



Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — both available on the Council's web page.

1. Pre-Lodgement Meeting	
Have you met with a council Resource Cov	vnsent representative to discuss this application prior to lodgement?
Yes No	
2. Type of consent being applied	d for
(more than one circle can be ticked):	
Land Use	○ Discharge
Fast Track Land Use*	Change of Consent Notice (s.221(3))
Subdivision	Extension of time (s.125)
Consent under National Environme (e.g. Assessing and Managing Contami	
Other (please specify)	
*The fast track is for simple land use cor	nsents and is restricted to consents with a controlled activity status.
3. Would you like to opt out of t	he fast track process?
Yes No	
4. Consultation	
	es ONo
If yes, which groups have you consulted with?	
Who else have you consulted with?	
For any questions or information regard District Council, <u>tehonosupport@fndc.g</u> c	ling iwi/hapū consultation, please contact Te Hono at Far North ovt.nz

5. Applicant details		
Name/s:	Top Energy Limited - Taryn Collins	
Email:		
Phone number:	Work (Home
Postal address: (or alternative method	PO Box 43, Kerikeri, 0245	
of service under section		
352 of the act)		Postcode
Hava vay baan tha aybia st		
	gement Act 1991? Yes Vo No	s, infringement notices and/or convictions
If yes, please provide detail	s.	
6. Address for corres	pondence	
	nd correspondence (if using an Agent write their d	etails here)
Name/s:	Barker & Associates - Moana Schoffa	
Email:		
Phone number:	Work	Home
Postal address:	PO Box 1986, Shortland Street, Auckland, 1	140
(or alternative method of service under section 352		
of the act)		Postcode
All correspondence will be so	ant by amail in the first instance. Please advis	e us if you would prefer an alternative means
of communication.	int by email in the mist instance. Flease advis	e us il you would prefer all alternative means
Preference is email.		
7. Details of property	owner/s and occupier/s	
Name and Address of the owner please list on a separate sheet ij		lates (where there are multiple owners or occupiers
Name/s:	Top Energy Limited	
Property address/ location:	498 Wiroa Road, Kerikeri	
		Postsodo 202
		Postcode 293

8. Application site	details
Location and/or property st	reet address of the proposed activity:
Name/s:	
Site address/ location:	
iocation.	l
	Postcode
Legal description:	Val Number:
Certificate of title:	
	ach a copy of your Certificate of Title to the application, along with relevant consent nts and encumbrances (search copy must be less than 6 months old)
Site visit requirement	s:
Is there a locked gate or	security system restricting access by Council staff? Yes No
Is there a dog on the pr	operty? Yes No
	f any other entry restrictions that Council staff should be aware of, e.g. health and safety, is important to avoid a wasted trip and having to re-arrange a second visit.
9. Description of t	he proposal
	cription of the proposal here. Please refer to Chapter 4 of the <i>District Plan, and Guidance</i> of information requirements.
	or a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant ents and Consent Notice identifiers and provide details of the change(s), with reasons for
10. Would you like	e to request public notification?
○ Yes ○ No	
11. Other consent	required/being applied for under different legislation
(more than one circle can be	
Building Consent	Enter BC ref # here (if known)
Regional Council Co	onsent (ref # if known) Ref # here (if known)
National Environm	nental Standard Consent Consent here (if known)
Other (please spec	ify) Specify 'other' here

12. National Environ in Soil to Protect		Assessing and Managing Contaminants
The site and proposal may the NES please answer the		i. In order to determine whether regard needs to be had to
	ly being used or has it histori Activities List (HAIL)? Ves	ically ever been used for an activity or industry on the No Don't know
	activity covered by the NES? ly apply as a result? Yes	Please tick if any of the following apply to your No Don't know
Subdividing land		Disturbing, removing or sampling soil
Changing the use of a	piece of land	Removing or replacing a fuel storage system
13. Assessment of er	nvironmental effects:	
a requirement of Schedule 4 AEE is not provided. The info	of the Resource Management rmation in an AEE must be spe ude additional information suc	ied by an Assessment of Environmental Effects (AEE). This is Act 1991 and an application can be rejected if an adequate ecified in sufficient detail to satisfy the purpose for which it is ch as written approvals from adjoining property owners, or
14. Draft conditions:		
-	at the timeframe will be susp	ase of the resource consent decision? Yes No oended for 5 working days as per s107G of the RMA to
15. Billing Details:		
		ble for paying any invoices or receiving any refunds se also refer to Council's Fees and Charges Schedule.
Name/s: (please write in full)	Top Energy Limited	
Email:		
Phone number:	Work	Home
Postal address: (or alternative method of service under section 352 of the act)	PO Box 43, Kerikeri, 0245	Postcode
		- Oscode
application in order for it to be reasonable costs of work und	be lodged. Please note that if the dertaken to process the applica 20th of the month following in	e at the time of lodgement and must accompany your the instalment fee is insufficient to cover the actual and ation you will be required to pay any additional costs. Invoiced avoice date. You may also be required to make additional

15. Billing details continued...

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)	Taryn Collins		
Signature:			Date 01-Dec-2025
(signature of bill payer)		MANDATORY	

16. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

17. Declaration	
The information I have supp	lied with this application is true and complete to the best of my knowledge.
Name (please write in full)	Moana Schoffa
Signature	Date 01-Dec-2025
	A signature is not required if the application is made by electronic means

Checklist
Please tick if information is provided
Payment (cheques payable to Far North District Council)
A current Certificate of Title (Search Copy not more than 6 months old)
O Details of your consultation with lwi and hapū
Ocopies of any listed encumbrances, easements and/or consent notices relevant to the application
Applicant / Agent / Property Owner / Bill Payer details provided
O Location of property and description of proposal
Assessment of Environmental Effects
Written Approvals / correspondence from consulted parties
Reports from technical experts (if required)
Copies of other relevant consents associated with this application
O Location and Site plans (land use) AND/OR
O Location and Scheme Plan (subdivision)
C Elevations / Floor plans
O Topographical / contour plans
Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.



RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD





Identifier 607620

Land Registration District North Auckland

Date Issued 07 August 2013

Prior References NA127A/548

Estate Fee Simple

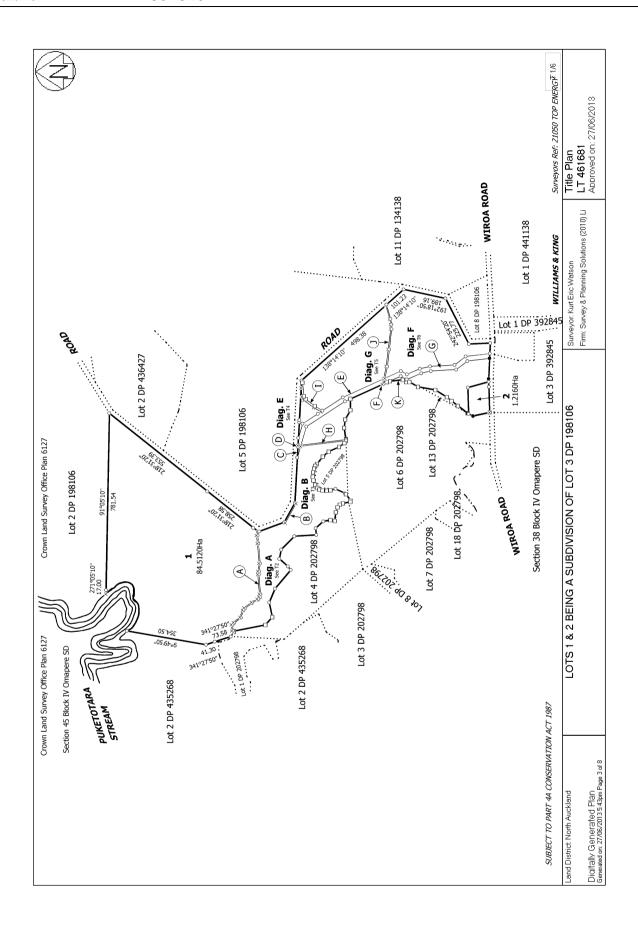
Area 1.2160 hectares more or less
Legal Description Lot 2 Deposited Plan 461681

Registered OwnersTop Energy Limited

Interests

Subject to Section 8 Mining Act 1971 Subject to Section 168A Coal Mines Act 1925 Subject to Section 59 Land Act 1948

9453107.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.8.2013 at 3:14 pm





WIROA 110kV SUBSTATION DETAILED DESIGN CIVIL AND STRUCTURAL DRAWINGS - ISSUED FOR APPROVAL

TOP ENERGY Ltd
ERGO PROJECT NUMBER: 24247
OCTOBER 2025

Uncontrolled Document When Printed

15

- (c) THE FIRST STIRRUPS SHALL BE PLACED NOT FURTHER THAN HALF THE TIE SPACING FROM FACE OF SUPPORT.

BAR DIAMETER MIN. DIAMETER OF BEND, di(mm) fy (MPa) PLAIN BARS (R) DEFORMED BARS (D) 300 OR 6 - 20 2db 500F 25 3dh 6dh

- (a) SYSTEMS ARE TO BE AS NOTED ON THE DRAWINGS AND ARE TO BE DESIGNED BY THE
- 65mm MIN. TOPPING IS REQUIRED ON ALL UNITS. ALLOWANCE SHALL BE MADE FOR GREATER THAN THE SPECIFIED MINIMUM TOPPING NEAR THE PRECAST SUPPORTS TO ALLOW FOR ANY CAMBER IN THE PRECAST & SHELL BEAM UNITS. THE CONSTRUCTOR IS TO LIAISE WITH PRECAST UNIT & SHELL BEAM MANUFACTURER TO ENSURE THE FLOORS ARE INSTALLED TO
- (e) ALL SIZES SHOWN ARE INDICATIVE ONLY AND TO BE CONFIRMED BY PRECAST FLOOR

- ALL CRUSHED ROCK MATERIAL MUST BE SCREENED & CRUSHED FROM RIVER-RUN GRAVEL OR QUARRIED AGGREGATE. THE SOURCE MATERIAL MUST CONSIST OF HARD, SOUND MATERIAL OF UNIFORM QUALITY, FREE FROM SOFT OR
- CRUSHED ROCK COMPRISING A COMBINATION OF PARTICLES SIZES ENSURES SUFFICIENT AIR VOIDS WHEN TESTED IN ACCORDANCE WITH NZS 4407.1. TEST 3.8.2, THE PARTICLE SIZE DISTRIBUTION OF THE CRUSHED ROCK MUST COMPLY

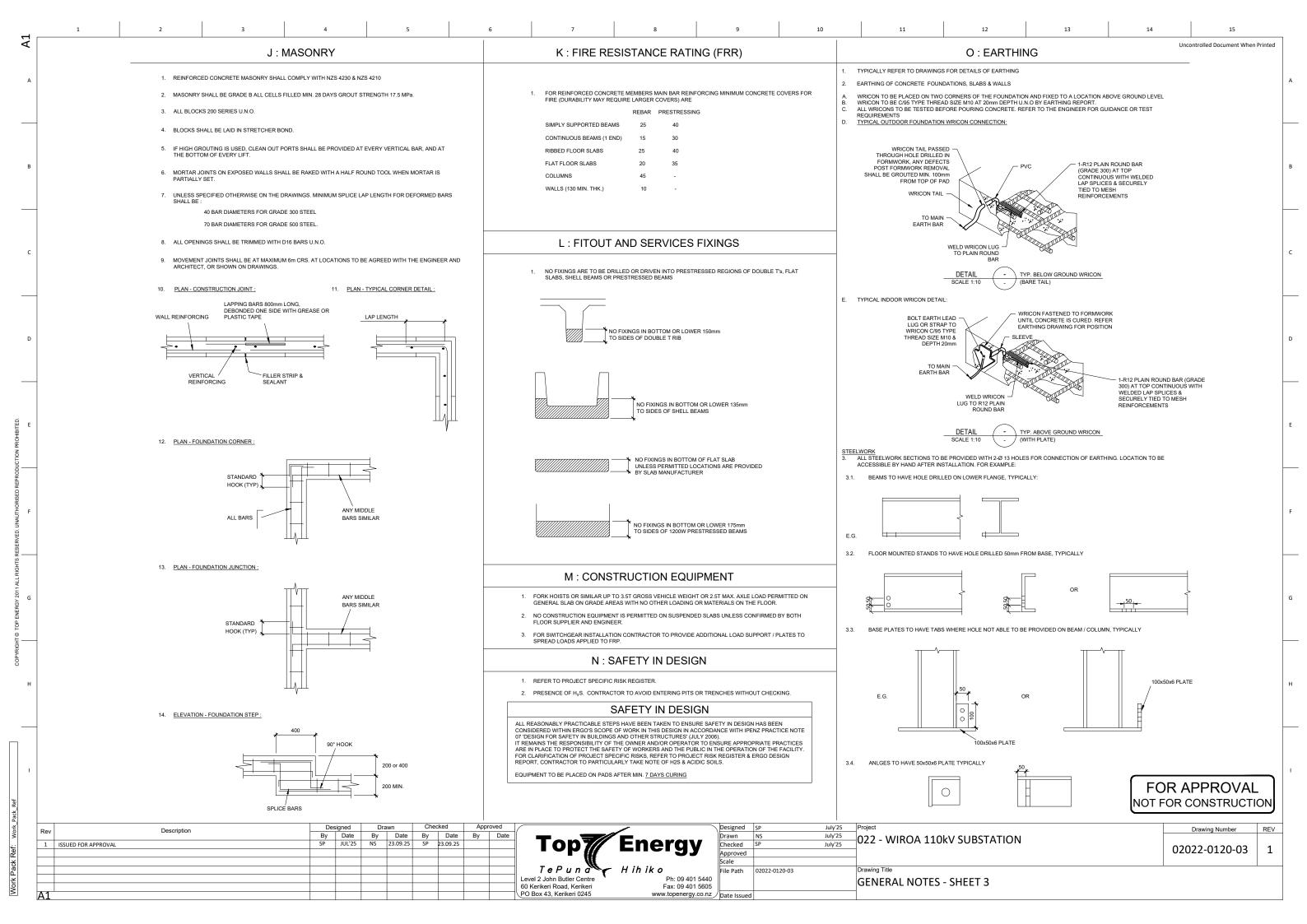
YAR	D GRAV	/FI - TA	BIF 1a -	65mm					
CRUSHED ROCK PARTICLE SIZE DISTRIBUTION (% PASSING BY DRY MASS)					RE (mm)				
	63	53	37.5	26.5	19	13.2	9.5	6.7	
LOWER LIMIT	100	75	30	0	0	0	0	0	
UPPER LIMIT	100	99	65	25	3	25	10	5	

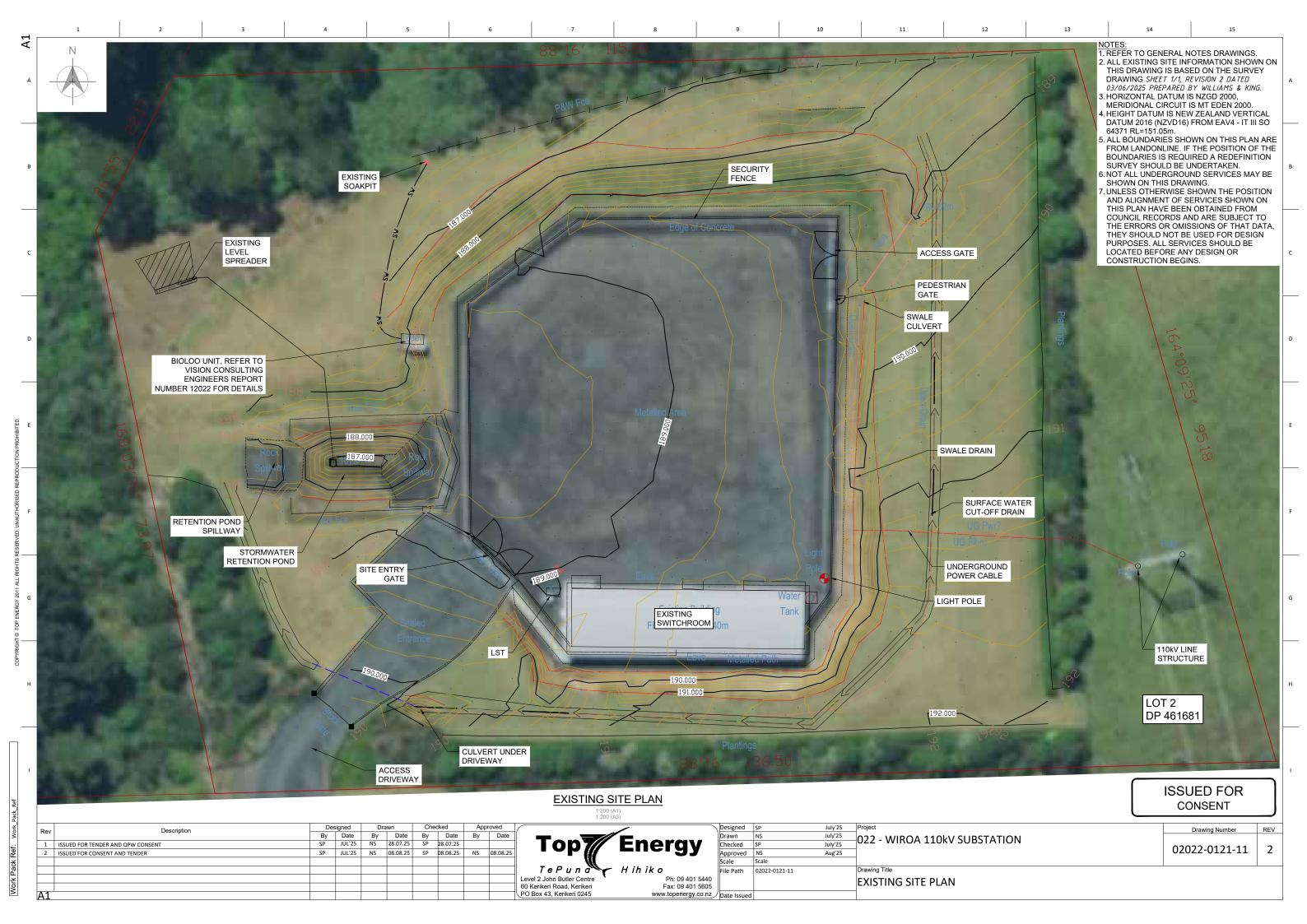
YARD GRAVEL - TABLE 1b - 40mm											
CRUSHED ROCK PARTICLE SIZE DISTRIBUTION (% PASSING BY DRY MASS)		APERTURE (mm)									
	63	53	37.5	26.5	19	13.2	9.5	6.7			
LOWER LIMIT	100	100	100	65	20	0	0	0			
UPPER LIMIT	100	100	100	85	50	25	10	5			

