider that this objective and policy need to be considered and included in the Infrastructure Chapter.

- 6.8 The Reporting Officer does not appear to have provided a specific response to Top Energy’s request for a new rule. In the absence of any response, I consider that it is important that there is a rule that specifically permits “the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure within the roading corridor” to give effect to the new objective and policy that I consider should be included. I have included wording to that effect within **Attachment 2**.

Policy I-P11

- 6.9 Top Energy sought amendments to Policy I-P11 as follows:²⁹

~~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.

- 6.10 In response the Reporting Officer has recommended the following wording:

Avoid new infrastructure where it will unnecessarily constrain ~~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.

- 6.11 I agree with the inclusion of “unnecessarily constrain”, but I otherwise disagree with the Reporting Officer’s position on the remaining wording of I-P11 because:

- (a) This is inconsistent and incongruous with the wording in I-O6. I do not consider that a strong “avoid” directive in I-P11 gives effect to I-O6 which seeks not to “unnecessarily” constrain the ability of tangata whenua to develop land in these areas.
- (b) In my opinion, there will likely be instances where new infrastructure will need to traverse land within the Māori Purpose

²⁹ Submission 483.049.

Zone or within the Treaty Settlement overlay in order to support development within those areas or adjacent areas. An “avoid” directive is unnecessarily restrictive and could constrain infrastructure that has a clear operational and functional need to be located within the Māori Purpose Zone or within the Treaty Settlement overlay.

- (c) In the absence of the amendments proposed by Top Energy, the wording “unless the owners of the land agree to the new infrastructure” gives owners a veto of new infrastructure which may serve other land owners, not just landowners in the Māori Purpose Zone or Settlement Overlay.

6.12 I recommend the following wording that is also outlined in **Attachment 2**. This is slightly different to Top Energy’s original relief on the basis of my agreement with the inclusion of “unnecessarily constrain” and some slight restricting of how the policy is worded.

~~Avoid~~ Manage new infrastructure ~~where so that~~ it will not unnecessarily constrain ~~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.~~

Policy I-P12

6.13 Top Energy made a submission³⁰ seeking amendments to as follows:

Recognise **and provide for** the benefits of new technology in infrastructure that:

- a. Improve access to, and efficient use of, networks and services;
- b. Increases resilience or reliability of networks and services;
- c. Protects the on-going safety of the community and the integrity of the network; or
- d. Results in environmental benefits or enhancements.

6.14 The Reporting Officer has rejected this relief and states:³¹

The intent of I-P12 is to recognise the benefits of new technology in infrastructure (e.g. increasing resilience) but not place a firm

³⁰ Submission 483.050.

³¹ Section 42A Report for Infrastructure, paragraph 207.

obligation on applicants and Council processing planners to provide for these benefits.

- 6.15 In my opinion, I-P12 can and should be worded so as to recognise and provide for those benefits. Improvements in infrastructure and new technology are ongoing, and will more likely than not continue to change over the anticipated 10-year lifespan of the PDP. Simply “recognising” the benefits of this new technology is meaningless in my opinion, if there is no accompanying direction to also “provide” for it. As such I recommend the change sought by Top Energy is made.

Policy-P13

- 6.16 Top Energy made a submission seeking a number of amendments to this policy. This policy was largely discussed and agreed between the Reporting Officer and other submitters representatives at the pre-hearing meeting. I agree with where this policy has landed, with one minor exception relating to the reference to “I-S1 and I-S2”.
- 6.17 Noting the expert evidence of Mr Sookandan, I understand that best practice within internal and national recognised standards or guidelines with regard to these matters can change over time, and therefore there may be a need for some flexibility / case by case assessment for consideration of these matters. I have therefore recommended deleting the reference to “I-S1 and I-S2” in **Attachment 2**.

Rule I-R3 - upgrading of existing above ground network utilities

- 6.18 Top Energy made a submission seeking structural amendments to Rule I-R3 to remove what it considers to be arbitrary performance standards that make the rule of limited use in terms of enabling upgrades to above ground network utilities.³² Top Energy sought revised wording that sought to impose baseline thresholds for ‘structures’ and ‘buildings’, noting that this rule relates to upgrades of existing (rather than future) infrastructure.
- 6.19 The Reporting Officer has recommended the following in response:³³

³² Submission 483.059, 483.060.

³³ Section 42A Report for Infrastructure, paragraph 246.

A number of permitted activity standards are amended to remove arbitrary and unnecessary thresholds/requirements (e.g. height, footprint, antenna size increases being tied to a 10-year period, 100 percent increase in cross arm length). This recognises that upgrading of infrastructure only occurs when required and it is very unlikely that infrastructure providers are going to increase the height and footprint of existing infrastructure at regular intervals to 'game' the permitted increases in height and footprint.

6.20 The Reporting Officer also notes:³⁴

I also consider that the structural changes to I-R3 requested by Top Energy with sub-headings for different infrastructure types (general, electricity, gas, telecommunication) could be helpful for plan users. However, the general structure of I-R3 appears to be accepted by other submitters and is consistent with other common network utility rules (including that provided in the Telco Companies submission), I am not recommending these structural changes to I-R3.

6.21 I agree with some of the Reporting Officer's recommended amendments including:

- (a) the removal of arbitrary references to "a 10 year period" within various permitted activity clauses within the rule;
- (b) reference to the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) in PER-7; and
- (c) the inclusion of a restricted discretionary activity status where compliance with PER-1 – PER-12 is not complied with, and the matters of discretion identified.

6.22 I disagree with the Reporting Officer's overall response to Top Energy's request for structural changes to I-R3. The Reporting Officer has not responded to the detailed reasons within the submission as to why Top Energy has requested these changes, and simply stated that they appear "to be accepted by other submitters and are consistent with other common network utility rules." In my opinion, this does not constitute a considered planning response to Top Energy's detailed submission on this rule.

³⁴ Section 42A Report for Infrastructure, paragraph 247.

6.23 Top Energy's submission identified concerns with the lack of section 32 analysis to justify the inclusion of the various limits, and I remain of the opinion that none has been provided. In my opinion, it is also clear that some of the requirements relate to specific types of infrastructure (e.g., gas electricity and telecommunications) and it is logical to provide some specificity (via headings) within the rule to clarify what requirements apply to certain types of infrastructure.

6.24 I therefore recommend that I-R3 is redrafted in **Attachment 2** in alignment with Top Energy's submission, while incorporating the elements from the Reporting Officer's amendments that I agree with as identified above.

Rule I-R7 - New overhead lines and associated poles, telecommunication and attached antennas, or towers

6.25 Top Energy made a submission seeking amendments to Rule I-R7 as follows:

- (a) Include Ngawha Innovation Zone and Rural Settlement Zone.
- (b) Amend PER-1 & 2 to reference "above ground level"
- (c) Amend activity status for non-compliance with PER – 1 & 2 to restricted discretionary activity.

6.26 The Reporting Officer has recommended that I-R7 be amended to apply to all zones, and the following changes to the provision wording:

Activity status: Permitted

Where:

PER-1

Poles or telecommunications poles and attached antenna (excluding lighting rods) do not exceed a height above ground level of:

1. 25m in the Rural Production Zone, Rural Lifestyle Zone, Māori Purpose Zone, Light Industrial Zone, Heavy Industrial Zone, Airport Zone, Hospital Zone, Horticulture Zone, Horticulture Processing Facilities Zone;

2. 20m in the Mixed-Use Zone, Open Space Zone, Sport and Active Recreation Zone, Ngawha Innovation and Precinct Zone, Orongō Bay Zone, Rural Residential Zone;

3. 15m in the General Residential Zone, Settlement Zone, and all other special purpose zones; or

4. the permitted height of the adjacent zone in clause a to c above if located in the road reserve.

PER-2

Towers do not exceed a height of 15m.

PER-3

Where two or more telecommunication facility operators are located on the same pole in the zones referred to PER-1.a, the pole and attached antenna (excluding lighting rods) do not exceed a height of 30m above ground level.

PER-3

The activity complies with standards:

I-S1 Radio frequency fields; and

I-S2 Electric and magnetic fields.

Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary

Matters of discretion are restricted to:

a. the functional need and operational need of, and benefits from, the network utility;

b. the potential impact on the levels of service or health and safety if the work is not undertaken;

c. the bulk, height, location and design of the network utility, including any associated building(s) or structures;

d. the impact on the character and qualities of the surrounding area; and

e. any adverse effects on public health and/or safety.

6.27 There are a number of amendments to Rule I-R7 outlined by the Reporting Officer which I agree with:³⁵

- (a) Make the rule apply within all zones to address gaps in the NES-TF and provide a permitted activity pathway for new overhead lines and poles and telecommunication antennas and poles in all zones (rather than being a restricted discretionary activity

³⁵ Section 42A Report for Infrastructure, paragraph 252.

outside the Rural Production Zone, Rural Lifestyle Zone, and Māori Purpose Zone under I-R15).

- (b) Amend PER-1 to include different height limits for different zones ranging from 15m (e.g., General Residential) to 25m (e.g., Heavy Industrial Zone) based on the sensitivity of the underlying zone to the visual effects of this infrastructure. Based on the evidence of Mr Sookandan on behalf of Top Energy, I understand that these height limits are sufficient to accommodate the relevant structures from an operational and technical perspective.
- (c) Add a new permitted activity which enables a greater pole height when telecommunication facility operators locate on the same pole in certain zones. This recognises that the colocation of telecommunication facilities on a single pole can reduce the overall visual effects (compared to two new poles) and have efficiency benefits.
- (d) Amend the activity status when compliance is not achieved with the conditions from a discretionary activity to restricted discretionary activity, and to incorporate the existing matters of discretion from I-R15.
- (e) The deletion of I-R15 as a consequential amendment to the above recommendations.

6.28 One remaining issue with I-R17 that has been identified in the evidence of Mr Sookandan relates to the 15m height limit for towers in PER-2. On closer review, Mr Sookandan has highlighted that this limit is too low for towers, which are typically 22m+ in height due to operational and functional needs. Relying on his expert evidence, I consider that this will lead to unnecessary and costly resource consents being triggered.

6.29 Given the extent of the recommended changes to the Infrastructure chapter, including in relation to I-R7, and having regard to the nature of Top Energy's submission, I consider that there is scope to make this change to PER-2. I therefore recommend that a 25m height limit for

towers is applied based on the expert evidence of Mr Sookandan. I have also recommended that this apply “above ground level” for consistency with PER-1 and in accordance with Top Energy’s submission.

Rule I-R8 - New telecommunications kiosk

6.30 Top Energy made a submission seeking amendments to Rule I-R8 to expressly enable the co-location of telecommunication kiosks on existing infrastructure. It was identified that the permitted height limit of 3.5m might be an issue where the kiosk is located on an existing pole higher than 3.5m above ground level.

6.31 The Reporting Officer has noted the following:³⁶

In my view, the 3.5m height limit is only an issue for collocation if this is to be measured from ground level, but I-R8 is not drafted in this way (unlike height standards in other infrastructure rules). Accordingly, it is not necessary in my view to amend I-R8 to expressly allow for telecommunication kiosks to collocate on existing infrastructure.

6.32 “Telecommunication kiosk” is proposed to be defined as follows in the PDP:

Means any structures intended for public use to facilitate telecommunication and includes boxes or booths for telephone, video or internet services.

6.33 In my opinion, Top Energy’s concern with I-R8 relates to how the 3.5m height limit is applied in relation to the support structure (e.g., pole) that it may be located on. I understand that quite often boxes for internet services for example, are located on existing poles at a height where they are less likely to be interfered with. Top Energy’s concern is that the 3.5m height limit could be misconstrued as a height limit not only for the telecommunication kiosk, but also the structure that it is located on. To avoid this potential confusion and unintended consequence, I recommend that this could be simply addressed by adding a clause “excluding any support structure” to PER-1.1.

Rule I-R12

³⁶ Section 42A Report for Infrastructure, paragraph 256.

6.34 Top Energy made a submission seeking amendments to Rule I-R12 to the maximum height for any building, including exemptions for works undertaken by the network utility providers and reference to the Electricity (Hazard from Trees) Regulations 2003.³⁷

6.35 The Reporting Officer has recommended a number of amendments to Rule I-R12 as follows:³⁸

Activity status: Permitted

Where:

PER-1

1. The building or structure is less than 3m in height above ground level does not require a building consent; or

2. The extension of the building or structure does not exceed the envelope or footprint of the existing building or structure.

~~PER-2~~

~~Earthworks:~~

~~1. are not directly above underground cables;~~

~~2. 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~~

~~3. are in accordance with NZECP 34:2001.~~

~~PER-32:~~

~~Activities that do not comply with PER-1 or PER-2 provided that:~~

~~i. prior to works notification is provided to Council that the building or structure complies with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and 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~~

~~ii. the activity is being carried out by a network utility operator or territorial authority in accordance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).~~

³⁷ Submission 483.071.

³⁸ Noting that I have previously agreed to this approach in Hearing 6 & 7 in response to the s42A for the earthworks topic.

6.36 While the Reporting Officer has essentially accepted Top Energy's submission, further technical workshopping and the evidence of Mr Sooknandan has identified that it is not appropriate for any buildings or structures, regardless of their height, to be located within 10m of a Critical Electricity Lines Overlay as a permitted activity. Based on the evidence of Mr Sooknandan, I understand that this is due to the nature of the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001), where each site and situation is unique, and an assessment needed on a case-by-case basis to determine appropriateness.

6.37 Again, considering the extent of the proposed amendments to the Infrastructure chapter since the PDP was notified and having regard to the matters raised by Top Energy in its submission generally and on I-R12 specifically, I consider that there is scope to make this change based on the evidence of Mr Sookandam.

6.38 I therefore recommend that:

- (a) PER-1 is deleted entirely.
- (b) The heading for I-R12 is amended to remove "earthworks" as these are already addressed within the Earthworks Chapter.
- (c) The numbering and wording of PER-2 is adjusted slightly in light of the above.

Standards I-S1 and I-S2 – Radio Frequency fields and Electric Magnetic Fields

6.39 Top Energy had a number of submission points relating to these standards that essentially seek a discretionary rather than a non-complying activity status where compliance with these standards is not achieved.³⁹

6.40 The Reporting Officer disagrees because:⁴⁰

Top Energy have a number of submission points on the infrastructure rules requesting that the activity status for non-

³⁹ Submission 483.055 & 483.056.

⁴⁰ Section 42A Report for Infrastructure, paragraph 244.

compliance with the radio frequency fields (I-S1) and electric and magnetic fields (I-S2) standards be a discretionary activity rather than non-complying activity. I disagree and recommend these submission points are rejected. I-S1 and I-S2 are nationally and internationally accepted standards for radio frequency fields and electric and magnetic fields to protect human health and a noncomplying activity status when these standards are not complied with is appropriate in my view. Non-compliance with radio frequency fields and electric and magnetic fields standards is also a common approach adopted in other district plans and within the NES-TF (Regulation 13 and 55) and NES-ETA (Regulation 10 and 13) respectively.

6.41 Mr Sookandan has provided expert evidence on this matter. He has outlined that the standards are used by Top Energy and he is not aware of Top Energy breaching these standards. Nevertheless, Mr Sookandan has highlighted that these standards are old, and change over time as best practice evolves.

6.42 On the strength of Mr Sookandan's evidence, I disagree with a non-complying activity status because:

- (a) While non-compliance with these standards is unlikely, in the event they are breached, this is more likely due to an operational or functional requirement or change in what is considered best practice. I consider that a non-complying activity status is inappropriate in those circumstances and would create an unnecessary additional consenting hurdle which is not justified.
- (b) While I accept that these are internationally and nationally recognised standards, practice and standards from a technical perspective can change over time, noting the 10-year lifespan of the PDP. There is a possibility that new standards may be provided or updated at that time. A discretionary activity status allows this to be considered on a case-by-case basis if new, potentially better standards are able to be applied, without the unnecessary additional restriction of a non-complying activity status.

Rule SUB-R10

6.43 Top Energy made a submission seeking amendments to Rule SUB-R10 as follows:⁴¹

SUB-R10 Subdivision of a site within 32m of the centre line of Critical Electricity Line

Activity status: Restricted Discretionary

Where:

PER-1

The proposed building platforms are identified outside of a 32m setback from the centre line of a CEL.

Activity Status where not achieved: Non complying

6.44 The Reporting Officer has recommended the following in response:⁴²

I agree with the general intent of the amendments to SUB-R10 sought by Top Energy to apply more targeted consent requirements based on the location of the building platform in relation to Critical Electricity Lines within a proposed subdivision. However, I recommend two changes to the relief sought by Top Energy:

- a. That requested condition PER-1 be RDIS-1 and a requirement the building platform to be 10m (rather than 32m) from the centre line of Critical Electricity lines
- b. A discretionary activity status when RDIS-1 is not complied with.