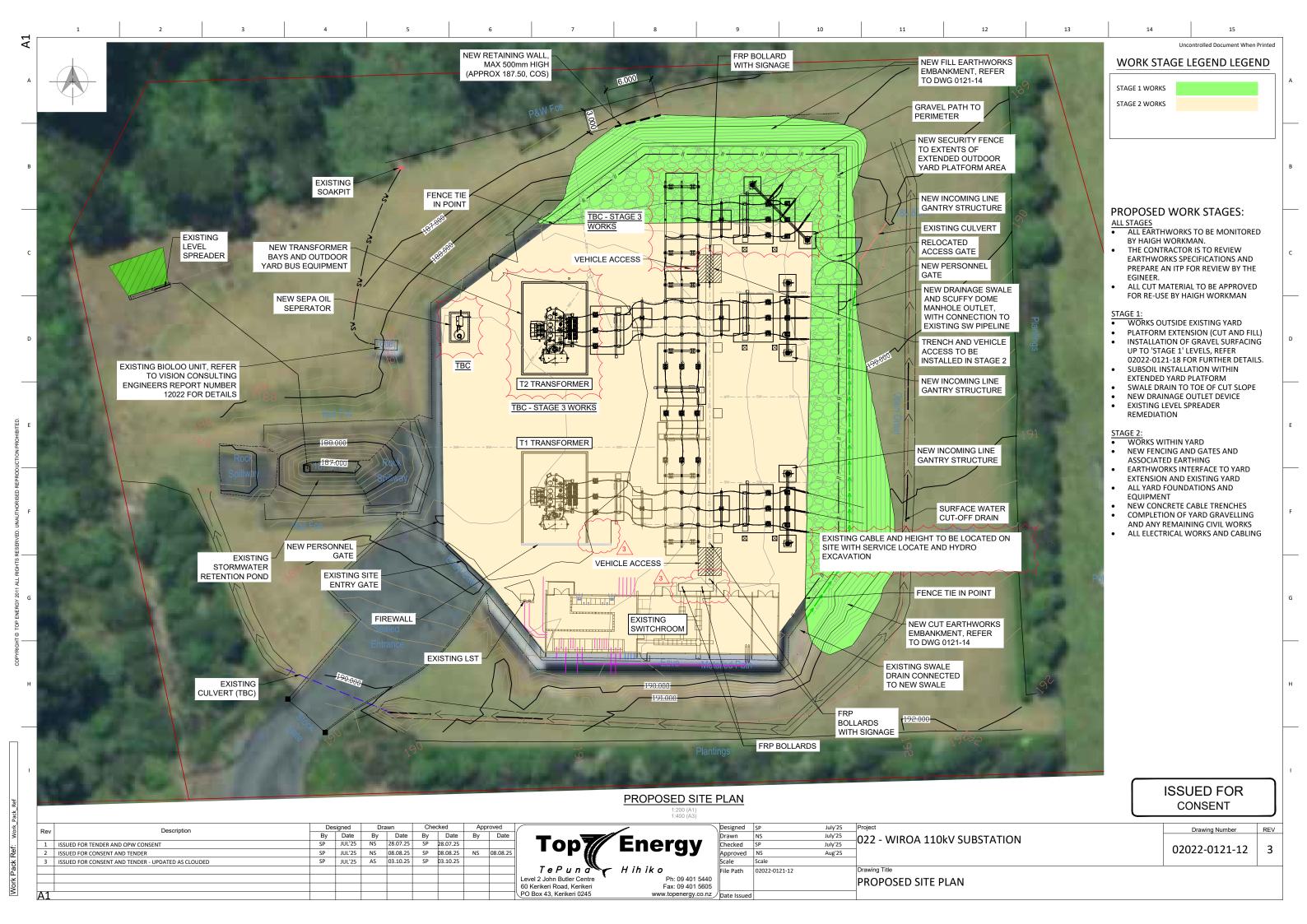
3. ALL DUCTS TO HAVE 'FISH TAPE' DRAW WIRES INSTALLED. OR 6mm DRAW LINE EXTENDING A MINIMUM OF 5m AT THE ENTRY &

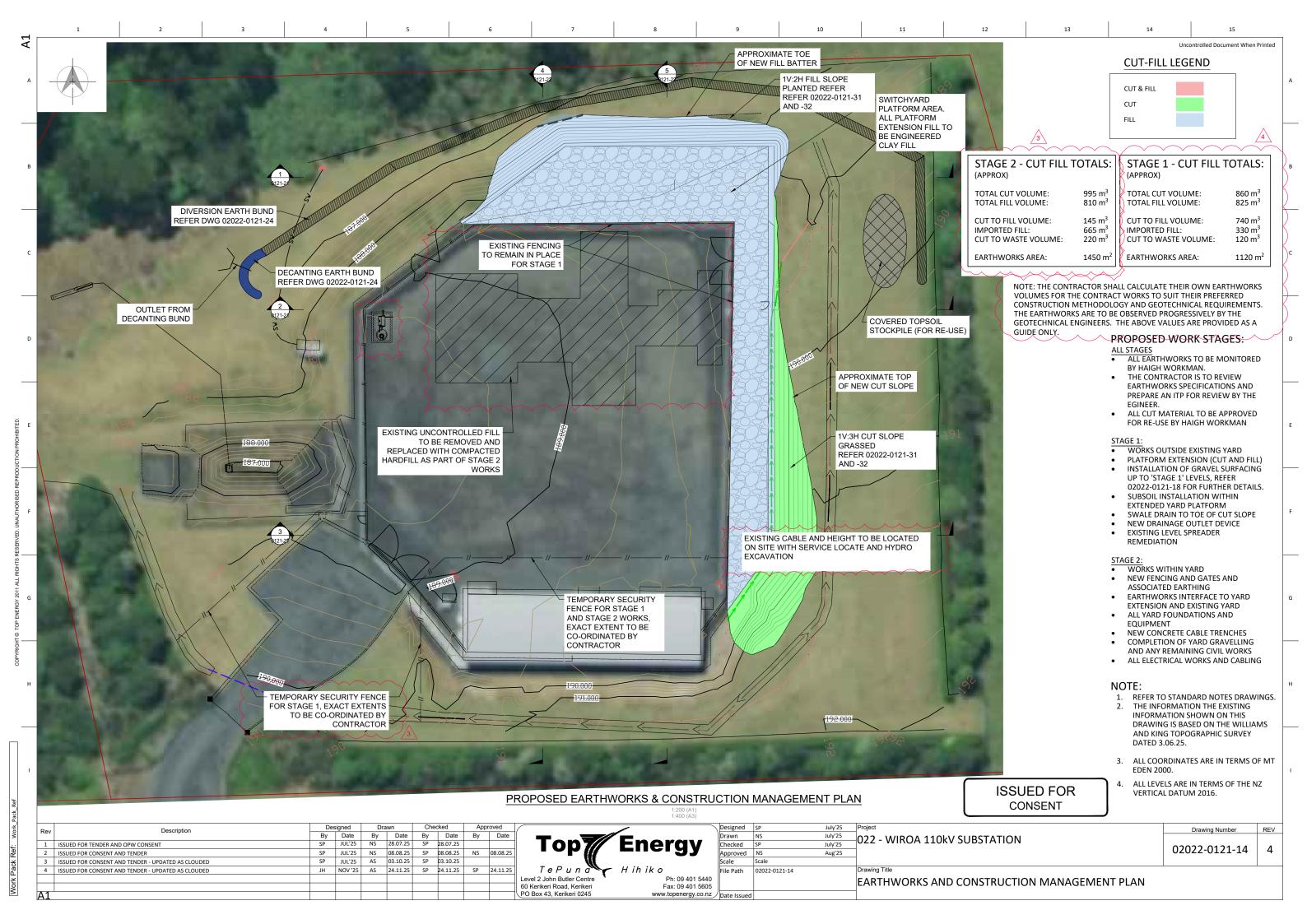
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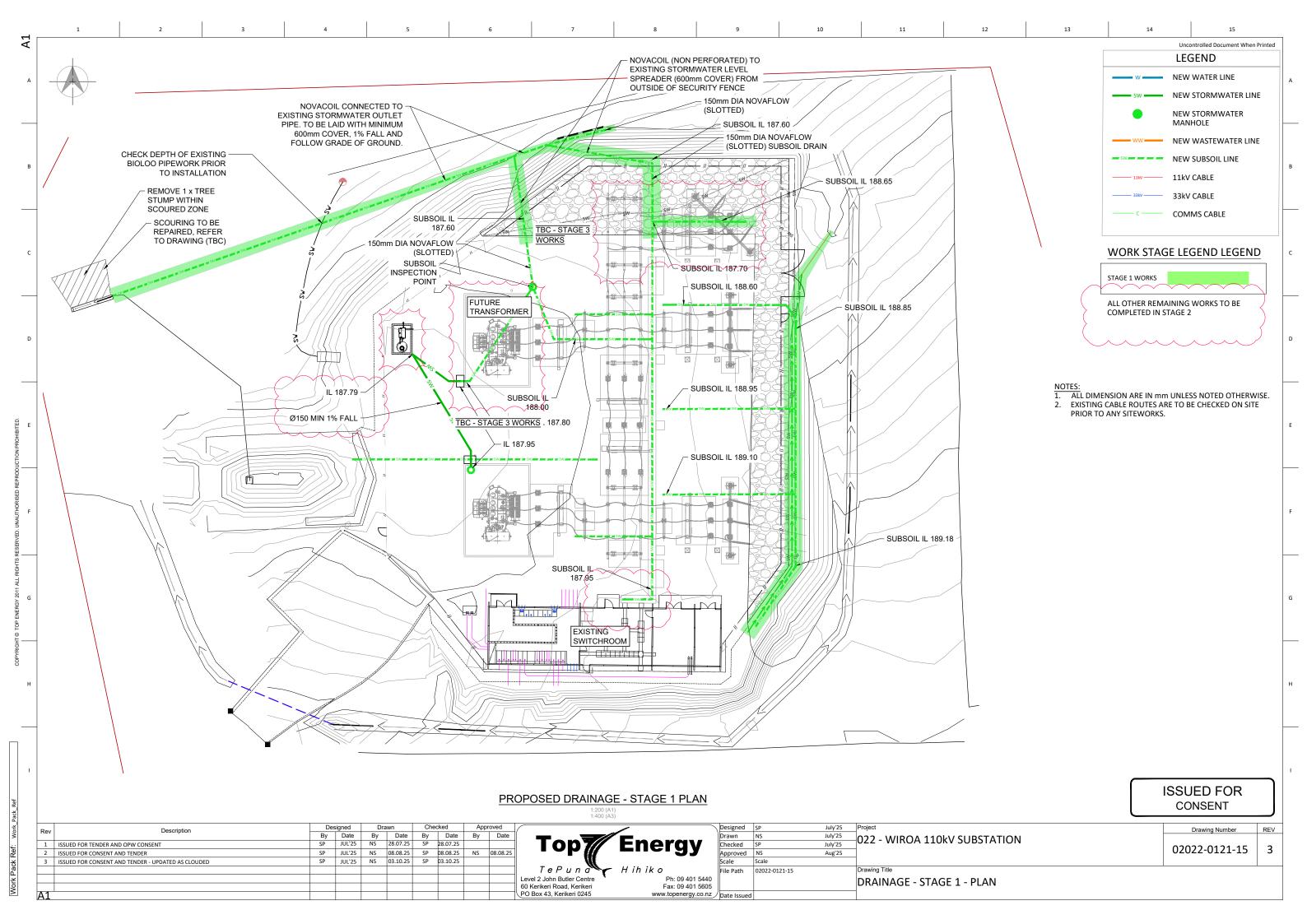
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										Level 2 John Butler Centre	Ph: 09 401 5440				GENERAL NOTES - SHEET 2		
										60 Kerikeri Road, Kerikeri	Fax: 09 401 5605				OLINEIRAL NOTES - SHELT Z		
A1										PO Box 43, Kerikeri 0245	www.topenergy.co.nz	Date Issued	d				