6.45 The Reporting Officer further notes:⁴³

In my view, these amendments are better aligned with the requirements in I-R11 for buildings to be setback 10m from Critical Electricity Lines and the approach of RDIS-1 in in SUB-R9 which applies to the National Grid Yard (not the entire National Grid Subdivision Corridor). The difference in activity status is intended to reflect the national significance of the National Grid and the regional significance of Critical Electricity Lines.

6.46 In my opinion, subdivision of new land within proximity to Critical Electricity Lines is a different consideration to new buildings. Subdivision often includes the creation of additional development rights, including the encroachment of sensitive residential activities to these existing lines that are recognised as regionally significant

⁴¹ Submission 483.168.

⁴² Section 42A Report for Infrastructure, paragraph 325.

⁴³ Section 42A Report for Infrastructure, paragraph 326.

infrastructure within the RPS. That is why it is important that there is an overall restricted discretionary activity requirement within the 32m setback within this rule.

6.47 If a building platform is proposed to be located within the 32m setback, then I consider that a non-complying activity status should apply. This is to acknowledge the status of the Critical Electricity Lines as “regionally significant infrastructure” in the RPS, but also to give effect to the strong direction within the RPS relating to reverse sensitivity, and the strong avoid directive in policies 5.1.1(e) and 5.1.3(c) of the RPS which I have discussed earlier.⁴⁴

6.48 I disagree that a different threshold should apply to the National Grid in SUB-R9 as suggested by the Reporting Officer because of the national significance of the National Grid compared to the regional significance of the Critical Electricity Lines. The direction within the RPS, which must be given effect to in the PDP, applies to regionally significant infrastructure and reverse sensitivity broadly, without any specific reference or weight given to the National Grid over Critical Electricity lines or other regionally significant infrastructure.

6.49 For these reasons, I recommend that SUB-R10 is amended in a manner consistent with Top Energy’s submission in **Attachment 2**.

7 TRANSPORT

7.1 As outlined in the S42A Report for Transport, Top Energy’s submission points were deferred to and addressed in the infrastructure chapter. I therefore have addressed them in Section 6 above, and have no further comment on the S42A for Transport.

8 DESIGNATIONS

8.1 Top Energy’s preliminary feedback on the designation rollovers are provided in **Attachment 3**. The Reporting Officer has largely recommended acceptance of Top Energy’s requests with regard to its designated sites in the S42A. I support these recommendations, notwithstanding the following minor exceptions:

⁴⁴ In Section 6 of this evidence, but also Section 3 of my evidence in chief for Hearing 6/7.

- (a) TE208 – This provision is missing the site identified record of title – NA115B/816 in the “Site Identifier”. I recommend that this is added for consistency with the other designations.
- (b) TE243 – Condition 2 has been deleted in the table as per Top Energy’s submission.⁴⁵ However, Conditions 1 and 2 are repeated again under the heading “CONDITIONS APPLYING TO TE243.”⁴⁶ This is confusing in my opinion, and implies that Condition 2 still applies, despite clearly being recommended for deletion in the table. I recommend that the duplicated conditions applying to TE243 under the heading are simply deleted, and Condition 1 remains as the only condition that applies to TE243 within the table.
- (c) TE245 – The condition numbering used is inconsistent and confusing.⁴⁷ I recommend that these are renumbered as 1 and 2, to avoid a mistaken assumption that there are more conditions applying.
- (d) TE249 – As above, the condition numbering used is inconsistent and confusing.⁴⁸ I recommend that the single condition is renumbers simply as condition 1 to avoid a mistaken assumption that there are more conditions applying.
- (e) General approach to condition location – I consider that the approach of having conditions under the tables to be unnecessarily confusing. I recommend that conditions are included within the table for the corresponding designation that they apply to. In my opinion, this avoids duplication and will be easier for plan users to determine what (if any) conditions apply to the applicable designations.

9 ADDITIONAL DEFINITIONS

⁴⁵ See Page 6 of 9 of Top Energy Designations in Appendix 1 of the Reporting Officers Report.

⁴⁶ See page 8 of 9 of Top Energy Designations in Appendix 1 of the Reporting Officers Report.

⁴⁷ Refers to “Hazardous Substances” as Condition 13 and “Electronic and Magnetic Fields” as Condition 14.

⁴⁸ Refers to one condition as condition 11.

9.1 I note that there are three of Top Energy submission points regarding new definitions that do not appear to have been addressed including:

- (a) Emergency Tree Works – I consider it may be likely that this will be addressed within the Notable Tree topic to be addressed in Hearing 12, but this needs to be confirmed.⁴⁹
- (b) Footprint – Top Energy’s submission⁵⁰ sought the inclusion of a new definition for “footprint” as:

means the ground area occupied by a structure.

Footprint is an important term that is used several times within the Infrastructure Chapter provisions.⁵¹ I accept that it is highly likely that there are other references to “footprint” throughout the PDP, but I still consider having clarity via a definition for this term would be beneficial for the purposes of Hearing 11.

- (c) Operational Need – Top Energy’s submission⁵² sought the inclusion of a new definition for “operational need” as

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.

“Operational need” is a key term for the Infrastructure and Renewable Electricity Chapters and it is important in my opinion that the above requested definition is addressed for the purposes of Hearing 11.⁵³

10 SECTION 32AA EVALUATION

10.1 Section 32AA of the RMA requires further evaluation where changes to provisions are proposed since the original section 32 evaluation was undertaken. I have recommended a number of amendments to the

⁴⁹ Which is to be heard on 26-29 May 2025.

⁵⁰ Submission 483.019.

⁵¹ I-R3-PER10.2, I-R11-PER-1.1 and I-R12-PER-1.2 of the Infrastructure Reporting Officer’s Recommended Amendments to the provisions in Appendix 1.1.

⁵² Submission 483.020.

⁵³ REG-RX and REG-RX of the Renewable Electricity Reporting Officer’s Recommended Amendments to the provisions in Appendix 1.1. I-O1, I-P2, I-PX, I-R3, I-R5, I-R7, I-R16 and I-R17 of the Infrastructure Reporting Officer’s Recommended Amendments to the provisions in Appendix 1.1.

Renewable Electricity Generation and Infrastructure Chapters, as well as to relevant rules and definitions, which are outlined in **Attachment 2**.

10.2 By way of summary, I consider that the recommended amendments to the provisions that I have proposed will be the most appropriate way to achieve the purpose of the RMA in accordance with section 32(1)(a) for the following reasons:

- (a) **Sustainable Management (Section 5):** The recommended amendments will better enable the use and development of renewable electricity generation activities and infrastructure, both of which are critical to the health, safety, and social, cultural and economic well-being of people and communities within the Far North District. The changes also provide for environmental protection by recognising the operational and locational constraints associated with these activities, and managing potential adverse effects accordingly.
- (b) **Efficient Use and Development of Resources (Section 7(b)):** By more appropriately enabling regionally significant infrastructure and renewable electricity generation activities, the proposed amendments support the efficient use and development of natural and physical resources, including the electricity distribution network and the Far North's renewable energy potential.
- (c) **Recognition of the Benefits of Renewable Electricity and Infrastructure (NPS-REG and RPS):** The changes give effect to key directives in the National Policy Statement for Renewable Electricity Generation 2011 and the operative Northland Regional Policy Statement. These include recognising and providing for the technical, operational and functional constraints associated with renewable generation and infrastructure, as well as the requirement to avoid reverse sensitivity effects (RPS Policies 5.1.1(e) and 5.1.3(c)).
- (d) **Enabling Functional and Operational Needs:** The recommended amendments better recognise and provide for the

functional and operational needs of Top Energy's infrastructure, including flexibility for upgrades, investigation activities, and infrastructure within the roading corridor. These are essential to supporting the growth and resilience of electricity supply in the district.

- (e) **Appropriate Management of Effects:** The recommended provisions provide an improved framework for managing the adverse effects of infrastructure and renewable generation activities, with appropriate thresholds, matters of discretion, and rule triggers. These recognise the need for both robust environmental outcomes and the efficient operation of essential infrastructure.
- (f) **Costs and Benefits:** I consider that the benefits of the recommended amendments will outweigh the potential costs. This is because they provide for the greater enablement of renewable electricity generation and provision for the operational and functional needs of infrastructure within the district, while providing for the benefits they provide and appropriately managing adverse effects that may eventuate.

11 CONCLUDING COMMENTS

11.1 Overall, I consider that significant progress has been made toward recognising and providing for regionally significant infrastructure and renewable electricity generation activities within the applicable chapters. I acknowledge and support many of the recommendations made by the Reporting Officers that align with Top Energy's submission and my own opinion and analysis.

11.2 However, a number of key issues remain unresolved. For the reasons outlined above and in the accompanying attachments, I recommend that the amendments proposed in my evidence are adopted. In my opinion, these changes are necessary to give effect to higher order policy documents, promote the sustainable management of natural and physical resources, and provide an enabling yet environmentally responsible framework for infrastructure and renewable electricity generation in the Far North.

David Eric Badham

14 April 2025

**Attachment 1 – Areas of Agreement with the Reporting Officers /
S42A**

Renewable Electricity Generation

These include the following submission points:

- (a) S483.078 – support the Reporting Officer’s recommended amendments to REG-O2;
- (b) S483.081 – support the retention of Policy REG-P1 as notified;
- (c) S483.082 – support the amendment to Policy REG-P2 to include the terms “enable” and “repair” to the policy;
- (d) S483.083 – support the retention of Policy REG-P3 as notified – notwithstanding my recommended consequential amendment as a result of my analysis of submission S483.093 outlined in Section 6 below;
- (e) S483.084 – support the amendments to Policy REG-P4;
- (f) S483.085 & S483.086 – support the deletion of Policies REG-P5 and REG-P6, noting changes in other Chapters;
- (g) S483.087 – support the retention of Policy REG-P7 as notified;
- (h) S483.095 – support the addition of a new permitted activity rule for the upgrading or repowering of existing renewable electricity generation activities (REG-RX); and
- (i) S483.096 – S483.98 – support that Rules REG-R2 - REG-R4 apply to the zones specified.

Infrastructure

These include the following submission points:

- (j) S483.033 – support the retention of Objective I-O1 as notified;
- (k) S483.034 – support the amendments to Objective I-O2 to ensure the full range of benefits of infrastructure, including regionally significant infrastructure are recognised and provided for;

- (l) S483.035 – support the amendments to Objective I-O3 to refer to “repair”;
- (m) S483.036 – support the amendments to Objective I-O4 to manage adverse effects in a way that recognises and provides for the operational or functional need for infrastructure to be in particular environments;
- (n) S483.037 – support the retention of Objective I-O5 as notified;
- (o) S483.038 – support the inclusion of “unnecessarily” to I-O6;
- (p) S483.039 – support the amendment to Policy I-P1 to refer to “repair”;
- (q) S483.040 & S483.041 – support the replacement of Policies I-P2 & I-P3 with a single policy (I-P2) focused on recognising and providing for the operational need and functional need of infrastructure when considering and managing the adverse effects of infrastructure;
- (r) S483.042, S483.043, S483.044 – support the retention of Policies I-P4, I-P5 & I-P6 as notified;
- (s) S483.045 – support the amendments to Policy I-P7 as was discussed during pre-hearing meetings;
- (t) S483.046 – support the retention of Policy I-P8 as notified;
- (u) S483.047 – support the retention of Policy I-P9 as notified given that Objective I-O4 and Policy I-P2 recognise and provide for the operational need or functional need for infrastructure;
- (v) S483.048 – support the replacement of Policy I-P10 with more detailed National Grid Policies (I-PX & I-PY);
- (w) S483.051 – support the amendments to Policy I-P13 (notwithstanding minor edit suggested within body of evidence) and separate Policy I-PZ as was discussed during pre-hearing meetings;

- (x) S483.052 – support the amendments to Policy I-P14 as was discussed during the pre-hearing meetings;
- (y) S483.057 & S483.058 – support the retention of Rules I-R1 and I-R2 as notified, notwithstanding my opposition to the non-complying activity status where compliance is not achieved with I-S1 and I-S2 which I address in Section 7 below;
- (z) S483.061 – support the retention of Rule I-R4 as notified, notwithstanding my opposition to the non-complying activity status where compliance is not achieved with I-S1 and I-S2 which I address in Section 7 below;
- (aa) S483.062 – support the amendments to Rule I-R5 as was discussed during the pre-hearing meetings, notwithstanding my opposition to the non-complying activity status where compliance is achieved with I-S1 and I-S2 which I address in Section 7 below;
- (bb) S483.063 – support the amendments to Rule I-R6 as was discussed in the pre-hearing meetings, notwithstanding my opposition to the non-complying activity status where compliance is achieved with I-S1 and I-S2 which I address in Section 7 below;
- (cc) S483.072 – support the amendments to I-R13 as outlined by the Reporting Officer;
- (dd) S483.073 – support the deletion of Rule I-R15 as was discussed in the pre-hearing meetings; and
- (ee) S483.074 – support the amendments to Rule I-R16 as was discussed in the pre-hearing meetings.

Transport

These include the following submission points:

- (ff) S483.103 & S483.105 – support the deference of including a new objective and policy to recognise and provide for the operation, maintenance, repair and upgrading of electricity and

telecommunications infrastructure within the transport network, in particular the roading corridor, to the Infrastructure Chapter; and

- (gg) S483.108 – support the deference of inserting a new permitted activity rule providing for the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure, to the Infrastructure Chapter.

Designations

This includes the following submission point:

- (hh) S4832.187 – support the rollover of Top Energy’s 17 designations with minor amendments, apart from some minor issues as discussed in Section 9 below.

Definitions

These include the following submission points:

- (ii) S483.006 – Infrastructure – support the retention of this definition as notified;
- (jj) S483.014 - Renewable Electricity Generation – support the retention of this definition as notified;
- (kk) S483.016 – Small Scale Renewable Electricity Generation – support the retention of this definition as notified;
- (ll) Critical Electricity Lines – support the inclusion of this new definition;
- (mm) Critical Electricity Line Overlay – support the inclusion of this new definition;
- (nn) S483.018 - Customer Connection – support the inclusion of this new definition;
- (oo) S483.007 - Large Scale Renewable Electricity Generation Activities – support the amendments to this definition to improve clarity;

- (pp) S483.008 - National Grid - support the retention of this definition as notified;
- (qq) S483.009 - National Grid Subdivision Corridor - support the amendments to this definition as was discussed in the pre-hearing meetings;
- (rr) S483.010 - National Grid Yard - support the amendments to this definition as was discussed in the pre-hearing meetings;
- (ss) S483.011 - Network Utility and Network Utility Operator - support the retention of these definitions as notified;
- (tt) S483.017 - Substation - support the amendments to this definition to remove the arbitrary rating limit of 22kv; and
- (uu) S483.021 - Upgrading - support the inclusion of this new definition.

Attachment 2 – Track Change Version of Provisions

S42A recommended wording = **additions underlined text deletions ~~strikethrough text~~**

David Badham recommended wording = **additions underlined text deletions ~~strikethrough text~~**

Renewable Electricity Generation Chapter

Objective REG-01

"The significant local, regional and national benefits from the use and development of renewable electricity generation activities, ~~and their technical, operational and functional needs and constraints,~~ are recognised and provided for."

Objective REG-02

"**Recognise and provide for the following benefits from R**enewable electricity generation activities ~~recognise and provide for the following benefits:~~

- a. Contribute to the reduction in greenhouse gas emissions;
- b. Increase the security of supply of electricity for the district and the region; and
- c. Support the economic, social and cultural well-being of people and communities."

Objective REG-04

"The ongoing efficient operation, maintenance, **repair** and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, ~~or otherwise mitigating,~~ the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities."

Policy REG-P3

Enable new small scale renewable electricity generation activities **and activities associated with the investigation, identification and**

~~assessment of potential sites and energy sources for renewable electricity generation~~ where the activity:

- a. is of a form, location, and scale that minimises adverse effects on the environment; and
- b. will not result in significant adverse effects on the character and amenity values of the zone.

Policy REG-P8

"Require sensitive activities to be designed and located to avoid ~~to the extent possible, or otherwise mitigate,~~ reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities."