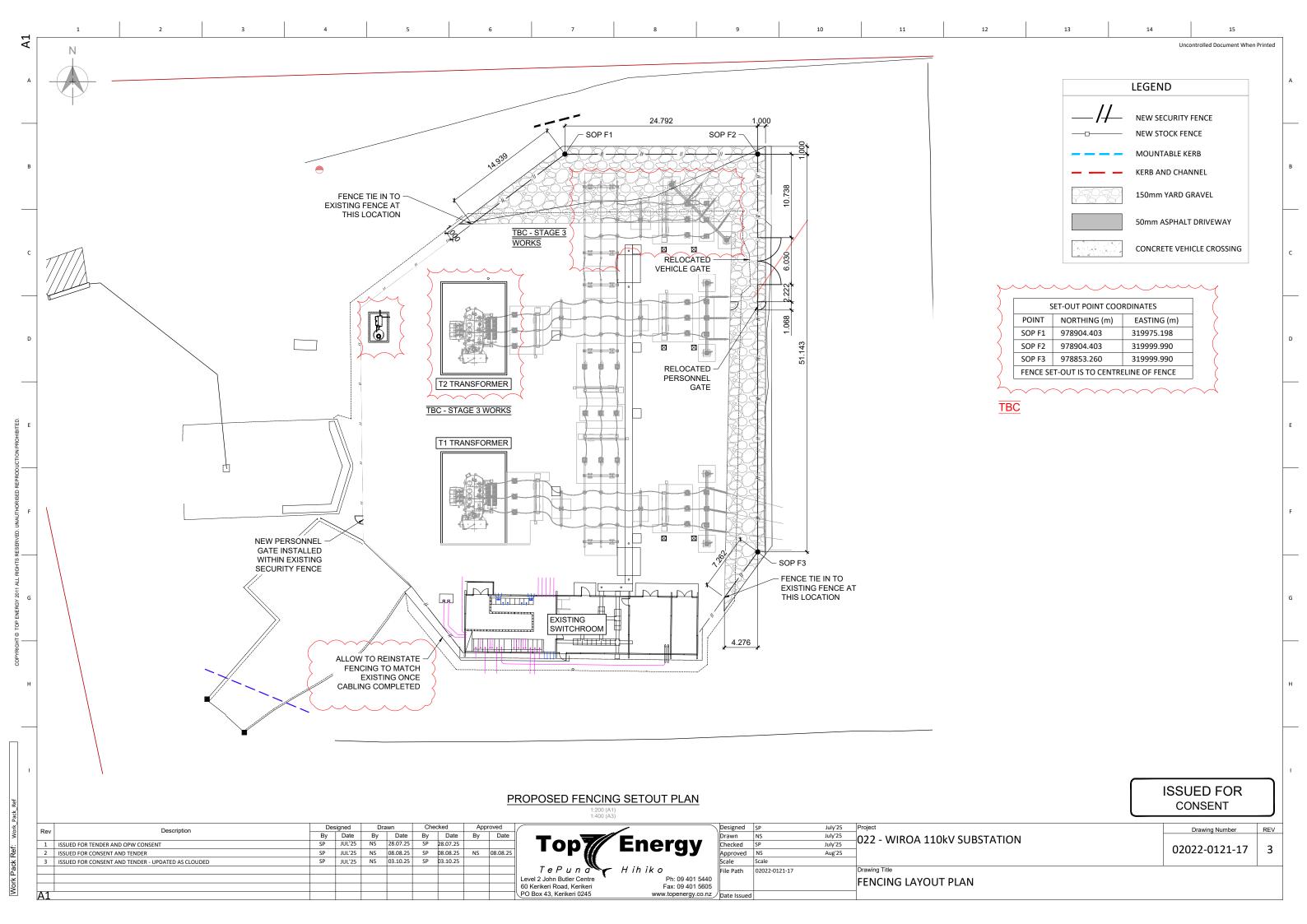


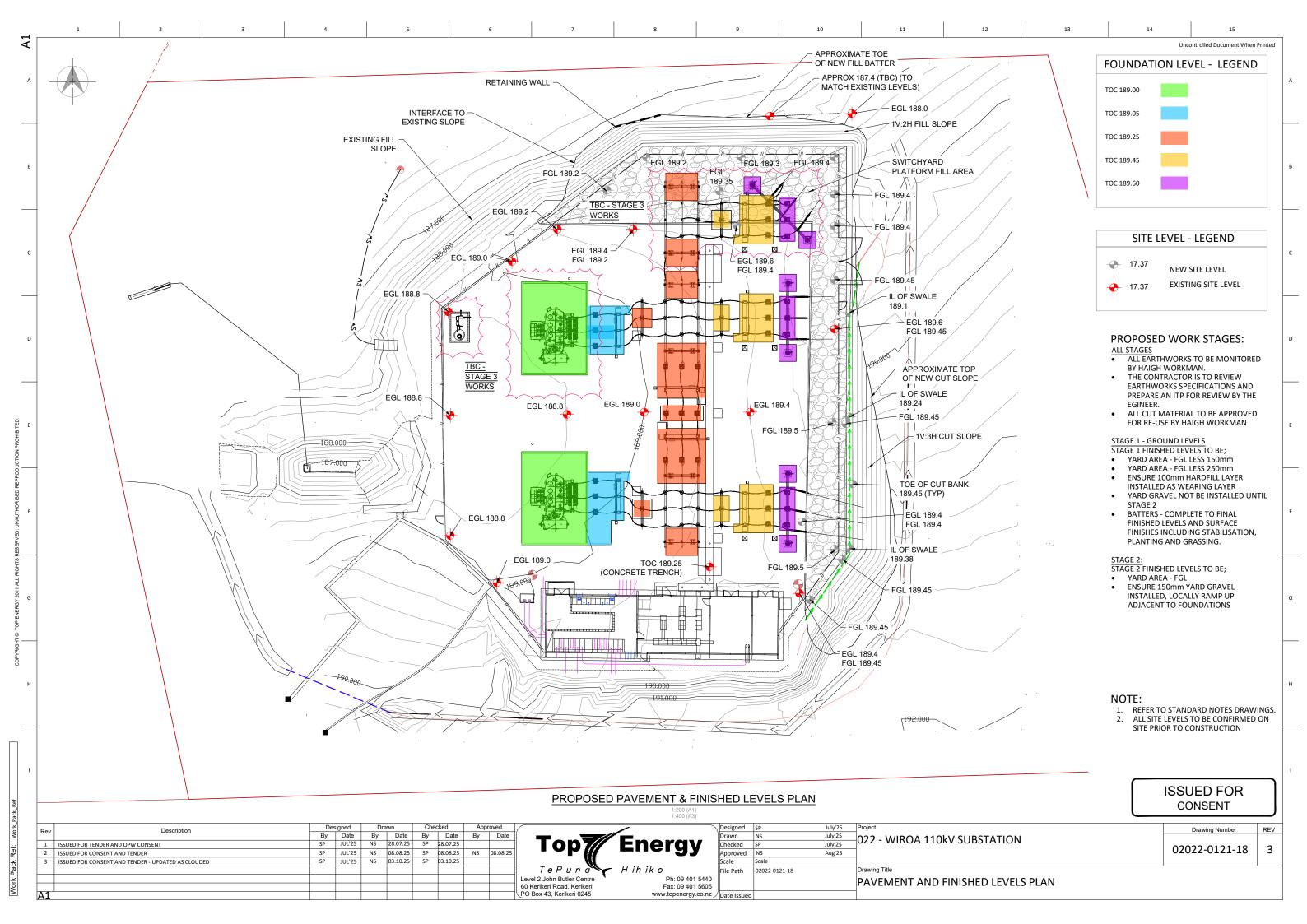


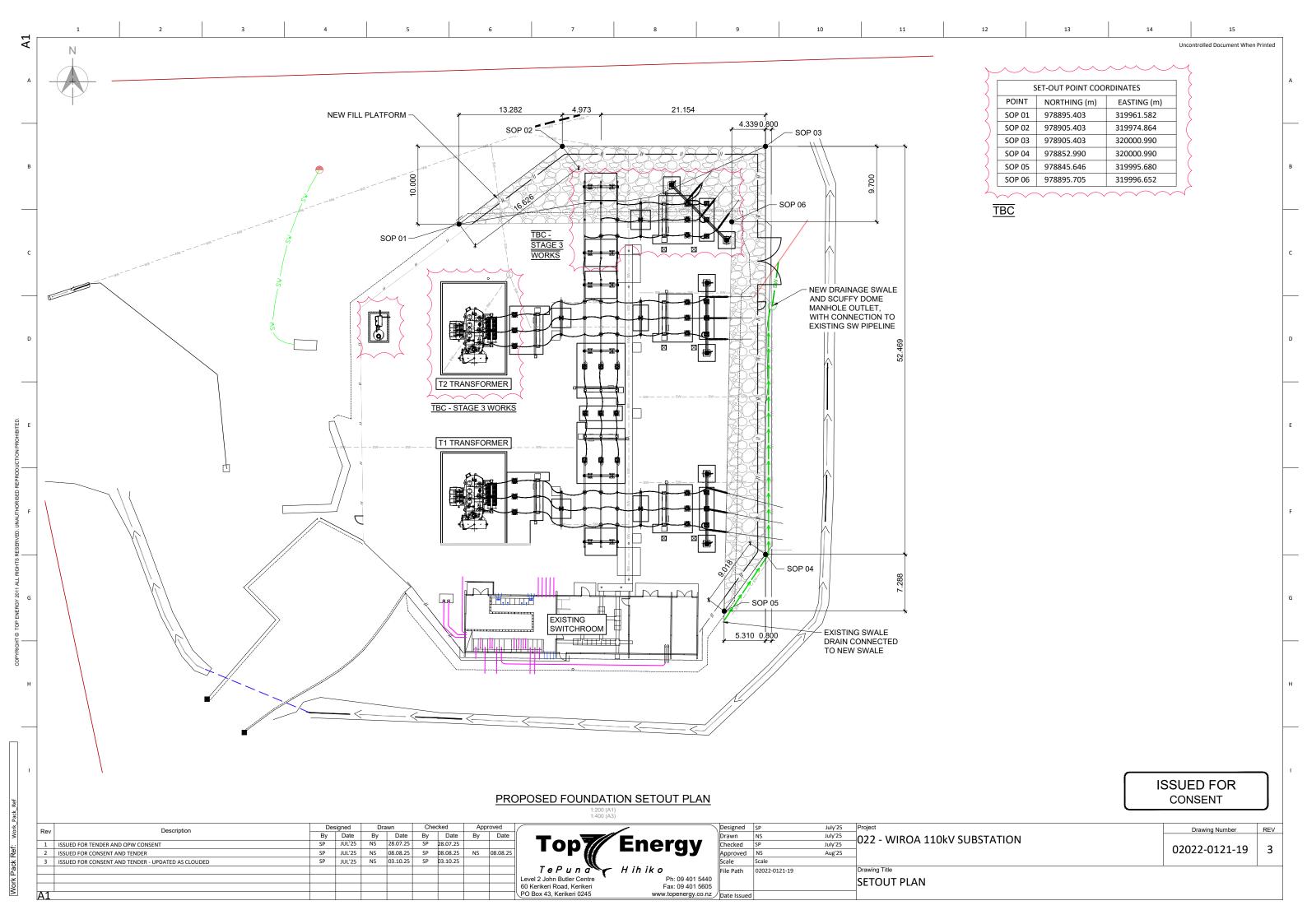


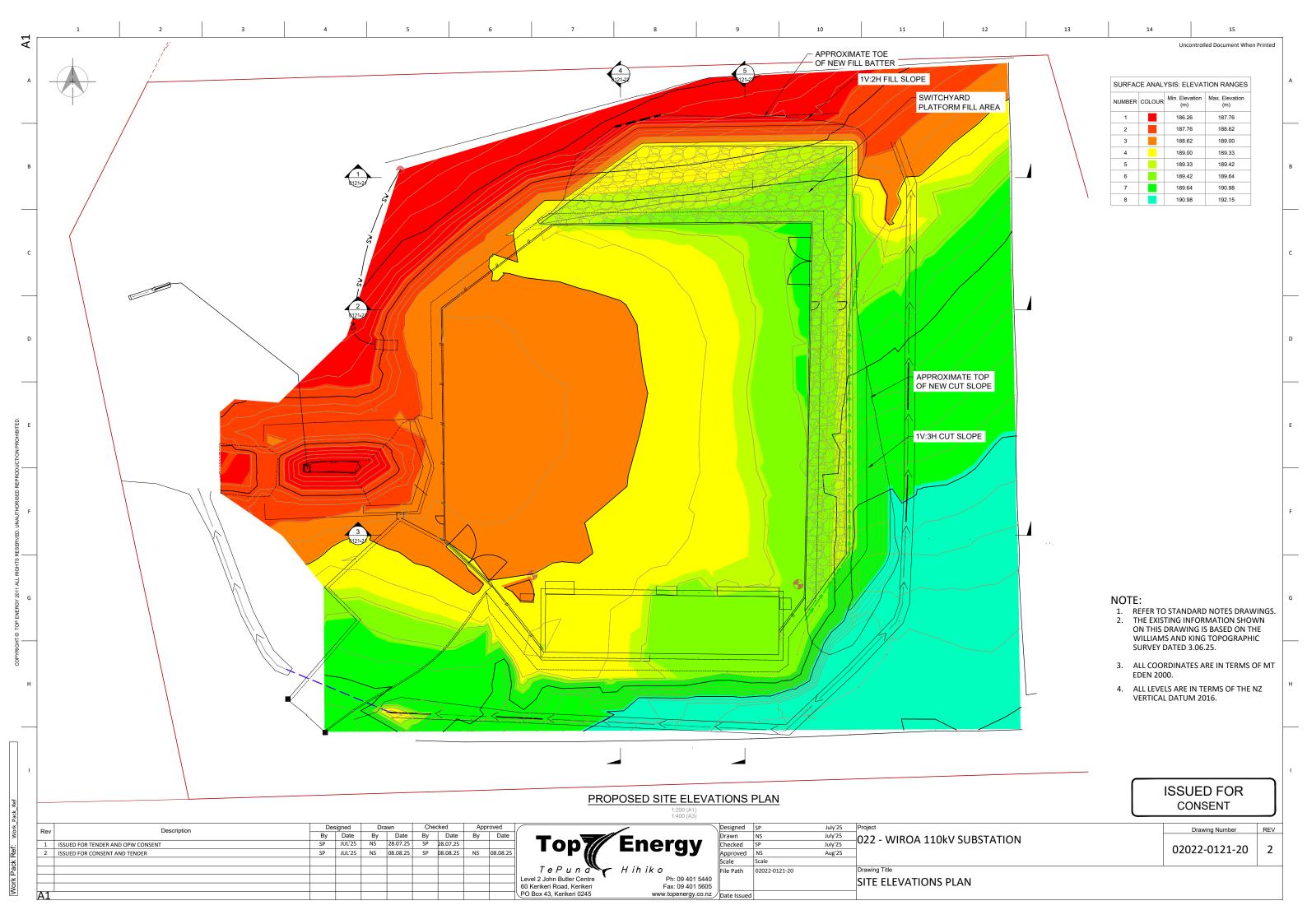


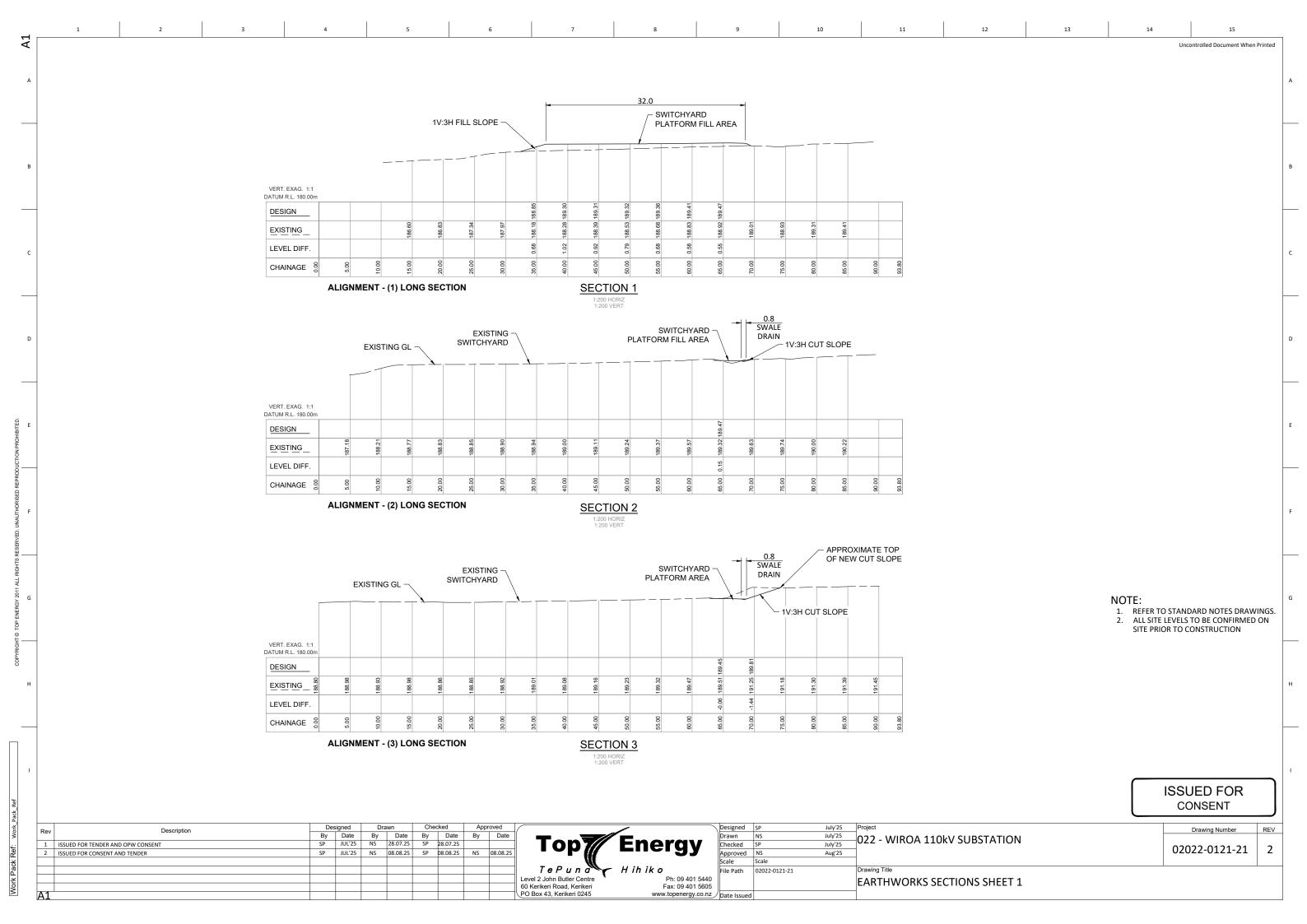


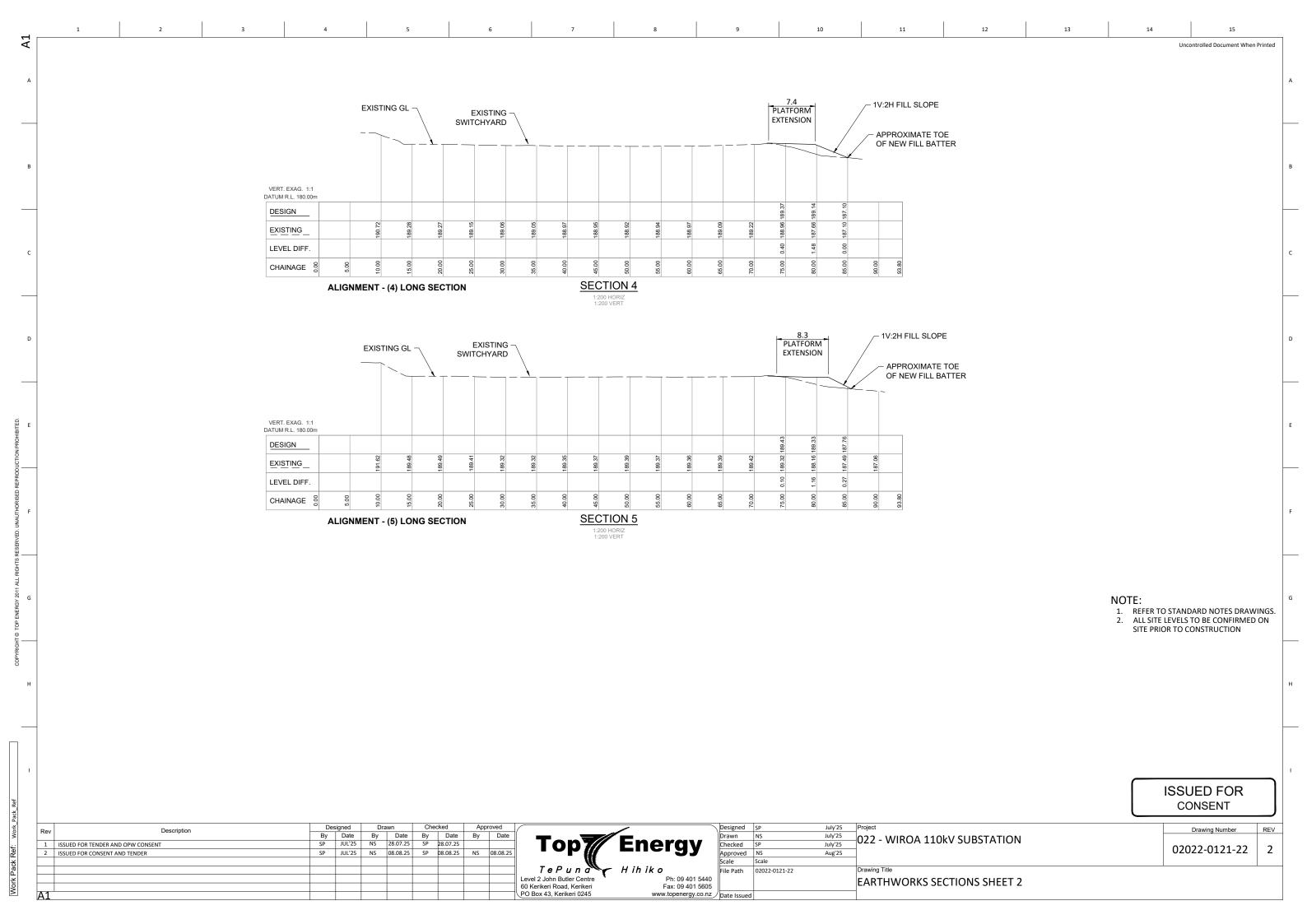