Policy REG-P9

~~"Avoid locating large scale renewable electricity generation activities outside the Rural Production zone unless it can be demonstrated that adverse effects will be no more than minor."~~

Policy REG-P10

~~"Require that during or following decommission of any renewable electricity generation activity, that all renewable electricity generation structures, buildings and concrete areas are removed or otherwise mitigated to be compatible with future land use."~~

Policy REG-P11

~~"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 ~~when assessing and managing the effects of renewable electricity generation activities to the application:~~

1. Any locational, technical, functional, operational needs and constraints, including the need to be located where renewable resource is located and the need for infrastructure to connect to the

- local electricity distribution network or the National Grid, or directly to high energy users;
2. Bulk, height or design of any associated buildings or structures;
 3. The extent of earthworks, or indigenous vegetation removal **and proposed measures to mitigate any adverse effects;**
 4. The degree to which the environment has already been modified;
 5. The nature, duration, timing and frequency of any adverse effects;
 6. Any adverse effects on areas with cultural and heritage, natural environment values, coastal values and recreational values;
 7. Proposed methods to avoid, minimise and remedy adverse effects and any proposed measures to offset or compensate more than minor residual adverse effects;
 8. Health, well-being and safety of people and communities, specifically any nuisance or adverse effects from noise, vibration, traffic and light spill;
 9. Safe and efficient operation of other infrastructure;
 10. The local, regional or national benefits of the project, including the significant social, economic, and cultural benefits of regionally significant infrastructure; and
 11. Any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.
 12. **Plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas.**

Policy REG-PX

“Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.”

Rule REG-R3

“~~New buildings or structures associated with in-stream hydro investigation and electricity generation, a r~~Renewable energy generation investigation activities~~y~~, excluding in-stream structures (new and upgrading)

All Zones

Activity status: Permitted

Where:

PER-1

~~The building or structure does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.~~

Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m².

PER-2

~~It is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.~~

Any building or structure can comply with the height, setback, eight in relation to boundary performance standards of the underlying zone.

PER-3

~~It is not located on any unformed road.~~

Small and Community Scale Renewable Electricity Generation Activities*

means renewable electricity generation **primarily supplying an immediate community** that is supplied to local electricity users, with provision for excess electricity to be supplied **for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into** or the distribution network. and where the installed capacity does not exceed 10MW.

***definition adopted from the National Policy Statement for Renewable Electricity Generation 2011**

REG-R6

~~Solar energy - Large scale renewable electricity generation activities or community scale renewable electricity generation activities (new and upgrading)~~

Rural Production zone

Māori Purpose zone

Open Space zone

All Zones

Activity status: Permitted

Where:

PER-1

No structure or device, including any attachments ~~or turbine blades~~, exceeds a maximum height above ground level of 20m.

PER-2

All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².

PER-3

Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.

PER-4

The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.

PER-5

Compliance is achieved with NZS 6806:2010 Acoustics – Wind farm noise for any proposal involving wind generation.
~~PER-5~~

~~Compliance is achieved with NZS 6806:2010 Acoustics – Wind farm noise for any proposal involving wind generation.~~

PER-56

Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.

Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, or PER-5, PER-6 PER-6 or PER-7: Restricted Discretionary

Matters of discretion are restricted to:

- a. Location, scale and size of the activity;
- b. Adverse effects on any area with historical or cultural values, natural environment values or coastal environment values;
- c. Shadow flicker and glare on surrounding sites, waterbodies and private and public roads;
- d. Character, level, duration of noise received at the boundary or ~~national~~notional boundary of another site;
- e. Effects on migratory birds using any identified and scientifically established flight path;

- f. Function and operational need to be in that location;
- g. Alternative design options for the structure; and
- h. Colour scheme of structure(s), screening and landscaping.

REG-RY

~~Wind generation large scale or community scale renewable electricity generation activity (new and upgrading)~~

~~Activity status: Permitted~~

~~Where:~~

~~PER-1~~

~~No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 20m.~~

~~PER-2~~

~~All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².~~

~~PER-3~~

~~Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.~~

~~PER-4~~

~~The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.~~

~~PER-5~~

~~Compliance is achieved with NZS 6808:2010 Acoustics – Wind farm noise for any proposal involving wind generation.~~

~~PER-6~~

~~Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.~~

~~Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, PER-5 or PER-6: Discretionary~~

Infrastructure Chapter

New Objective I-OX

Recognise and provide for the operation, maintenance, repair and upgrading of other infrastructure including electricity and telecommunications infrastructure within the transport network, in particular the roading corridor.

New Policy I-PX

Recognise and provide for other infrastructure by enabling the operation, maintenance, repair and upgrading of infrastructure in the transport network as a permitted activity.

New Rule I-RX

Operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure within the roading network
Activity status: Permitted

Objective I-O6

The location of infrastructure does not **unnecessarily** constrain the ability of tangata whenua to develop land in the Māori Purpose zone or the Treaty Settlement overlay.

Policy I-P11

Avoid-Manage new infrastructure **where so that** it will **not unnecessarily constrain** ~~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.**

Policy I-P12

Recognise **and provide for** the benefits of new technology in infrastructure that:

- a. Improve access to, and efficient use of, networks and services;
- b. Increases resilience or reliability of networks and services;
- c. Protects the on-going safety of the community and the integrity of the network; or
- d. Results in environmental benefits or enhancements.

Policy I-P13

Manage the adverse effects of infrastructure on **other land uses and activities the environment** by:

a. avoiding, remedying or mitigating the adverse effects ~~of substantial upgrades to, or the development of new infrastructure, including effects~~ on:

~~i. natural and physical resources;~~

~~ii. amenity values;~~

iii. sensitive activities;

iv. the safe and efficient operation of other infrastructure;

v. the health, well-being and safety of people and communities; ~~and~~

b. avoiding radio, electric and magnetic emissions that do not meet the international and national recognised standards or guidelines in I-S1 and I-S2;

~~c. requiring the undergrounding of network utilities in Urban zones and the Settlement zone where it:~~

~~a. is technically feasible;~~

~~b. is justified by the extent of adverse visual effects; and~~

~~c. provides for the safety of the community.~~

Redrafted Rule I-R3

Upgrading of existing above ground network utilities

Activity status: Permitted

Where:

General

PER-1

The upgrade of network utility structures or buildings:

1. is within 5m of the existing alignment location of the original structure or building;
2. complies with the zone's permitted setback standards if it is a building; and
3. does not result in an increase to the diameter of a replacement pipe by more than 300mm.

PER-2

The activity complies with standards:

1. I-S1 Radio frequency fields; and
2. I-S2 Electric and magnetic fields.

Electricity

PER-3

In addition to PER 1 and PER 2, the upgrade of electricity network utilities structures or buildings must not result in:

1. Pole or tower height that exceeds 25m above ground level;
2. More than two additional poles; and
3. Additional towers.

PER -4

1. Additional cross arms must not exceed a length of more than 4m;

Gas

PER - 5

In addition to PER 1 and PER 2, the realignment, relocation or replacement of a gas transmission line is within:

- 1. an existing easement in favour of the pipeline;**
- 2. 12m of the existing alignment or location**

Telecommunications

PER 6

In addition to PER 1 and PER 2

- 1. A replacement panel antenna does not increase the face area by more than 20 percent.**
- 2. A replacement dish antenna does not increase in diameter by more than 20 percent.**

Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary

Matters of discretion are restricted to:

Matters of discretion are restricted to:

- a. The functional need and operational need of the network utility;**
- b. The benefits of the network utility;**
- c. The purpose and necessity of the upgrading;**
- d. The potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality, and any cumulative adverse effects; and**
- e. Any measures to avoid, remedy or mitigate adverse effects.**

Activity status where compliance not achieved with PER-2: Discretionary

Rule I-R7

PER-1

Poles or telecommunications poles and attached antenna (**excluding lightning rods**) do not exceed a height **above ground level** of:

- 1. 25m in the Rural Production Zone, Rural Lifestyle Zone, Māori Purpose Zone, Light Industrial Zone, Heavy Industrial Zone, Airport Zone, Hospital Zone, Horticulture Zone, Horticulture Processing Facilities Zone;**

2. **20m in the Mixed-Use Zone, Open Space Zone, Sport and Active Recreation Zone, Ngawha Innovation and Precinct Zone, Orongo Bay Zone, Rural Residential Zone;**
3. **15m in the General Residential Zone, and all other special purpose zones; or**
4. **The permitted height of the adjacent zone in clause a to c above if located in the road reserve.**

PER-2

Towers do not exceed a height of **25.15m above ground level**.

PER-3

Where two or more telecommunication facility operators are located on the same pole in the zones referred to in PER-1.a. the pole and attached antenna (excluding lightning rods) do not exceed a height of 30m above ground level.

PER-34

The activity complies with the standards:

I-S1 Radio frequency fields; and

I-S2 Electric and magnetic fields.

Rule I-R8

PER-1

It does not exceed:

1. A height of 3.5m, **excluding any support structure**; and
2. An area of 1.5m².

PER-2

The activity complies with the standards:

I-S1 Radio frequency fields; and

I-S2 Electric and magnetic fields.

Rule I-R12 – New buildings or structures, and extensions to existing buildings or structures, **and earthworks** within 10m of a Critical Electricity Lines Overlay

PER-1

1. **The building or structure is less than 3m in height above ground level does not require a building consent; or**
2. **The extension of the building or structure does not exceed the envelope or footprint of the existing building or structure.**

PER-2**Earthworks:**

- ~~1. Are not directly above underground cables;~~
- ~~2. 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~~
- ~~3. Are in accordance with NZECP 34:20091.~~

PER-~~132~~**Activities that do not comply with PER 1 or PER 2 provided that:**

- i. Prior to works notification is provided to Council **that the building or structure complies with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the proposed activity is being carried out in accordance with the Electricity Act 1991 and associated regulations (NZECP 34:2001, the Electricity Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010;**
or
- ii. The activity is being carried out by a network utility operator or territorial authority in accordance with **the New Zealand Electrical Code of Practice for Electrical Safe Distances** (NZECP 34:2001).

Rule I-R13**PER-1**

The planting of trees is not for the purpose of providing a shelterbelt, plantation forestry or commercial horticultural operations.

PER-2**Activities that do not comply with PER 1 provided that:**

1. **Prior to works notification being undertaken confirmation is provided to Council and that the proposed activity is being carried out in accordance with the trees will be planted and managed to comply with 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).**

I-R1 – I-R9

Amend all of these rules so that the activity status where compliance with I-S1 and I-S2 becomes discretionary rather than non-complying

Rule SUB-R10

Activity status: Restricted Discretionary

Where:

RDIS-1

Where: RDIS- 1

Proposed building platforms are identified for each allotment and located at least 1932m from Critical Electricity Lines Overlay (except where the allotments are for roads, esplanades, accessways and infrastructure).

Matters of discretion are restricted to:

- a. the safe and efficient operation and maintenance of the electricity supply network;
- b. the location of any future building and access as it relates to the critical electricity line;
- c. effects on access to critical electricity lines and associated infrastructure for inspections, maintenance and upgrading purposes;
- d. the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the critical electricity line;
- e. the mature size, growth rate, location, and fall zone of any associated tree planting;
- f. including landscape planting and shelterbelts;
- g. compliance with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances;
- h. effects on public health and safety; and
- i. the outcome of any consultation with the owner and operator of the potentially affected infrastructure.

Activity Status where not achieved **with RDIS-1: Not applicable:**
Discretionary Non complying

Attachment 3 – Top Energy’s Designation Feedback

7 March 2022

Far North District Council
Attn: District Plan Review & Sarah Trinder
Via email: Letsplantogether@fndc.govt.nz & sarah.trinder@fndc.govt.nz

Tēnā koe Sarah,

Far North District Plan Review- Rollover of Designations under Schedule 1 Resource Management Act 1991 – Top Energy

Barker & Associates (**B&A**) have been engaged by Top Energy Limited (**Top Energy**) to assist in their response to the letter received from Far North District Council (**FNDC**) dated 11 January 2022 which advises that Council intends to publicly notify the Proposed Far North District Plan (**PDP**) in May 2022. The purpose of the letter from FNDC was to invite Top Energy to advise whether existing designations are to be included in the Proposed District Plan, with or without modification, and to call for any new Notice of Requirements for new destinations.

The purpose of this letter is to formally notify Council that pursuant to Schedule 1 (Clause 4) of the Resource Management Act 1991, Top Energy gives notice that its existing designations under the Operative Far North District Plan are required to be included in the Proposed Far North District Plan both with a number of minor amendments made to:

- Reflect that a number of designations have now been constructed and associated conditions redundant; and
- Address inconsistencies in legal descriptions where identified.

Top Energy does not seek to include any new designations. For the purpose of clarity, we note that while Top Energy provided feedback to FNDC on the Draft Far North District Plan on the 4th May 2021, this feedback included an indication of the modifications that would be sought; this letter provides a formal response in accordance with Schedule 1 (Clause 4) and includes additional alterations to those noted in the feedback provided on the draft plan.

Attachment 1 includes a table of each of the designations as shown in the Draft Far North District Plan with modifications sought in the feedback provided on the 4th May 2021 highlighted in red, and additional modifications in blue. Justification as to why the modifications have been sought, has also been included in accordance with Schedule 1 (Clause 4).

At this stage we have not suggested any new conditions and as noted above, only made changes to conditions where they have become redundant. This is because no formal response has been received regarding requested changes as outlined in Top Energy's feedback on the Draft District Plan. On this basis, Top Energy wishes to reserve the right to further modify their designations through the submissions process

once the PDP has been notified and there is more certainty in terms of what activities will be permitted, for instance in the Infrastructure Chapter and underlying zones.

Yours sincerely | Nā māua noa, nā

Barker & Associates Limited



Alice Hosted

Senior Planner

027 311 3093 | aliceh@barker.co.nz



David Badham

Senior Associate

0212031034 | davidb@barker.co.nz

Attachment 1 – Table of Top Energy Designations and Amendments

Reservoir Road Kaikohe	
Designation unique identifier	TE202
Designation purpose	<p>Kaikohe Substation – Land uses for the supply of line function services and storage, including substation and ancillary structures.</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Kaikohe Substation</u> <u>Reservoir Road, Kaikohe</u> Taraire 2T2 Blk; 1.8667ha <u>RoT NA1980/79</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	<u>No</u>
Additional information	
Reason for modification:	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.
Factory Road, Moerewa	
Designation unique identifier	TE203
Designation purpose	Moerewa Substation – Land use as above

B&A

	Telecommunications <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Moerewa Substation, Factory Road, Moerewa</u> Pt Lot 3 DP12753, Blk XV Kawakawa SD; 3176.93sqm <u>RoT NA18B/1164</u>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.

Near SH 10, Waipapa	
Designation unique identifier	TE204
Designation purpose	Waipapa Substation – land use as above <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Waipapa Substation, near SH10 Waipapa</u> Pt Lot 2 DP22952 on SO44715, Blk X Kerikeri SD; 3541.25sqm

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

B&A

	NA60/3488 Environmental
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.

SH12, near Duddy Road, Omanaia	
Designation unique identifier	TE205
Designation purpose	Omanaia Substation – land use as above <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Omanaia Substation, near Duddy Road, Omanaia</u> Pt Lot 2 DP22952 on SO44715, Blk X Kerikeri SD; 3541.25sqm <u>NA121C/615</u>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

B&A

Conditions	No Urban & Environmental
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.

Oruru Road, Taipa	
Designation unique identifier	TE206
Designation purpose	Taipa Substation – land use as above <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Taipa Substation, Oruru Road, Taipa</u> Lot 64 Taipa Parish Blk IV Mangonui SD; <u>Allotment 64 Parish of Taipa</u> 4360sqm <u>NA52B/581</u>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

B&A

Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.
--------------------------------	---

Lamb Road, Pukenui	
Designation unique identifier	TE207
Designation purpose	Pukenui Substation — land use as above <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Pukenui Substation, Lamb Road, Pukenui</u> <u>Sec 74 Blk X Houhora East SD Section 74 Block X Houhora East Survey District; 1225m²</u> <u>NA35A/1056</u>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.

Settlement Road, Kawakawa	
Designation unique identifier	TE208

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

B&A

Designation purpose	Urban & Environmental Kawakawa Substation — land use as above <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Kawakawa Substation, Settlement Road, Kawakawa</u> Lot 2 DP184846; <u>2670m²</u> <u>NA115B/816</u>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.

Near Puketona Road, Haruru	
Designation unique identifier	TE209
Designation purpose	Haruru Substation — land use as above <u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Haruru Substation, near Puketona Road, Haruru</u>

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

B&A

	Lot 2 DP180533 6404m² NA111D/19
Lapse date	Given effect
Designation hierarchy under section 177 of the RMA	Primary
Conditions	No
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamlining the purpose.