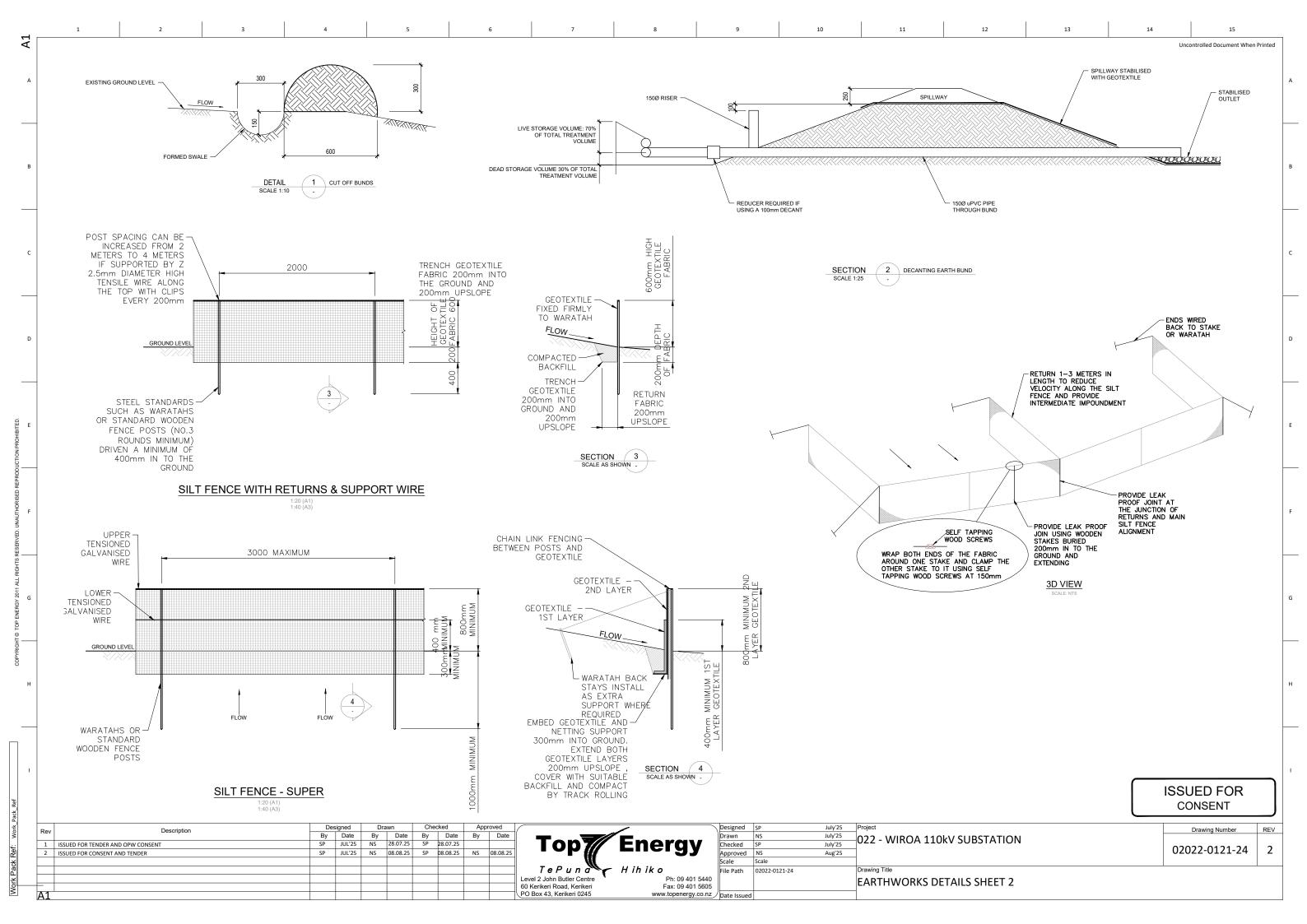


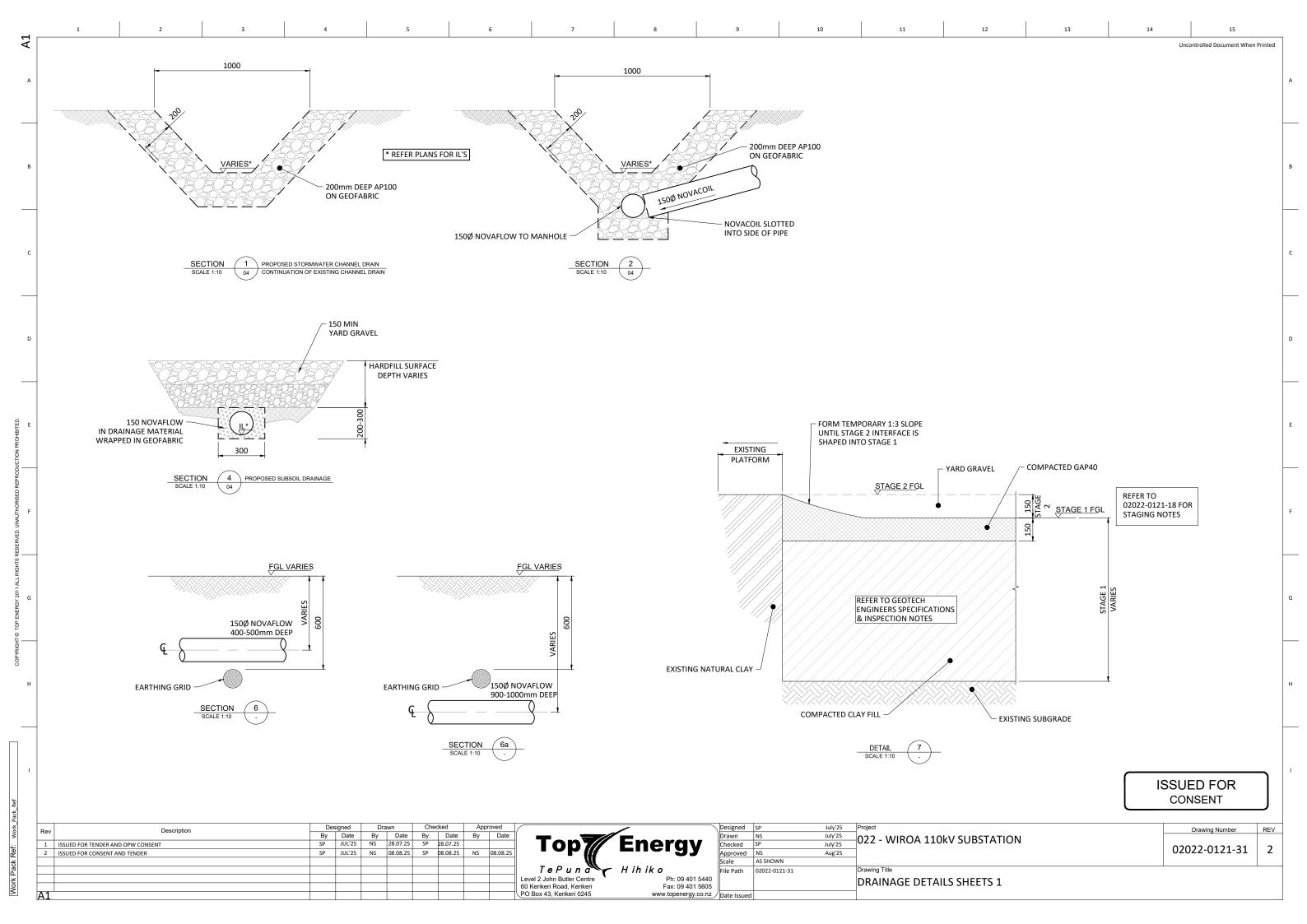


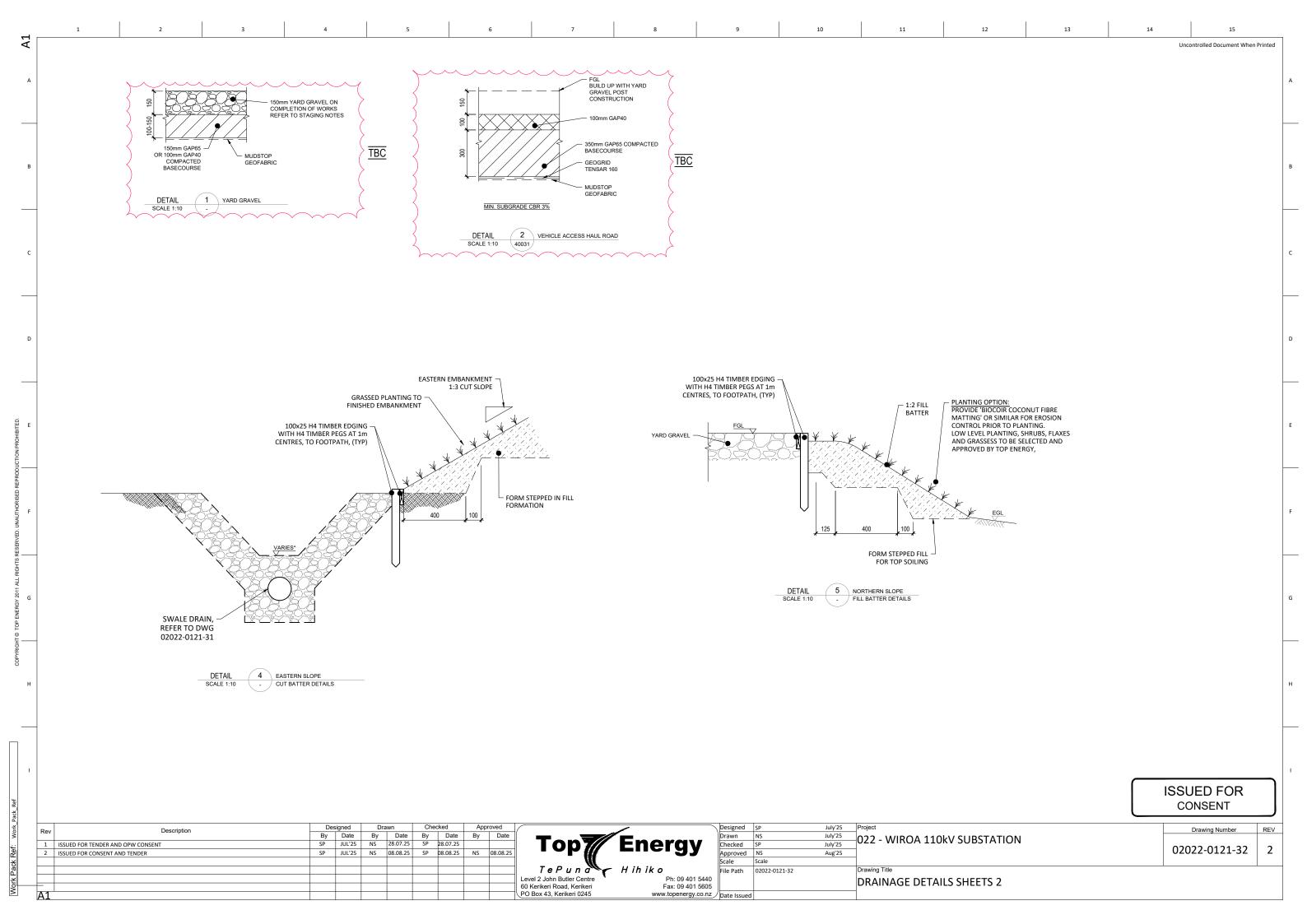


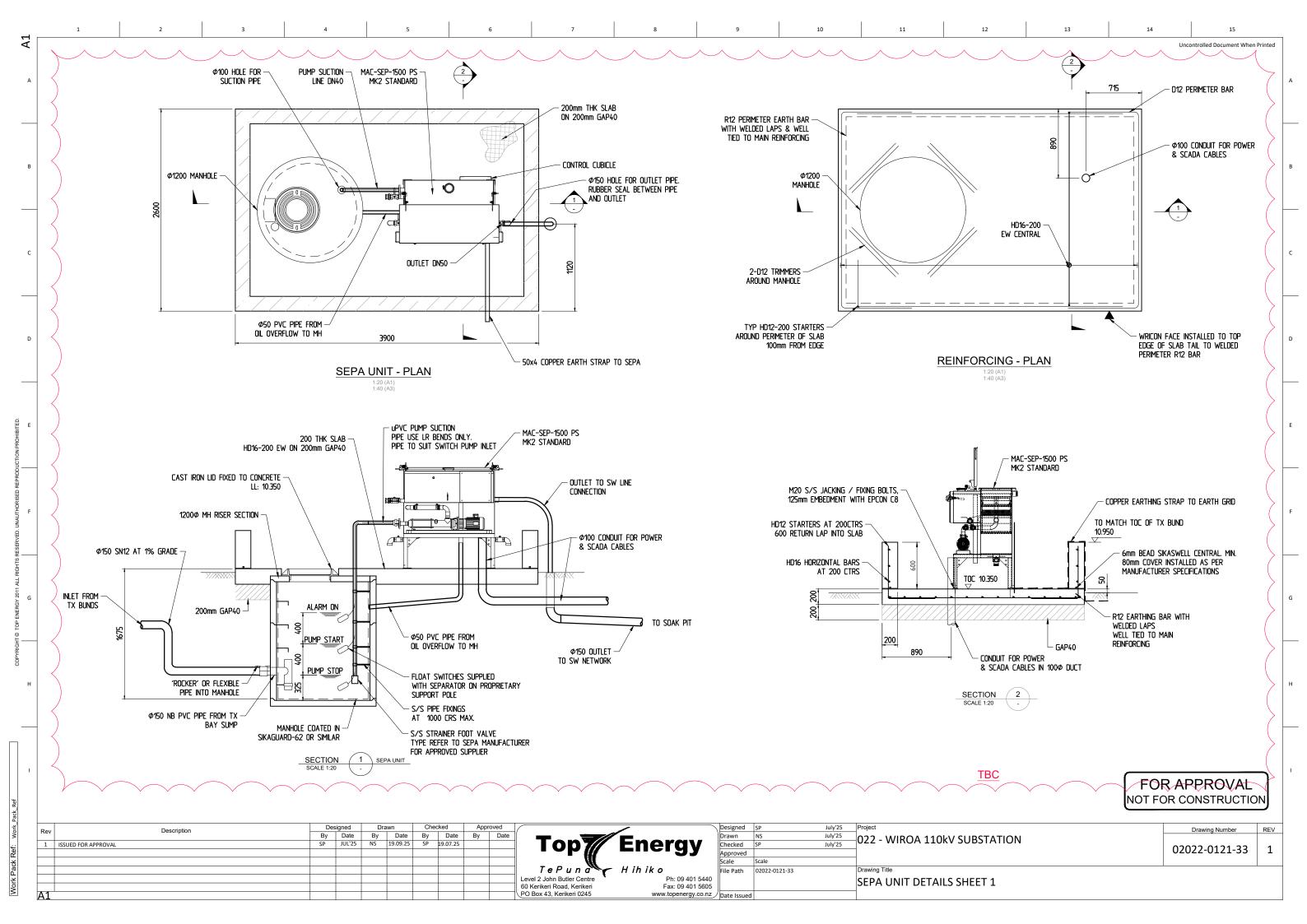


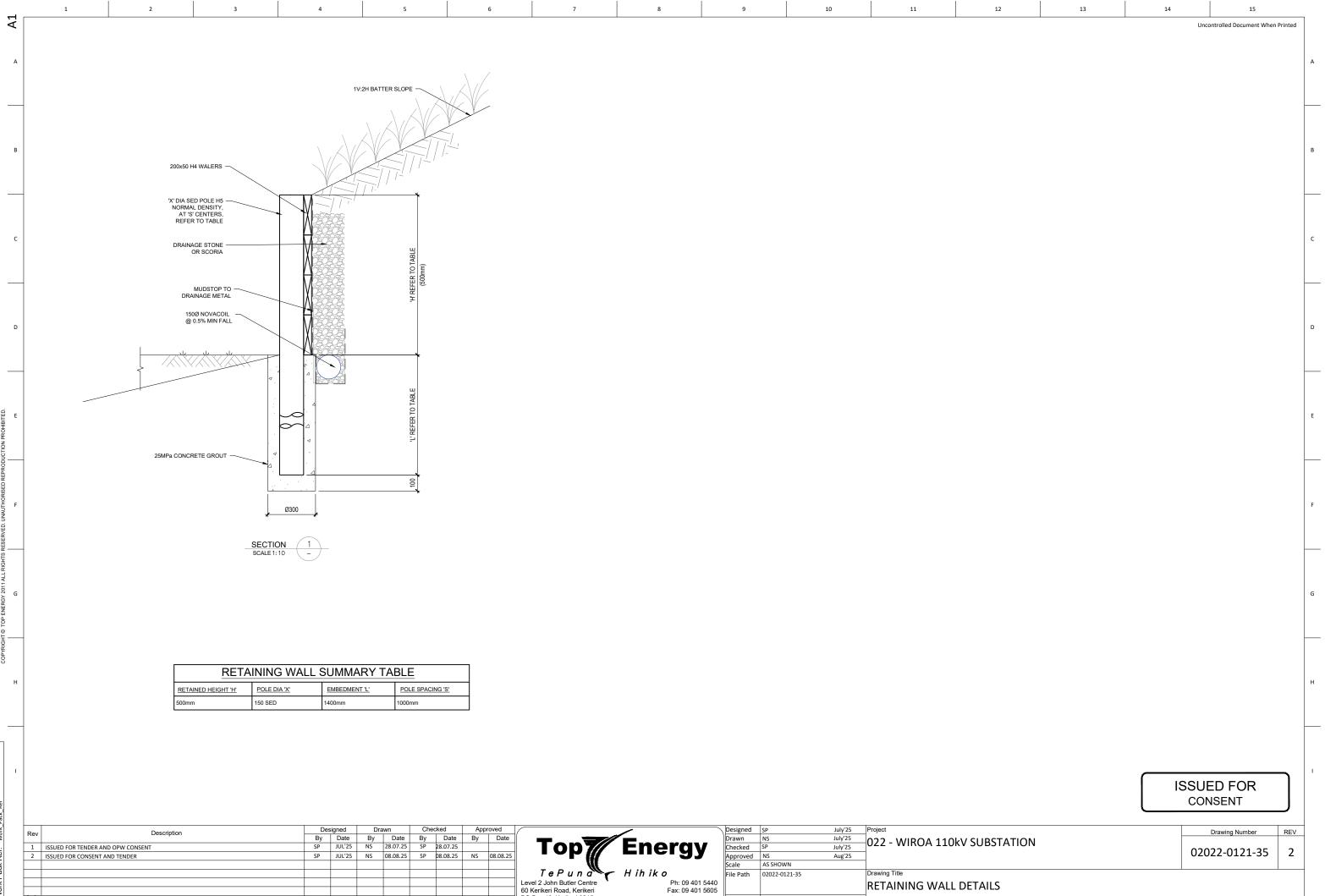








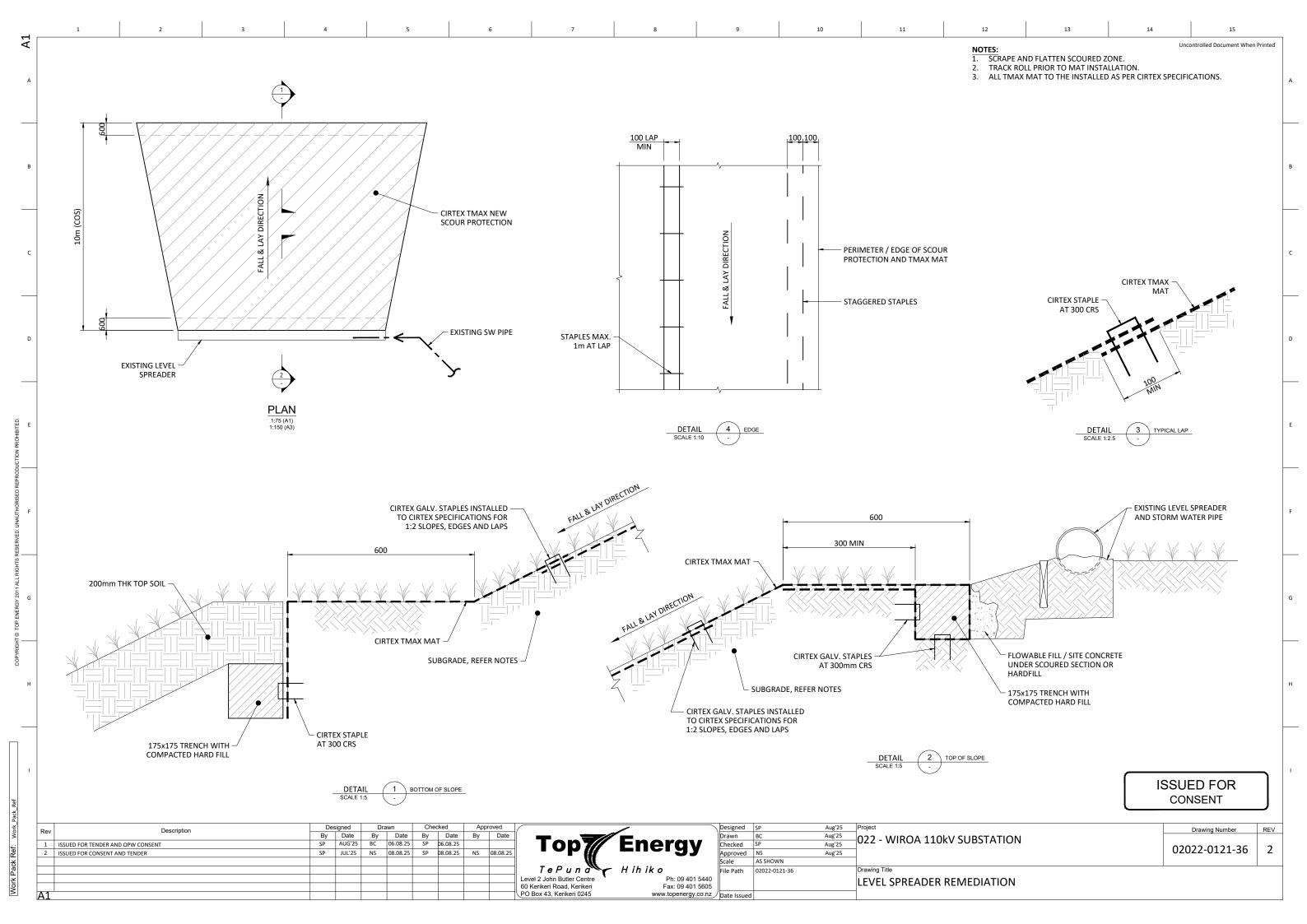


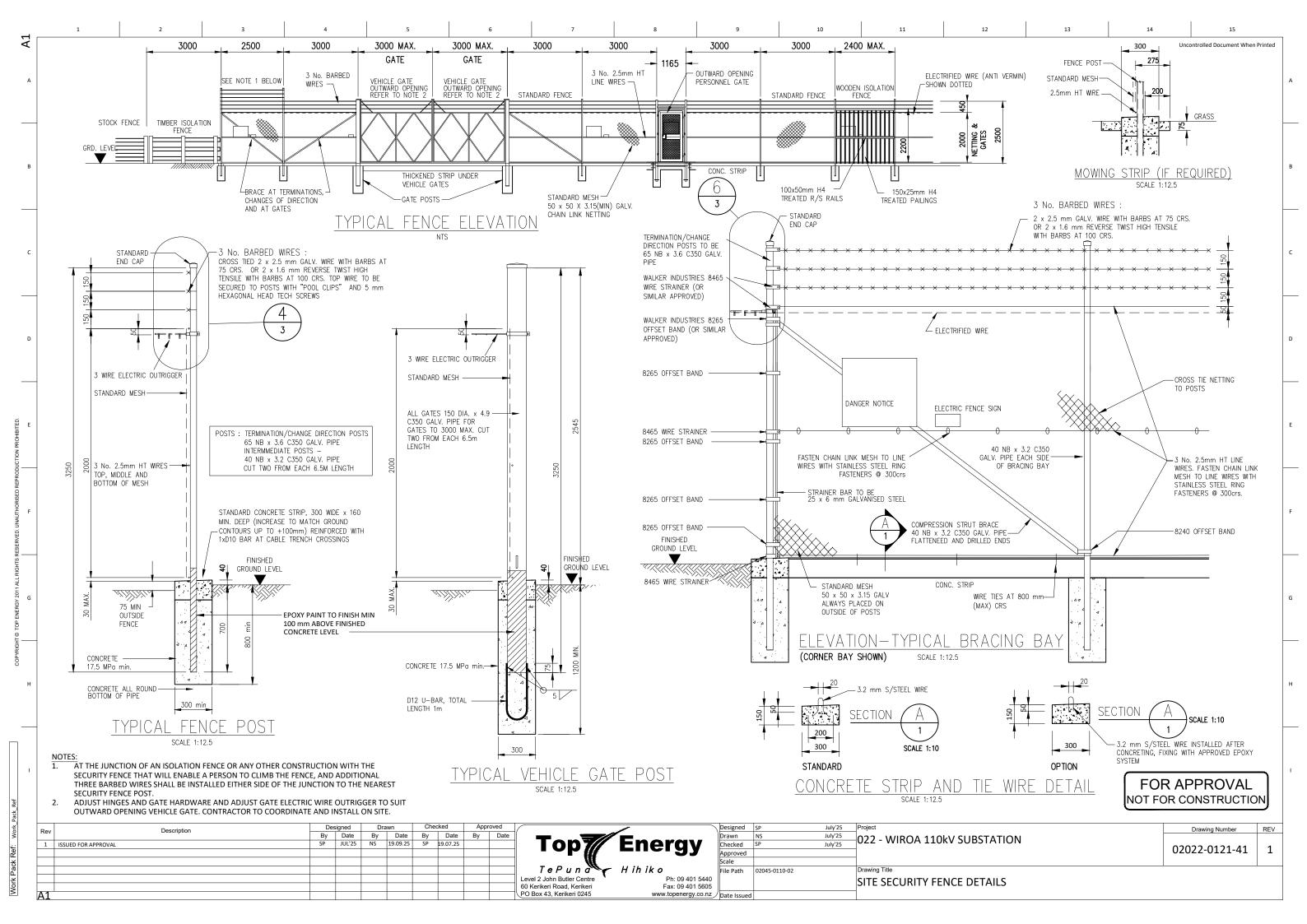


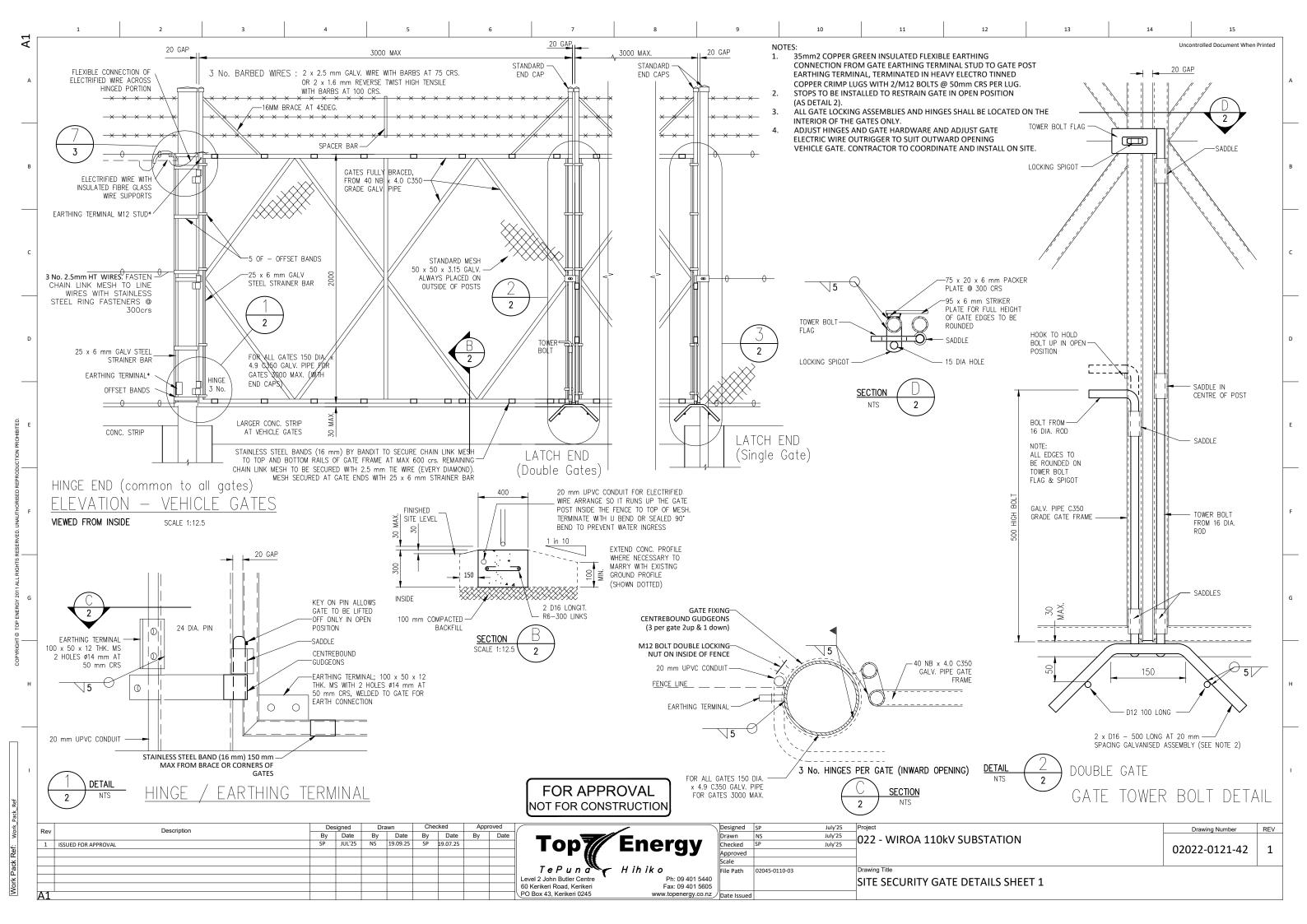
www.topenergy.co.nz

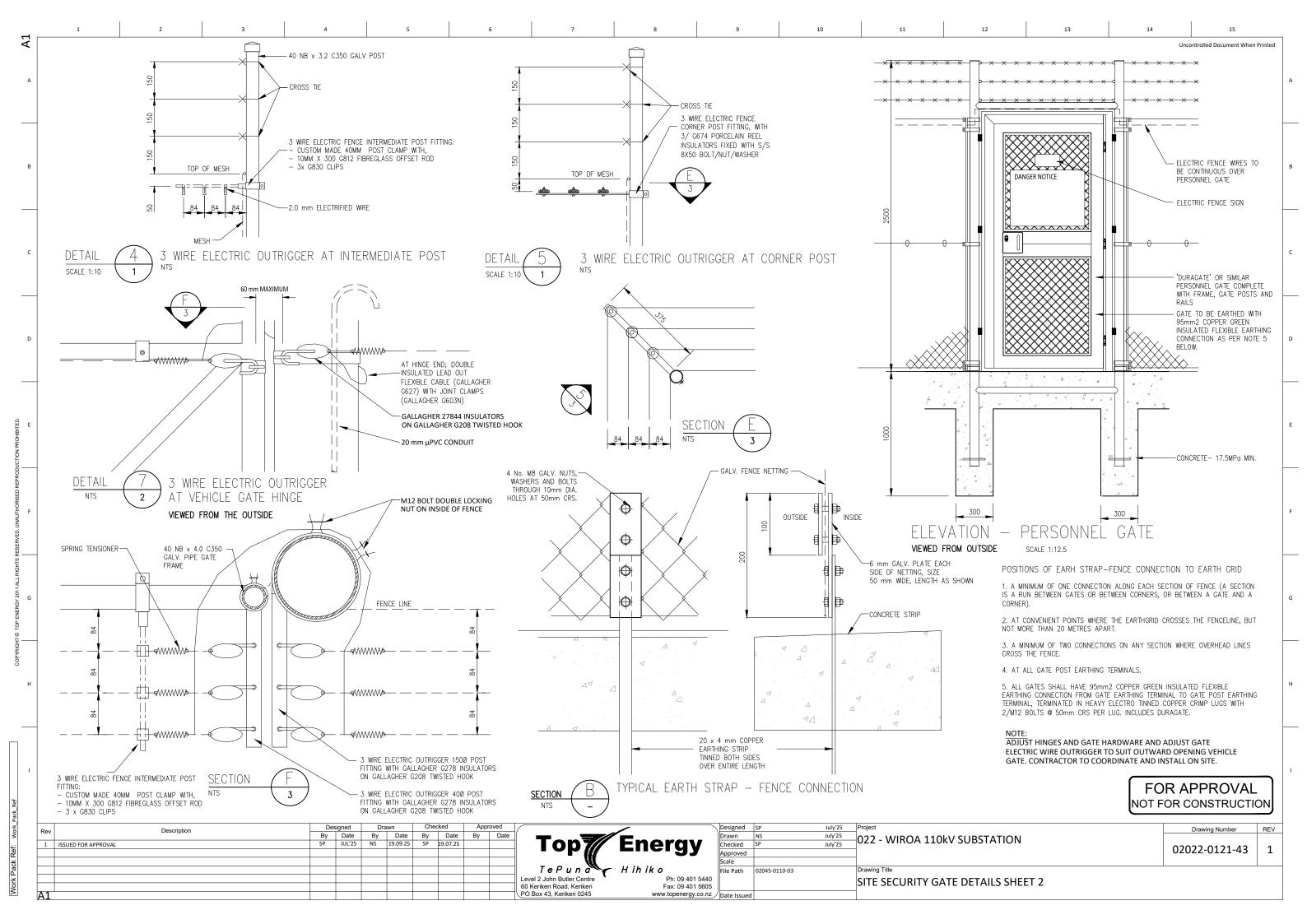
RETAINING WALL DETAILS

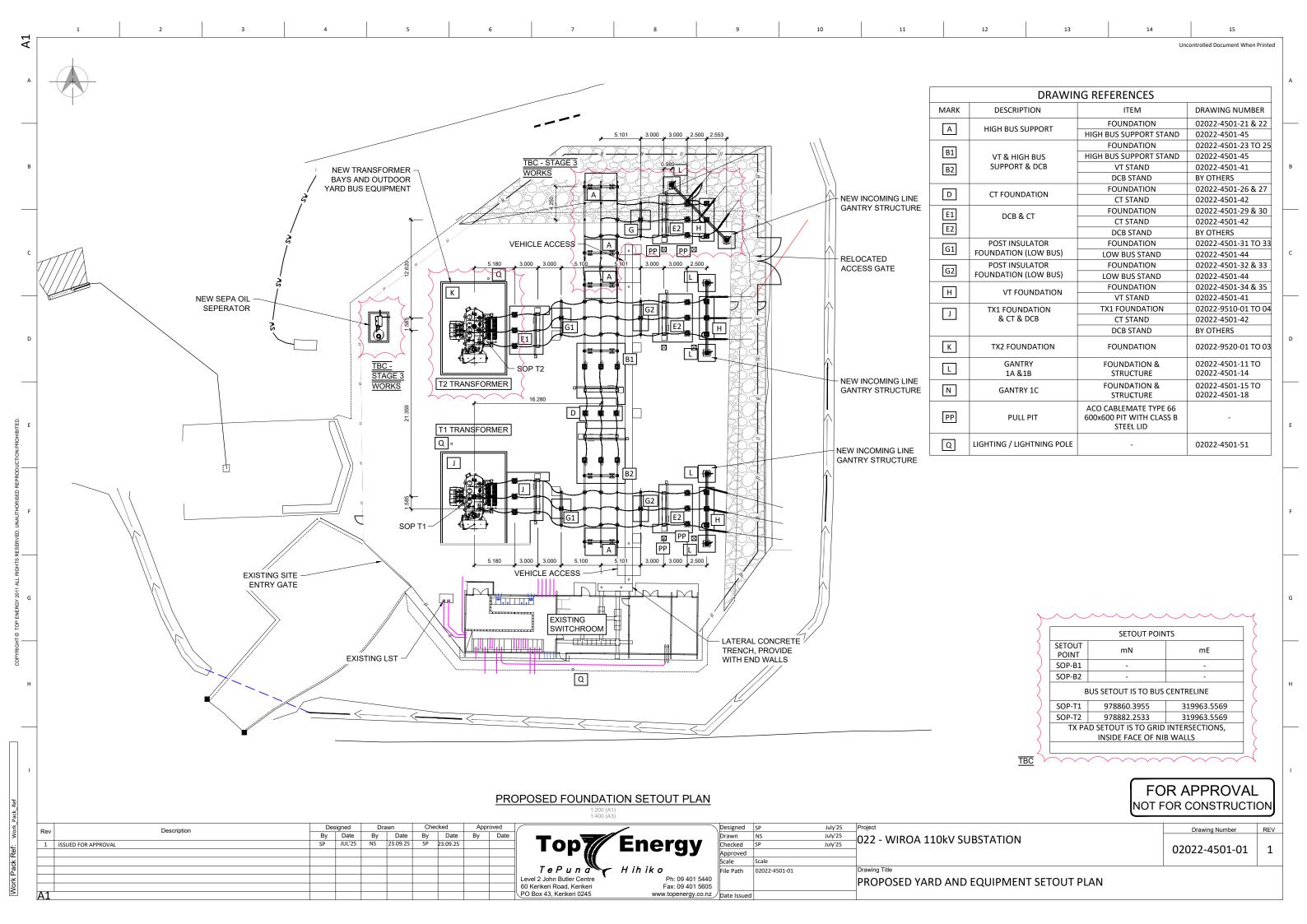
Level 2 John Butler Centre 60 Kerikeri Road, Kerikeri PO Box 43, Kerikeri 0245