Cnr Reservoir & Guy Roads, Kaikohe	
Designation unique identifier	TE245
Designation purpose	Kaikohe Substation Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.
Site identifier	Kaikohe Substation, Cnr Reservoir & Guy's Road, Kaikohe Lot 1 & 2 DP 136600 Lot 1 DP 453270; 1.4743ha 580892
Lapse date	Given effect
Designation hierarchy under section 177 of the RMA	Primary
Conditions	Yes 1. Where the designated area's external boundaries adjoin land zoned for residential or rural living purposes (and not designated for other purposes): the

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

B&A

	<p>Urban & Environmental i. Maximum building height of any new substation structures shall not exceed 2m plus the shortest horizontal distance to the affected boundary; ii. provision shall be made for landscaping, fences, walls or a combination to at least 1.8m in height along the length of the affected boundary. Where landscaping is provided, it shall be for a minimum depth of 2m.</p>
Additional information	
Reason for modification	Amendments made to clarify and streamline the purpose, amend discrepancies in legal description and reflect National Planning Standards template.

SH 1, Kaitaia	
Designation unique identifier	TE246
Designation purpose	<p>Kaitaia Substation</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Kaitaia Substation, SH1, Kaitaia</u> Lot 1 DP44904, Lot 1 & 2 DP136112; <u>1.8224ha</u> <u>NA80B/21, NA80B/22 & NA77D/766</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	

B&A

Reason for modification	Amendments made to clarify and streamline the purpose, amend discrepancies in legal description and reflect National Planning Standards template.
--------------------------------	---

Okahu Road, Kaitaia	
Designation unique identifier	TE240
Designation purpose	<p>Okahu Substation – Land uses for the supply of line function services and storage, including substation and ancillary structures</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Okahu Substation, Okahu Road, Kaitaia</u> Lot 3 DP147780, Pt Allot NE Psh of Taipa; 3254m² <u>NA88A/86</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	<u>Ne</u>
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamline the purpose.

Whangatane Drive, Kaitaia

B&A

Designation unique identifier	TE241
Designation purpose	<p>Urban & Environmental</p> <p>NPL Substation — Land use as above</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Whangatane Substation, Whangatane Drive, Kaitaia</u></p> <p>Lots 1 and 2 DP194406;</p> <p><u>NA121C/616</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	No
Additional information	
Reason for modification	The designation has been given effect to and the reference to land use is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamline the purpose.

SH10, Bulls Gorge	
Designation unique identifier	TE243
Designation purpose	<p>Mt Pokaka Substation — the establishment, operation, construction, maintenance, repair and replacement of a substation, and parts of, and works for, or relating to, electricity</p>

B&A

	<p>transformation and distribution, including impermeable surfaces and carparking</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Mt Pokaka Substation, SH10 Bulls Gorge</u></p> <p>Portion of Lot 1 DP 407838 and Lot 2 DP 383036, shown on SO 438995; 1047sqm <u>Lot 1 DP 452232; 1032m² 577789</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	<p>Yes</p> <p>1.The subject site is within close proximity to a conservation reserve administered by the Department of Conservation. The reserve is considered to be a kiwi habitat. As such Top Energy Limited staff and contractors shall not bring dogs to the designated site.</p> <p>2.An Outline Plan is not required to be submitted to Council, subject to the activity being in accordance with the plans submitted with the Notice of Requirement (refer RC-2100406-RMADES).</p>
Additional information	
Reason for modification	The designation has been given effect to and the reference to establishment and construction, including in conditions, is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamline the purpose.



Urban & Environmental

Cobham Rd, Kerikeri	
Designation unique identifier	TE244
Designation purpose	<p>Kerikeri SubstationThe preparation, establishment, construction, operation, maintenance, replacement, upgrading of, and entrance to and exit from a substation, and parts of, and works for, or relating to, electricity transformation and distributionConfirm</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Kerikeri Substation, Cobham Road, Kerikeri</u> Lot 1 DP 441604; 2943m² <u>549936</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	<p>General</p> <p>1. The works to give effect to the designation of the Kerikeri Substation shall be generally in accordance with the information submitted by Top Energy Ltd in support of the Notice of Requirement, and referenced "Top Energy Cobham Road, Kerikeri Proposed Contours REF 11331", dated 04/06/10 and attached to RC2110152 RMADES with the Councils approved stamp affixed to them.</p>

B&A

~~2. The requiring authority shall notify Far North District Council Urban & Planning Monitoring Team in writing two weeks prior to the commencement of activities associated with this designation.~~

Construction Works

~~3. Sediment control measures shall be installed around earthwork activities (including temporary stockpiles) to prevent discharge and run off.~~

~~4. At the beginning of the planting season following the works, areas of the site that are not forming the sealed or metalled yard or that provides access to the site shall be planted, re-grassed, landscaped or otherwise stabilised where earth has been disturbed.~~

Noise

~~5. The substation site shall be designed and used to ensure the noise levels do not exceed the following limits when measured at the site boundary~~

~~55dBA (L10) at all times when measured at any point within the commercial or industrial zones.~~

~~45dBA (L10) at all times when measured at any point within the residential zone~~

~~Noise from the substation operation shall be measured in accordance with the requirements of NZS 6801: 'Measurement of Sound'~~

~~Noise from the substation operation shall be assessed in accordance with the requirements of NZS6802: 1991 'Assessment of Environmental Sound'.~~

~~6. Construction at the substation site shall be restricted to the following hours:~~

~~Monday to Saturday: 8am to 6pm~~

~~This restriction does not apply to testing and commissioning works.~~

B&A

Urban & Environmental

~~7.Noise from temporary construction and maintenance shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, the requirements of NZS6803:1999 'Acoustic Construction noise'.~~

~~8.Within two months of commissioning of the substation, the noise levels at the site boundaries shall be measured to determine compliance with Condition 5. The results shall be forwarded to the Far North District Council within one month of the measurements being completed.~~

~~9.If the noise levels undertaken in accordance with Condition 8 do not comply with the standards specified in Condition 5, Top Energy shall carry out necessary noise attenuation measures within six months and repeat the noise level measurements as required by Condition 8 within three months of the noise attenuation measures being in place. The results shall be forwarded to the Far North District Council within one month of the measurements being completed.~~

Stormwater

~~10.A Stormwater Management Plan shall be submitted for the approval of Council's duly appointed officer prior to the construction works being commenced on site. The plan shall include:~~

~~A site plan showing all proposed drainage works in relation to the substation and site infrastructure.~~

~~Design plans for these works shall include diameters, length and gradients of any pipes, flumes, and culverts; collection and disposal point detail calculations to support the sizes selected.~~

B&A

	<p>11. Provide confirmation from a Chartered Professional Engineer that all works have been completed in accordance with the approved plan required by Condition 10.</p> <p>Landscaping 12. Trees and/or shrubs not exceeding a height of 2 metres are to be planted on the boundary between the substation and the adjoining Esplanade Strip so as to provide some screening between the substation and the Esplanade Strip. The trees and/or shrubs are to be planted before the end of the planting season following the commissioning of the substation.</p> <p>Hazardous Substances 13. The substation shall be operated in accordance with the Top Energy procedure for "oil handling" (Procedure No CS E01 dated February 1996) and subsequent amendments.</p> <p>Electronic and Magnetic Fields 14. Exposures to extremely low frequency electric and magnetic fields at the boundary of the site and at all publicly accessible areas within the site, shall comply with the guidelines recommended by the International Commission on Non-Ionising Radiation Protection in 1998.</p> <p>Lighting 15. All lighting shall be directed away from Cobham Road to prevent any glare towards traffic.</p> <p>Signs 16. Any signage erected at the site shall comply with the signage provisions of the Far North District Plan.</p>
Additional information	

B&A

Reason for modification	The designation has been given effect to and the reference to establishment and construction, including in conditions, is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamline the purpose.
-------------------------	---

496 Wiroa Road, Kerikeri	
Designation unique identifier	TE247
Designation purpose	<p>Wiroa Substation The operation, maintenance, and upgrading of an electricity substation, and related infrastructure, required for electricity supply and distribution</p> <p><u>Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u></p>
Site identifier	<p><u>Wiroa Substation, Wiroa Road, Kerikeri</u></p> <p>Portion of Lot 1 DP 407838 and Lot 2 DP 383036, shown on SO 438995; 1047sqm Lot 2 DP 461681. 1.216ha <u>607620</u></p>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	<p>Yes</p> <p>1. The works to give effect to the designation of the Wiroa Substation shall be generally in accordance with the information submitted by Top Energy Ltd in support of the Notice of Requirement, and the resource consent 2130173-RMALUC.</p>

B&A

~~2. The requiring authority shall notify the Far North District Council Monitoring Team in writing 2 weeks prior to the commencement of activities associated with this designation.~~

~~3. Sediment control measures shall be installed around earthwork activities (including temporary stockpiles) to prevent discharge and run off.~~

~~4. At the beginning of the planting season following the works, areas of the site that are not forming the sealed or metalled yard or that provides access to the site shall be planted, re-grassed, landscaped or otherwise stabilised where earth has been disturbed.~~

~~5. The substation site shall be designed and used to ensure the noise levels from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone:~~

~~0700 to 2200 - 65dBA (L10)~~

~~2200 to 0700 - 45dBA (L10)~~

~~-70dBA (LMAX)~~

~~Noise from the substation operation shall be measured in accordance with the requirements of NZS 6801: 'Measurement of Sound'.~~

~~Noise from the substation operation shall be assessed in accordance with the requirements of NZS6802: 1991 'Assessment of Environmental Sound'.~~

~~6. Construction at the substation site shall be restricted to the following hours:~~

~~Monday to Saturday 8am to 6pm~~

~~This restriction does not apply to testing and commissioning works.~~

~~Noise from temporary construction and maintenance shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, the requirements of NZS6803: 1999 'Acoustic Construction Noise'.~~

B&A

	<p>Urban & Environmental</p> <p>7.The substation shall be operated in accordance with the Top Energy procedure for "oil handling" (Procedure No CS E01 dated February 1996) and subsequent amendments.</p> <p>8.Exposures to extremely low frequency electric and magnetic fields at the boundary of the site and at all publically accessible areas within the site, shall comply with the guidelines recommended by the International Commission of Non Ionising Radiation Protection in 1998.</p> <p>9.All lighting shall be directed away from Wiroa Road to prevent any glare towards traffic.</p> <p>10.Any signage erected at the site shall comply with the signage provisions of the Far North District Plan.</p> <p>11.The existing landscaping shall be maintained for the duration of the activity in accordance with Resource Consent 2130173.</p>
Additional information	
Reason for modification	The designation has been given effect to and the reference to establishment and construction, including in conditions, is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamline the purpose.

Omaunu Road, Kaeo 0479	
Designation unique identifier	TE248
Designation purpose	Omaunu Road Substation The operation, maintenance, and upgrading of an electricity substation, and related infrastructure, required for electricity supply and distribution

B&A

	Telecommunications <u>Telecommunications and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution.</u>
Site identifier	<u>Omaunu Road Substation, Omaunu Road, Kaeo</u> Lot 1 DP 496549; <u>4029m²</u> <u>731400</u>
Lapse date	<u>Given effect</u>
Designation hierarchy under section 177 of the RMA	<u>Primary</u>
Conditions	<p>Yes</p> <p>1.The works to give effect to the designation of the Omaunu Road Substation shall be generally in accordance with the information submitted by Top Energy Ltd in support of the Notice of Requirement, and the resource consent 2160418-RMACOM, Decision B; and the retrospective land use consent granted under this consent [RC 2190107-RMADES-Decision B].</p> <p>2.The landscape Planting approved as part of RC 2160418-RMACOM shall be maintained for the duration of the activity.</p> <p>3.Any construction works at the substation shall be restricted to the following hours: Monday-Saturday 8.00am-6.00pm</p> <p>4.The substation shall be operated in accordance with the power Co standard for Mineral Insulating Oil Maintenance 393S067 dated December 2011 and subsequent amendments.</p> <p>5.Exposures to extremely low frequency electric and magnetic fields at the boundary of the site and at all publicly accessible areas within the</p>

B&A

	<p>site shall comply with the guideline recommended by the International Commission of Non-Ionising radiation Protection in 1998.</p> <p>6. All lighting shall, as far as practicable, be directed away from Omaunu Road to prevent any glare towards traffic, and away from the adjoining Residential Zone.</p> <p>7. Any signage erected at the site shall comply with the signage provisions of the Far North District Plan.</p>
Additional information	
Reason for modification	The designation has been given effect to and the reference to establishment and construction, including in conditions, is no longer relevant. Other amendments relate to discrepancies in legal description, inclusions to reflect National Planning Standards template and streamline the purpose.

Oruru Road, Peria	
Designation unique identifier	TE249
Designation purpose	<p>Oruru Road Substation</p> <p>The construction, operation, maintenance, and upgrading of an electricity substation, and related infrastructure, required for electricity supply and distribution.</p>
Site identifier	<p>Oruru Road Substation, Oruru Road, Peria</p> <p>Lot 1 DP 486988; 1.2130ha 695845</p>
Lapse date	Lapse Date 10 years after the date on which the designation is included in the District Plan
Designation hierarchy under section 177 of the RMA	Primary

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz
 Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

Conditions

Urban & Environmental

1. The works to give effect to the designation of the Oruru Road Substation shall be generally in accordance with the information submitted by Top Energy Ltd in support of the Notice of Requirement, ~~and the resource consent 2160078-RMACOM.~~

~~2. The area to be designation shall be 1.2130Ha in extent within Lot 1 DP 486988 as shown in the approved plan that is attached to this recommendation with the Council's 'Approved Stamp' affixed to it. Prior to site and building works commencing, an outline plan of works shall be provided to the Council.~~

3. The works to give effect to the designation of the Oruru Road substation shall be generally in accordance with the information by Top Energy Ltd in support of the Notice of Requirement, ~~and the resource consent RC 2160078-RMACOM.~~

4. The Requiring Authority shall install a stormwater retention/detention pond in general accordance with the report title "Engineering Report for the Proposed Substation" prepared by Haigh Workman Ltd, dated 13th February 2015 ~~and submitted in support of the application for RC 2160078-RMACOM.~~

5. Prior to the operation of the substation, provide certification from a chartered professional engineer that the stormwater retention/detention pond has been installed in accordance with condition 3.

6. The site is located within a 'kiwi present' area. Any dogs brought onto the site must be effectively controlled (i.e. secured or tied up) at all times.

B&A

Urban & Environmental

7.The landscaping of the site shall be carried out in general accordance with the approved Landscape Plan and Plant Schedule/ Planting Method / Maintenance Schedule prepared by Hawthorn Landscape Architects ~~and approved as part of RC 2160078 RMACOM~~. The landscaping specified must be implemented within six months of the issue of a Code of Compliance Certificate for the building (s), or within six months of its use (whichever comes first), and adequately maintained thereafter. Plants requiring removal due to damage, disease or other cause shall be replaced with a similar specimen before the end of the next planting season (1st May to 30th September).

8.The Requiring authority shall provide a post construction assessment and report on the noise generated by the substation. The assessment shall be undertaken by a suitably qualified acoustic engineer and demonstrate that the substation operation complies with the relevant permitted activity thresholds ~~rule 8.6.5.1.7 "Noise"~~ of the Far North District Plan.

9.The substation shall be operated in accordance with the PowerCo Standard for Mineral Insulating Oil Maintenance 393SO67, dated Dec 2011, and subsequent amendments.

10.Exposures to extremely low frequency electric and magnetic fields at the boundary of the site and at all publicly accessible areas within the site, shall comply with the guidelines recommended by the International Commission of Non-Ionising Radiation Protection in 1998.

11.All lighting shall, as far as practicable, be directed away from Oruru Road to prevent any glare towards traffic.



	<p>12. Any signage erected at the site shall comply with the signage provision of the Far North District Plan.</p>
Additional information	
Reason for modification	<p>The Oruru Substation has not been constructed yet, and is only required if the construction of the new 110kV line proceeds; this process has been significantly delayed. There is a possibility that the works may not start within the 5-year lapse date of the landuse component of RC 2160078-RMACOM. As such we have modified the designation to remove any references specifically to RC 2160078-RMACOM and generalised the conditions so that if at the time of construction, the land use consent has lapsed, and a new planning framework applies, the conditions of the designation will not conflict with those of the new resource consent. We consider that compliance with the above conditions will still achieve effects less than minor, and note that should any replacement consents be required, Council would be the decision maker.</p>