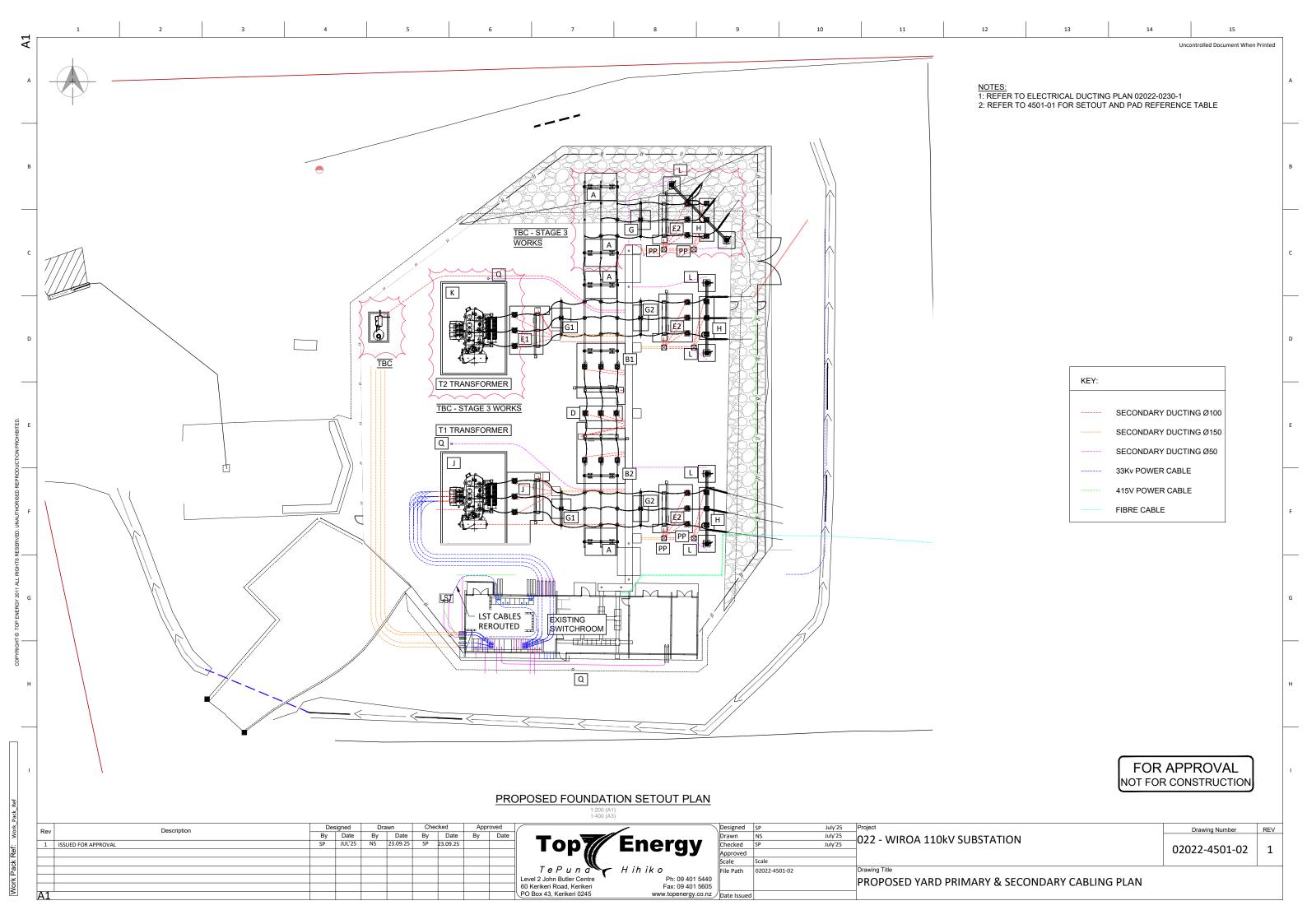


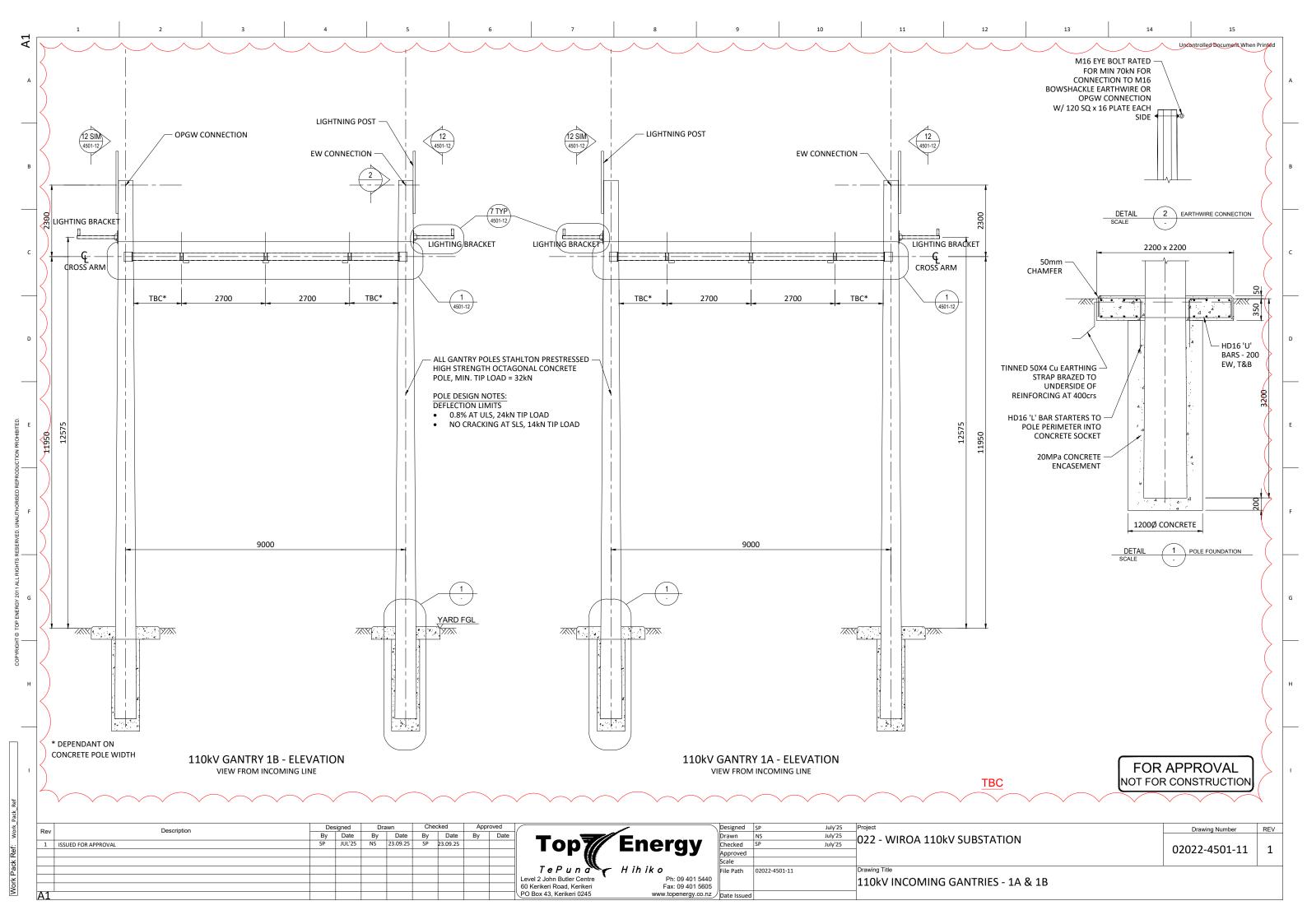


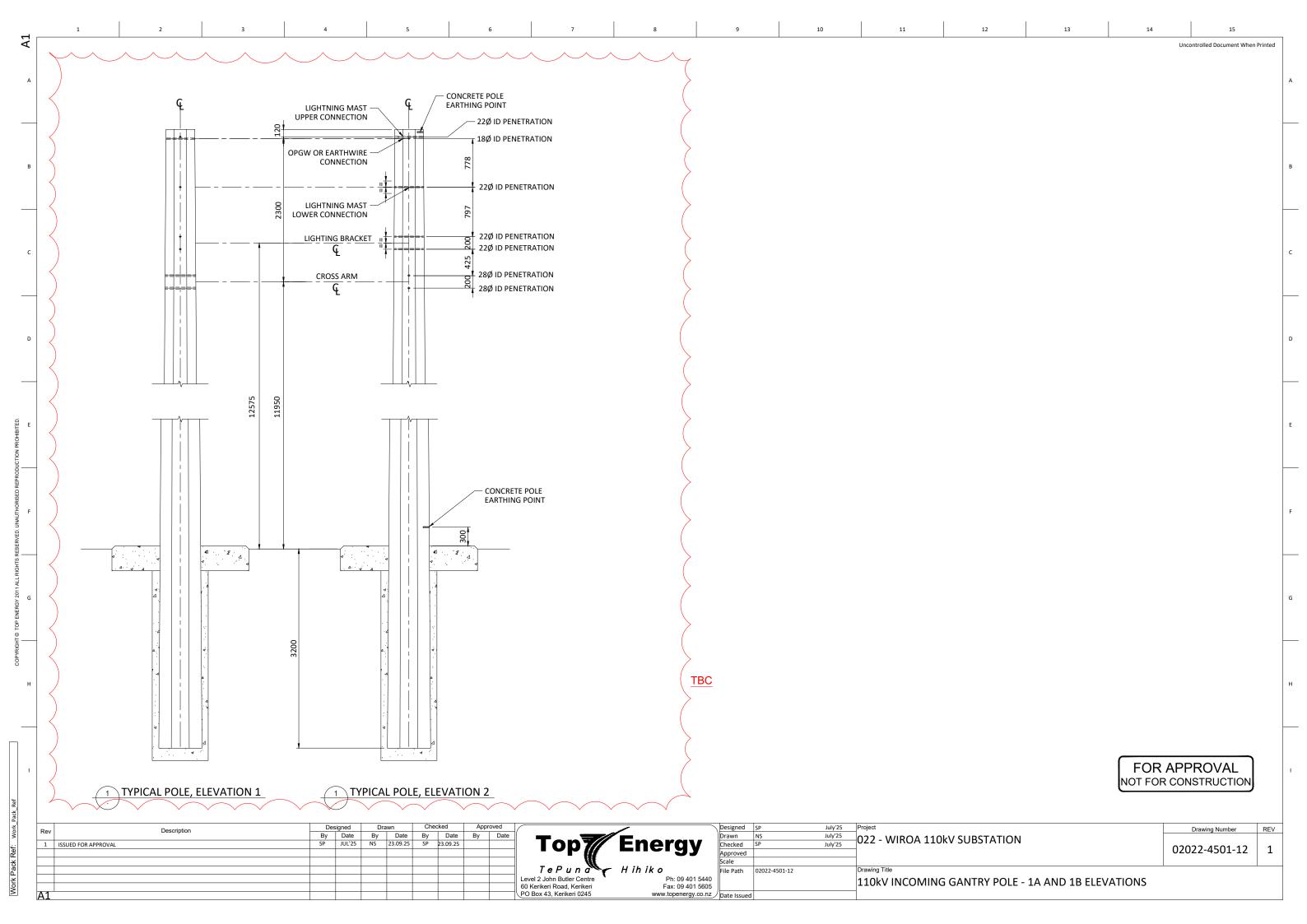


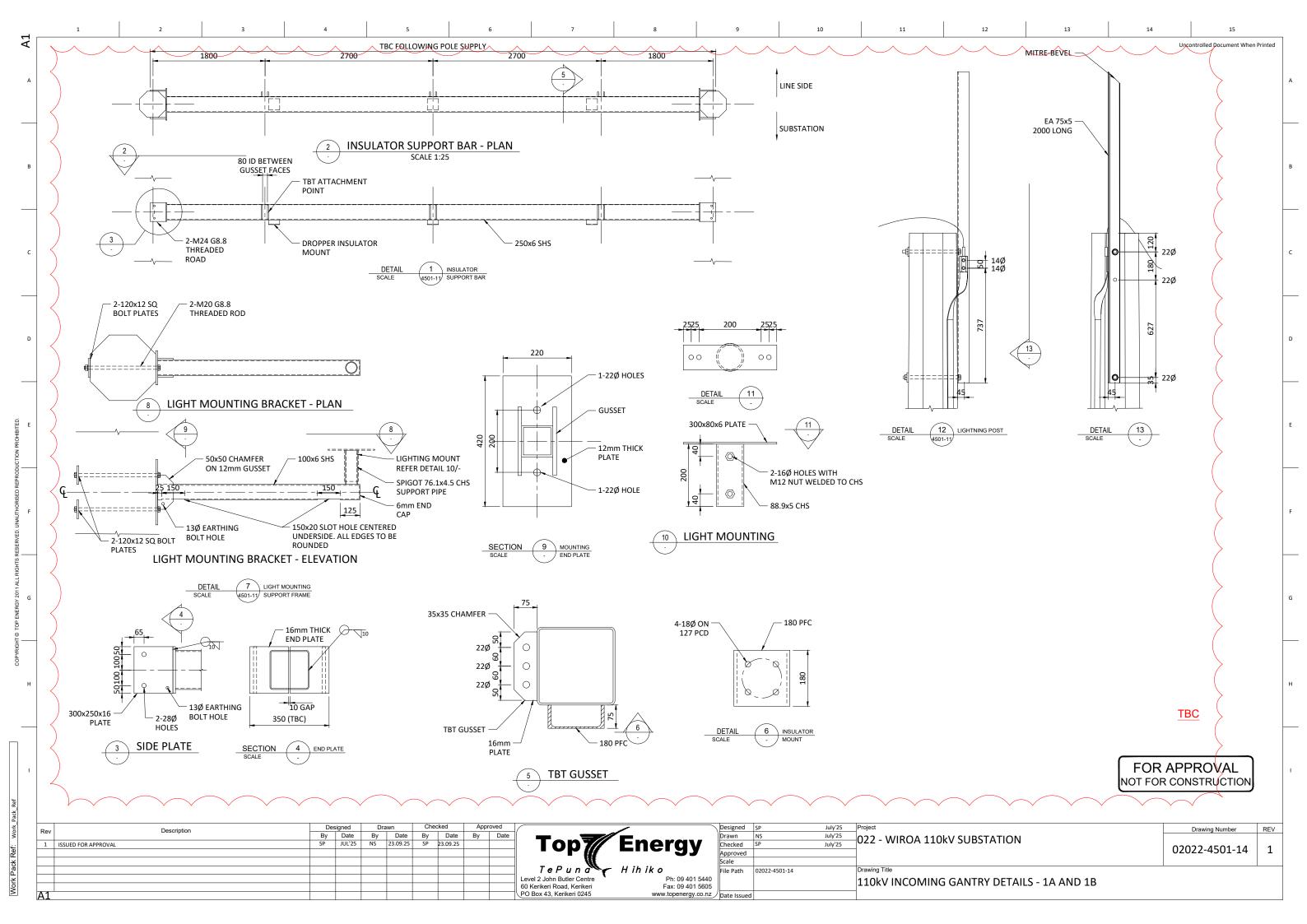


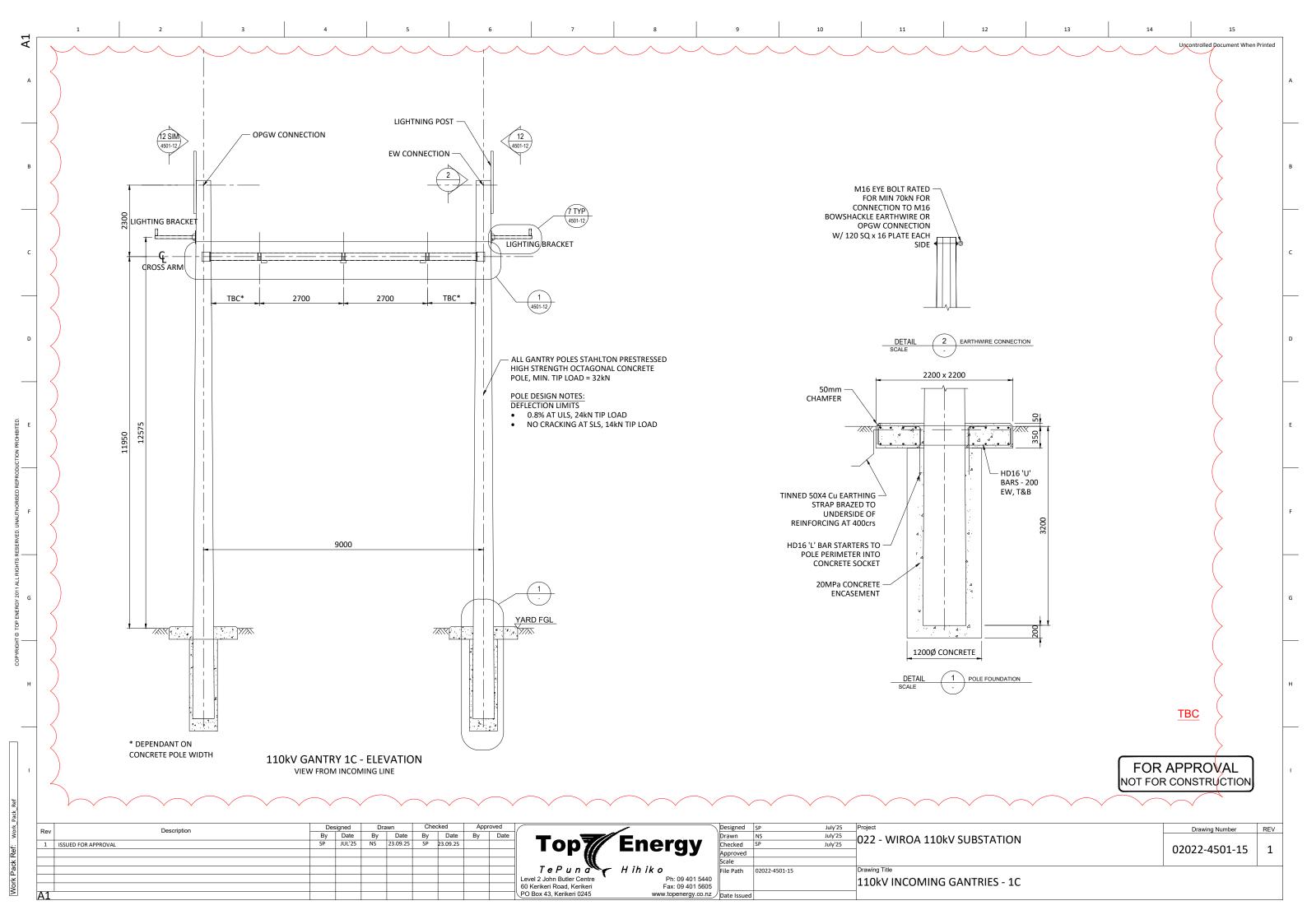


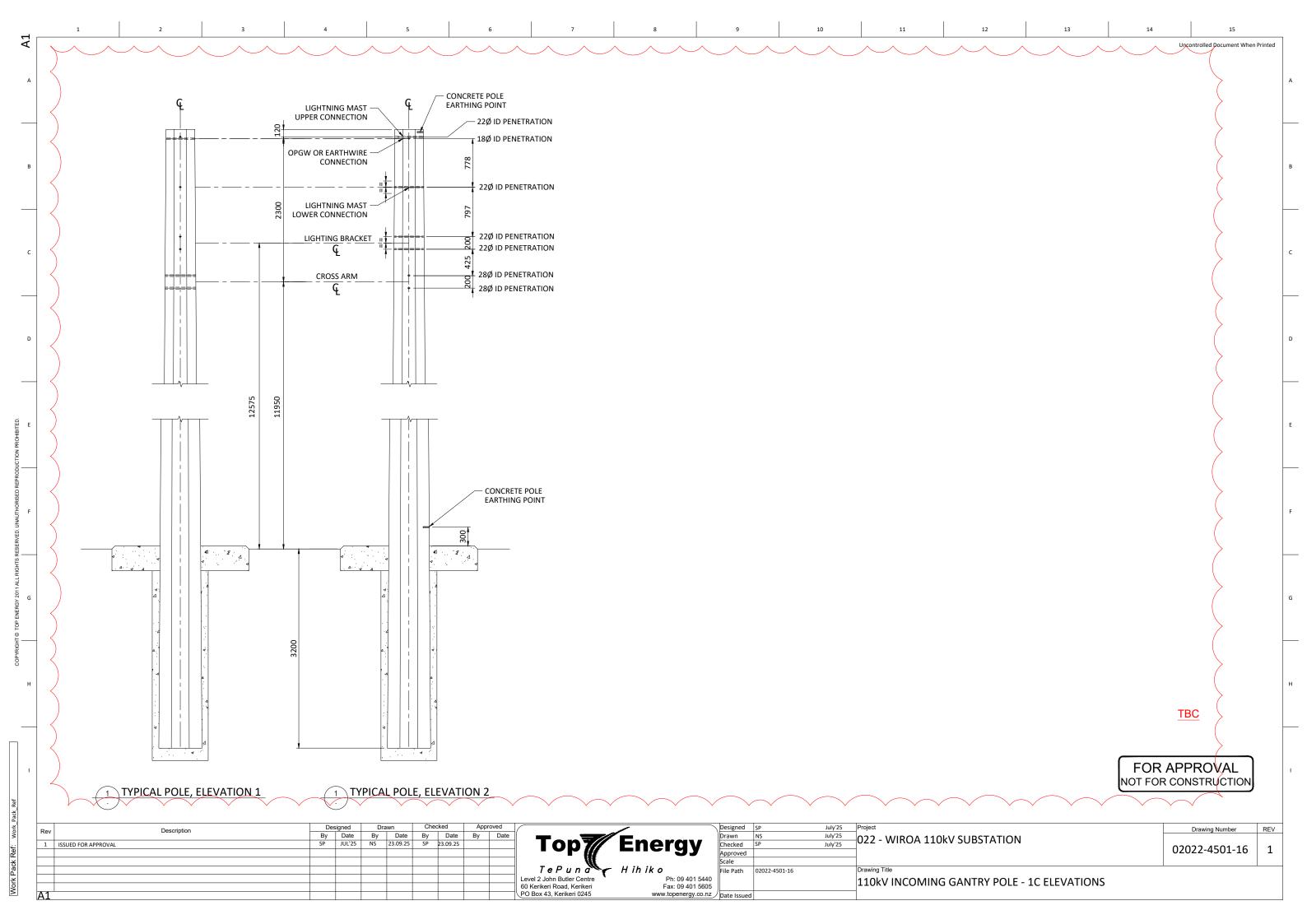


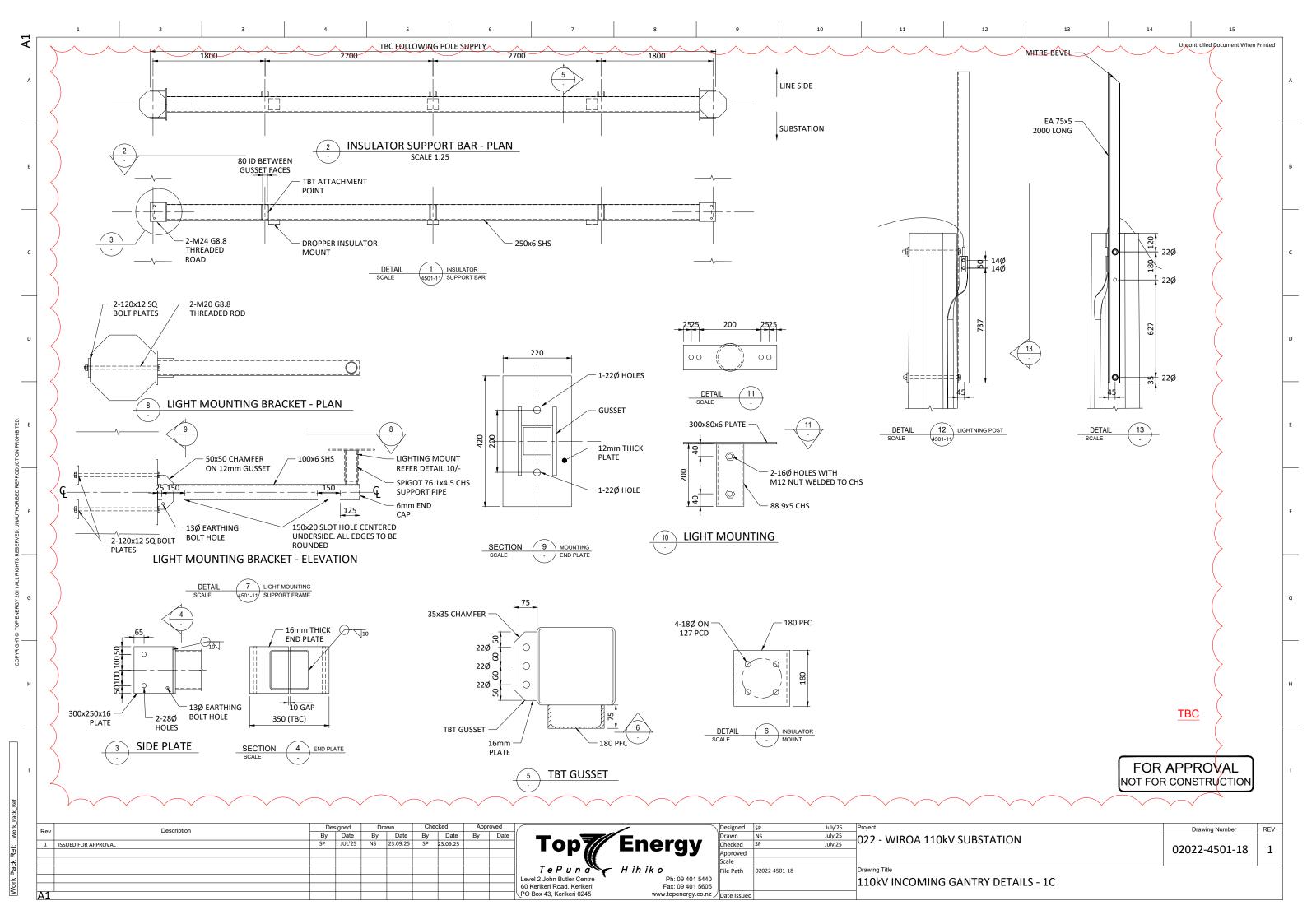


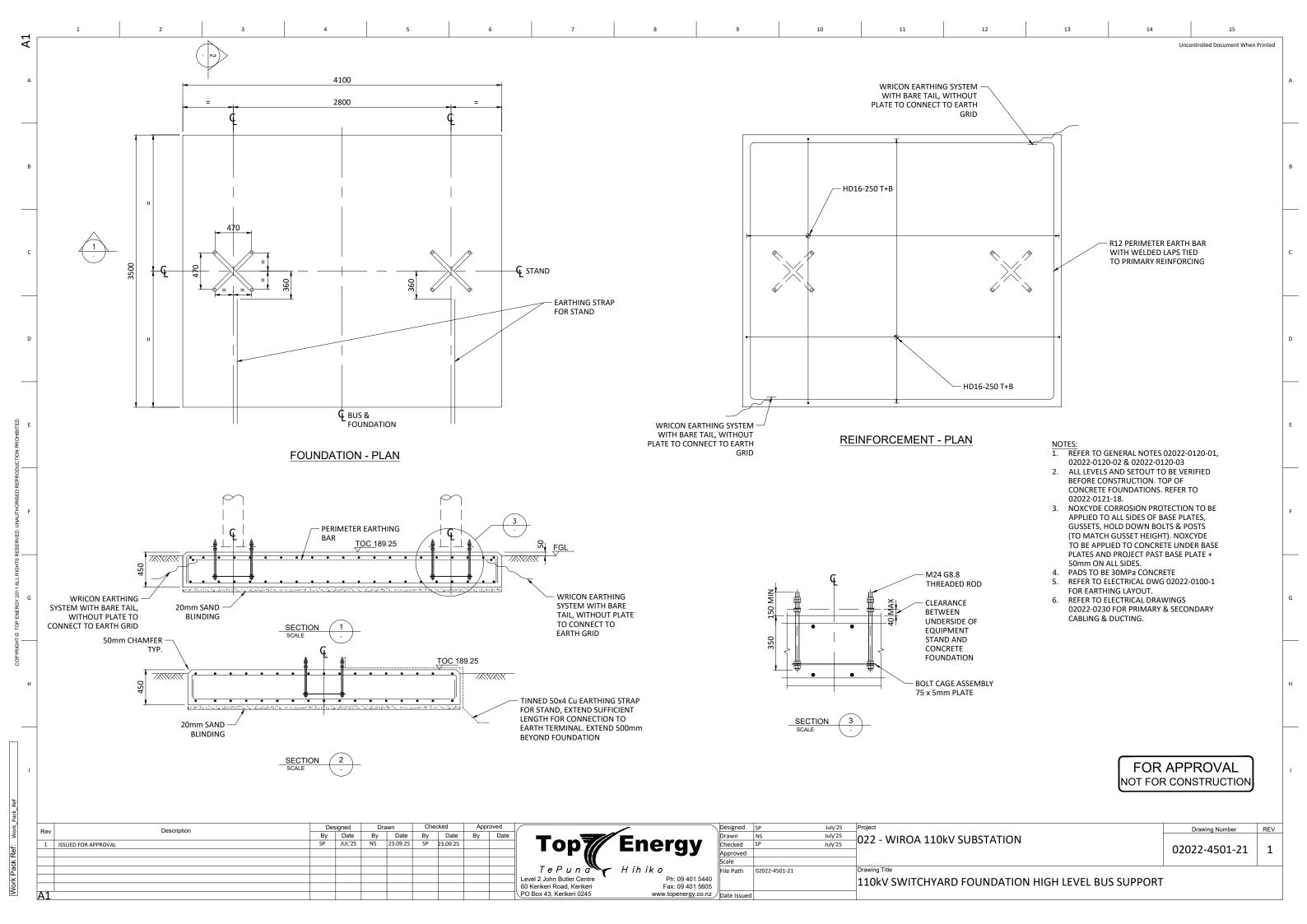












- NOTES:

 1. REFER TO GENERAL NOTES 02022-0120-01, 02022-0120-02 & 02022-0120-03

 2. ALL LEVELS AND SETOUT TO BE VERIFIED BEFORE CONSTRUCTION. TOP OF CONCRETE FOUNDATIONS. REFER TO 02022-0121-18.

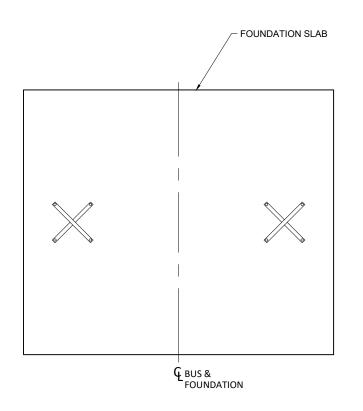
 3. NOXCYDE CORROSION PROTECTION TO BE APPLIED TO ALL SIDES OF BASE PLATES, GUSSETS, HOLD DOWN BOLTS & POSTS (TO MATCH GUSSET HEIGHT). NOXCYDE TO BE APPLIED TO CONCRETE UNDER BASE PLATES AND PROJECT PAST BASE PLATE + 50mm ON ALL SIDES.

 4. PADS TO BE 30MPa CONCRETE

 5. REFER TO ELECTRICAL DWG 02022-0100-1 FOR EARTHING LAYOUT.

 6. REFER TO ELECTRICAL DRAWINGS 02022-0230 FOR PRIMARY & SECONDARY CABLING & DUCTING.

- CABLING & DUCTING.

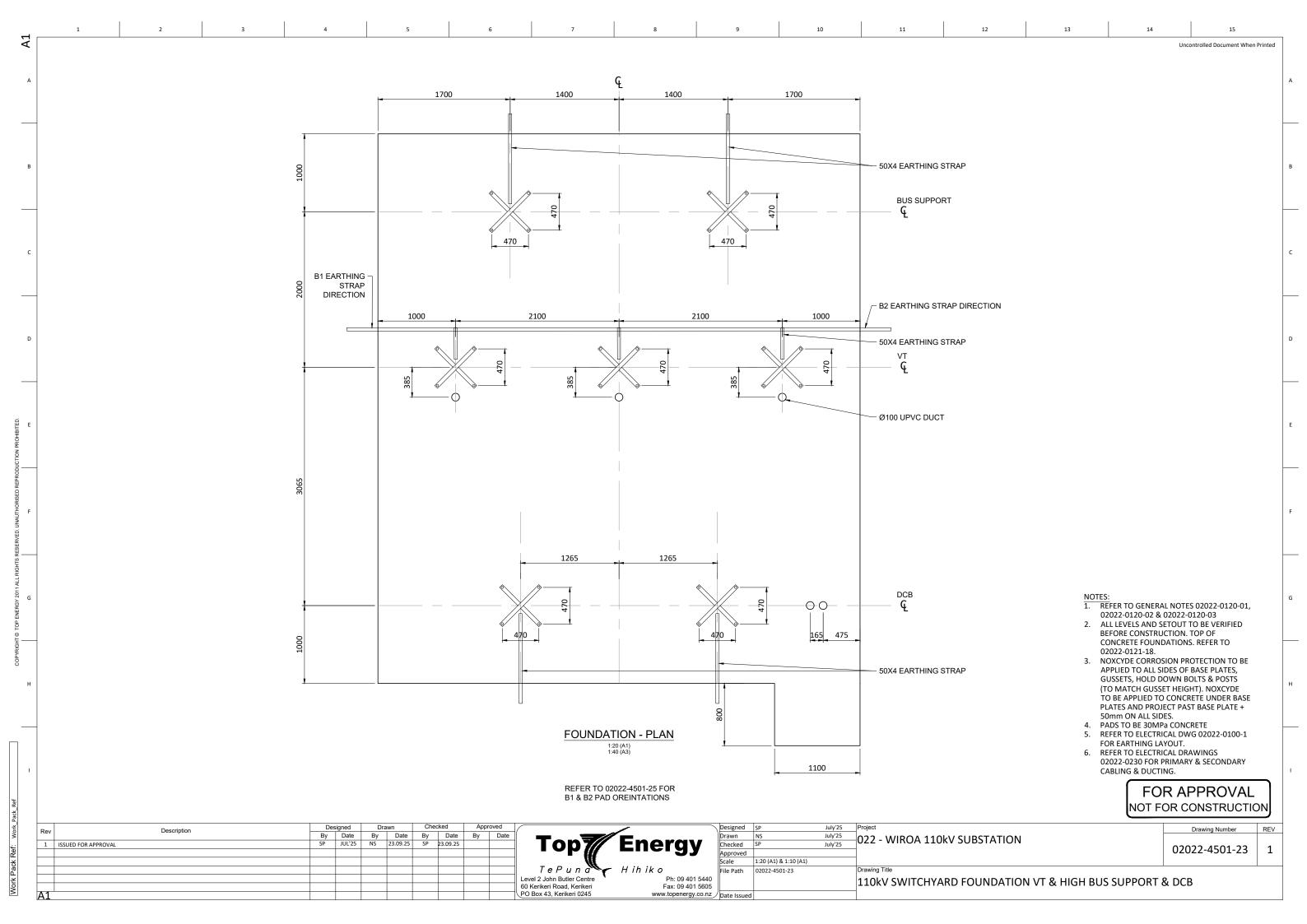


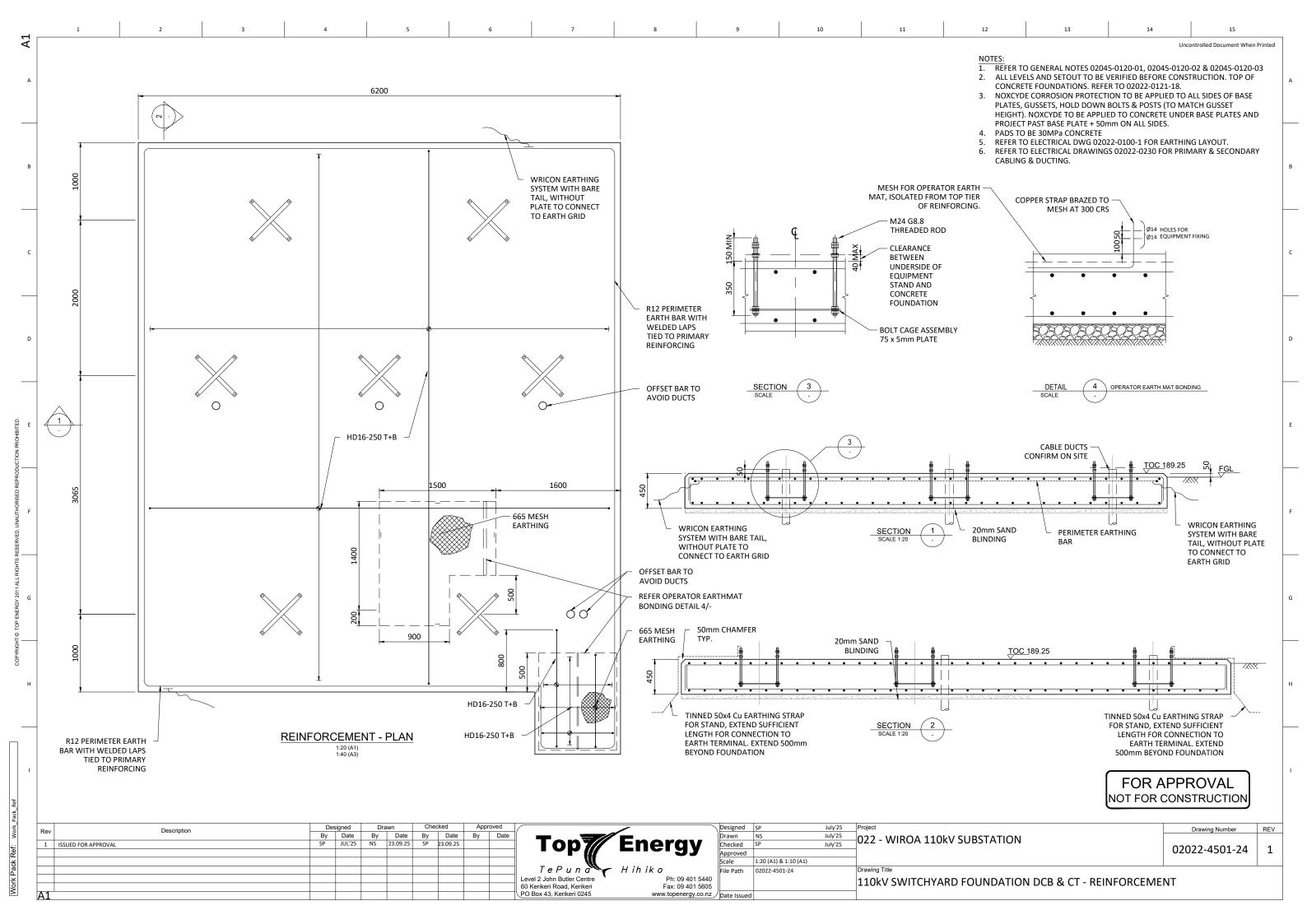


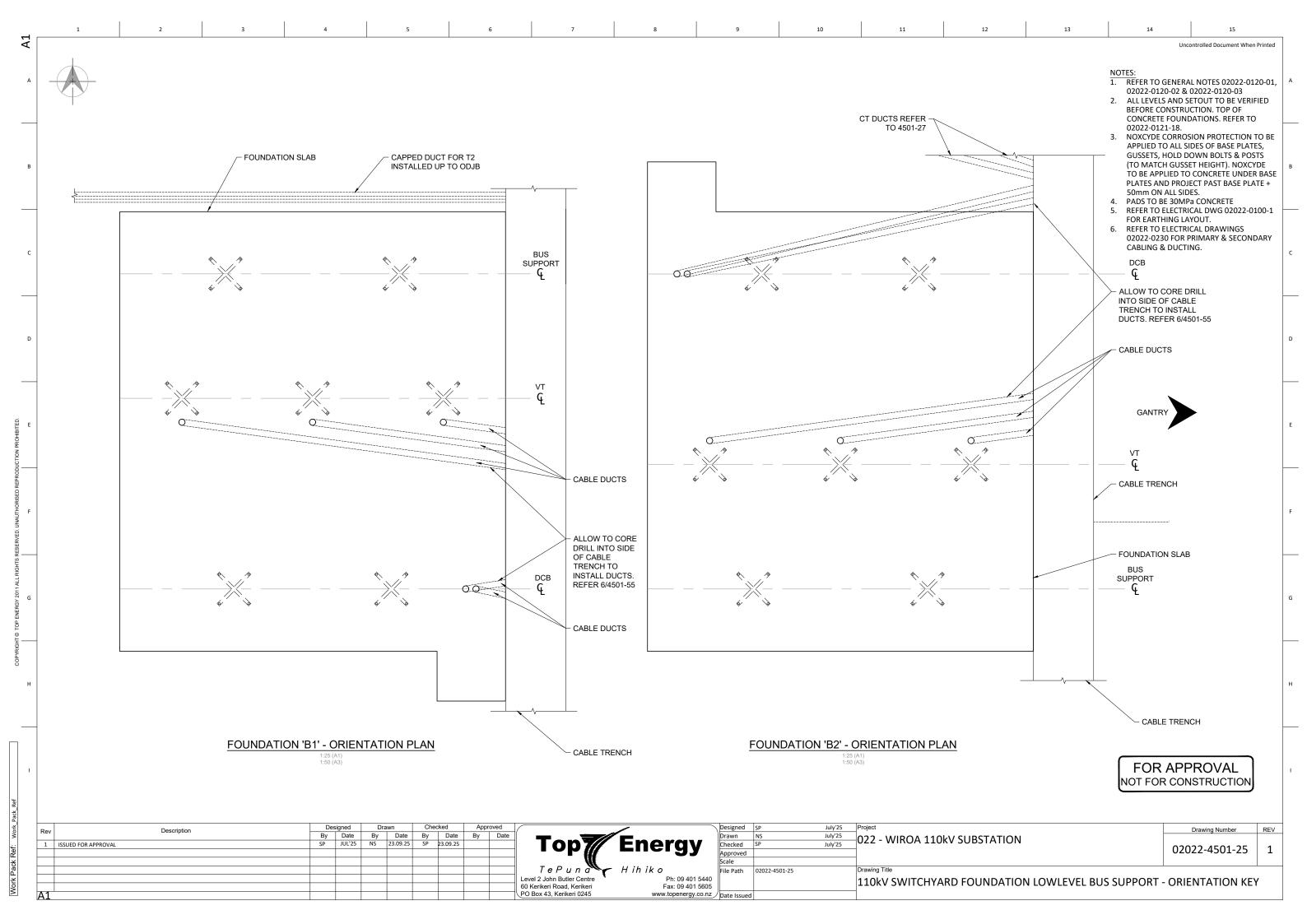
FOUNDATION 'A' - ORIENTATION PLAN

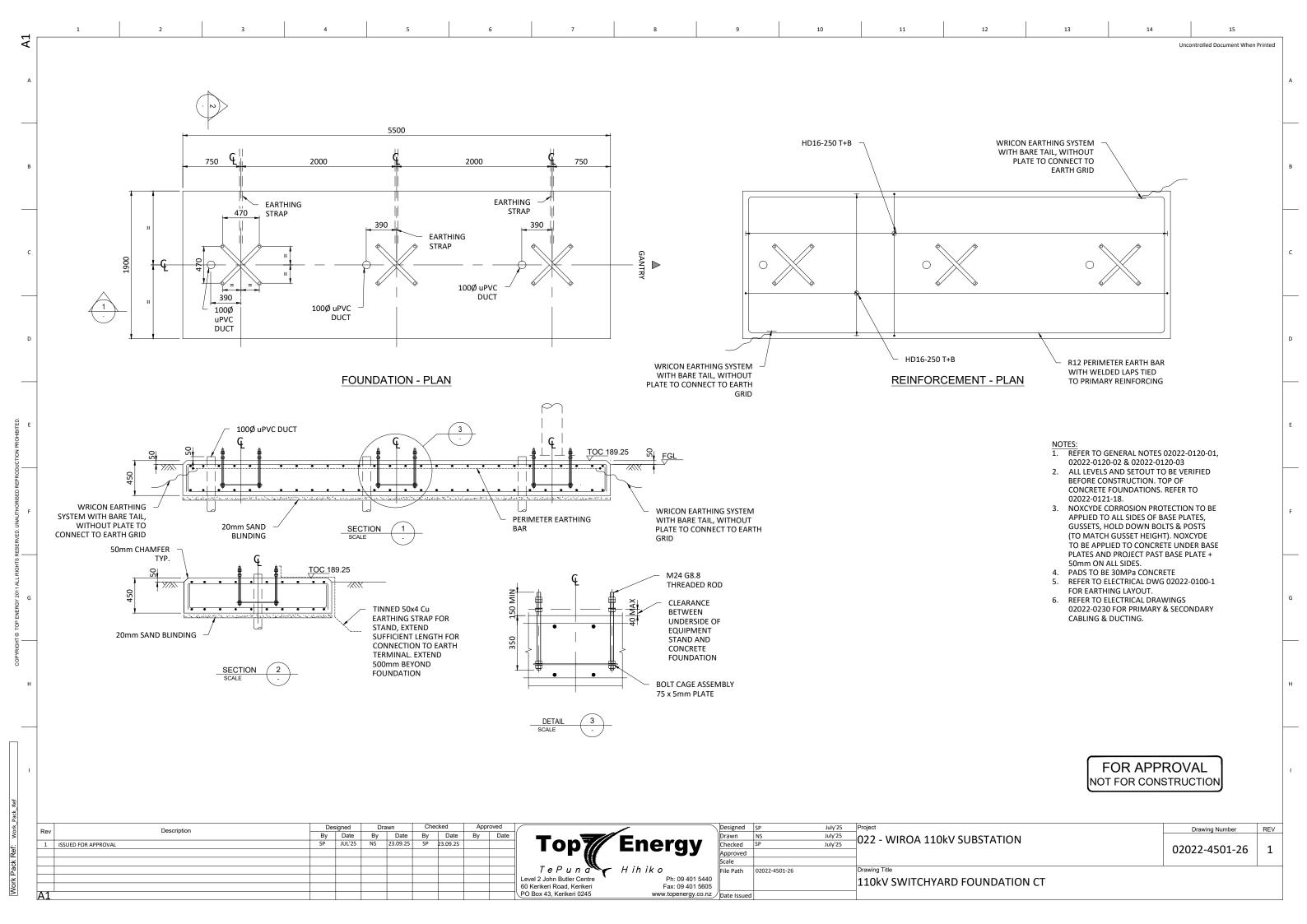
FOR APPROVAL NOT FOR CONSTRUCTION

Pev	Description	Designed	Drawn	Checked	Approved		Designed	SP July'25	Project	Drawing Number	REV
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A1						PO Box 43, Kerikeri 0245 www.topenergy.co.nz	Date Issued				









NOTES:

1. REFER TO GENERAL NOTES 02022-0120-01, 02022-0120-02 & 02022-0120-03

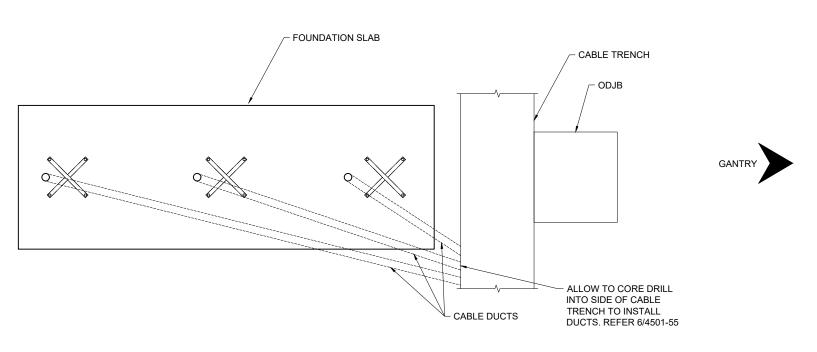
2. ALL LEVELS AND SETOUT TO BE VERIFIED BEFORE CONSTRUCTION. TOP OF CONCRETE FOUNDATIONS. REFER TO 02022-0121-18.

3. NOXCYDE CORROSION PROTECTION TO BE APPLIED TO ALL SIDES OF BASE PLATES, GUSSETS, HOLD DOWN BOLTS & POSTS (TO MATCH GUSSET HEIGHT). NOXCYDE TO BE APPLIED TO CONCRETE UNDER BASE PLATES AND PROJECT PAST BASE PLATE + 50mm ON ALL SIDES.

4. PADS TO BE 30MPa CONCRETE

5. REFER TO ELECTRICAL DWG 02022-0100-1 FOR EARTHING LAYOUT.

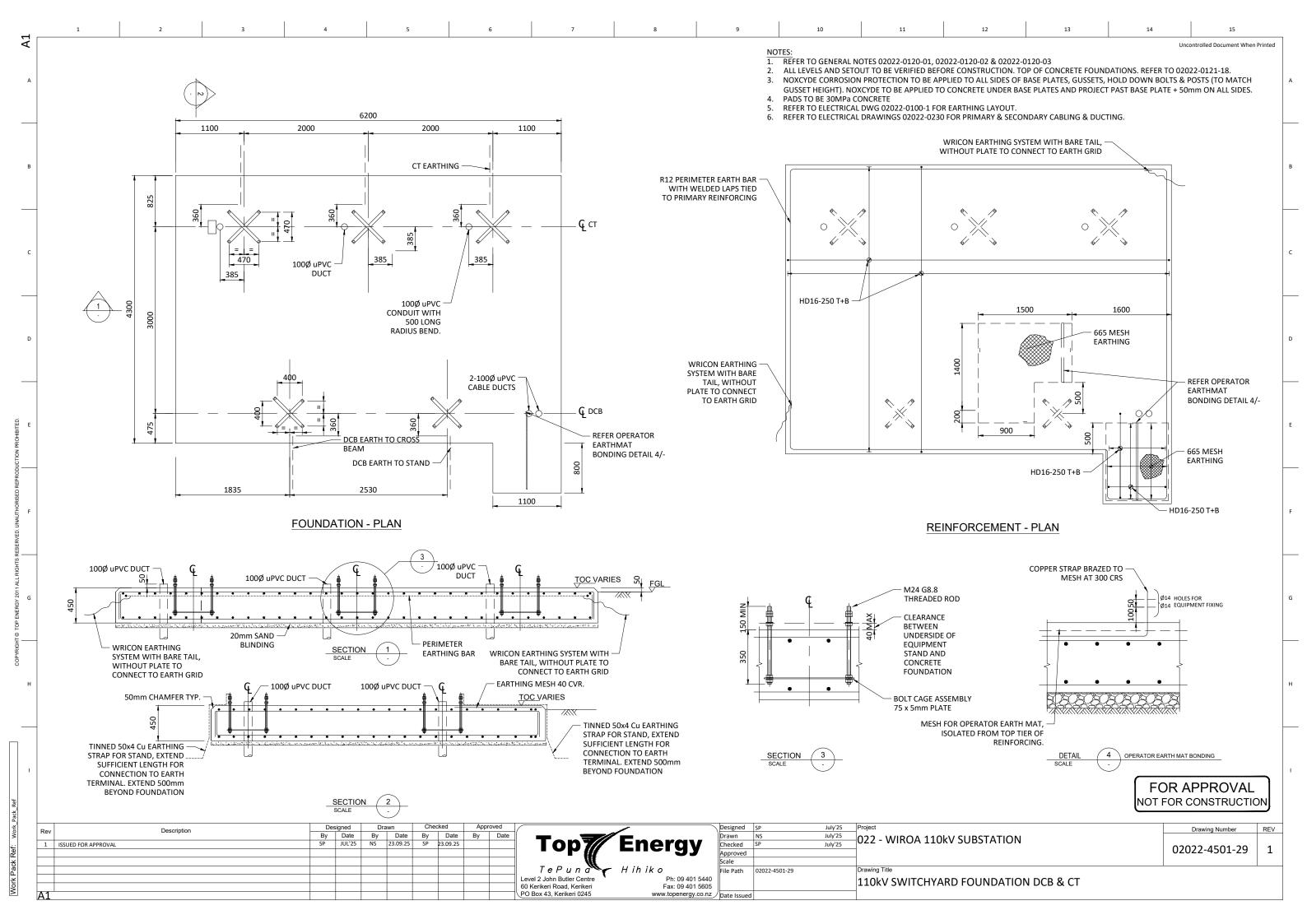
FOR EARTHING LAYOUT.
REFER TO ELECTRICAL DRAWINGS
02022-0230 FOR PRIMARY & SECONDARY CABLING & DUCTING.

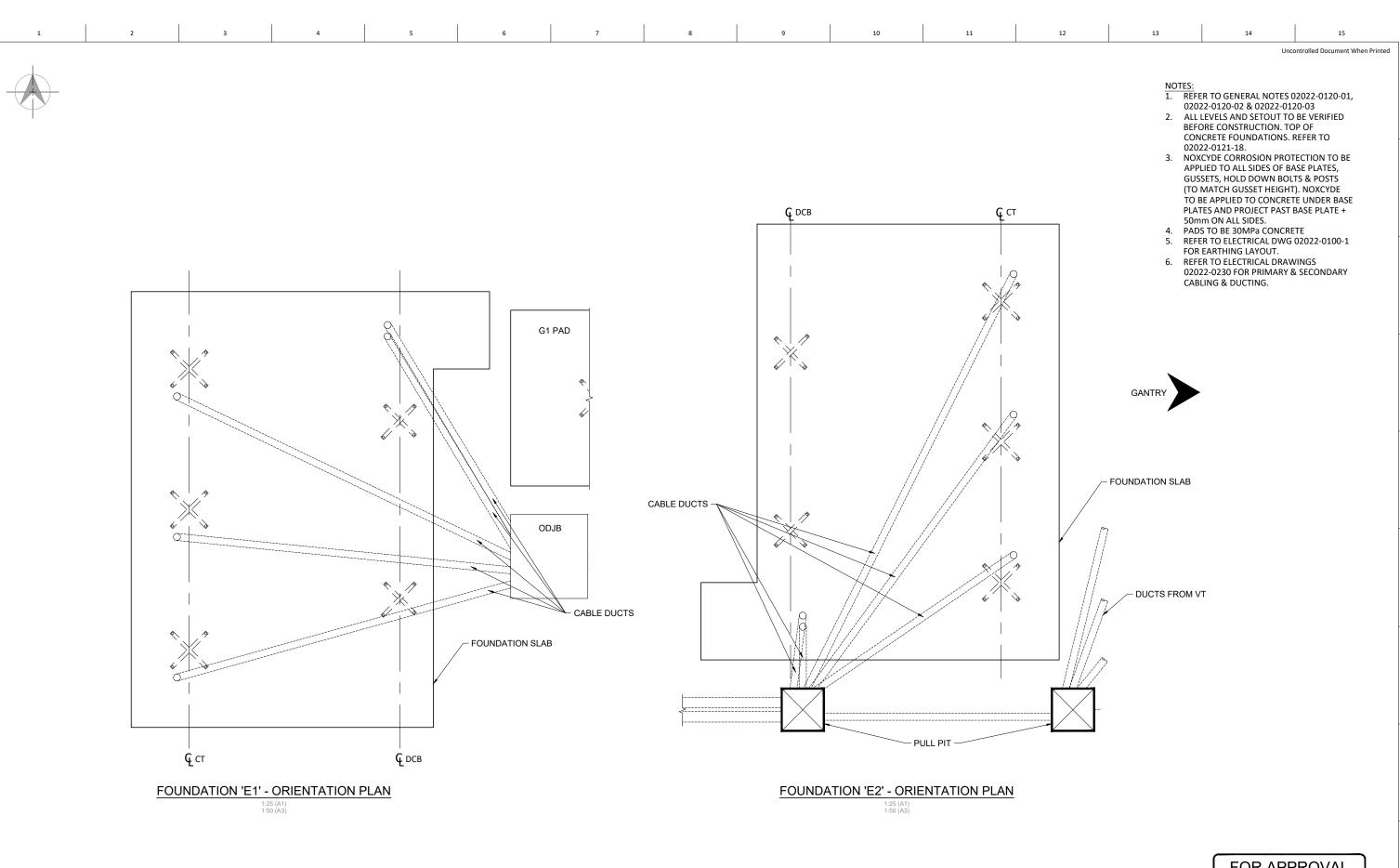


FOUNDATION 'D' - ORIENTATION PLAN

FOR APPROVAL NOT FOR CONSTRUCTION

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칠	Pov	Description	Designed	Drawi	n Ch	ecked App	roved		Designed	SP July'25	Project	Drawing Number	REV
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<u>></u>	A1							PO Box 43, Kerikeri 0245 www.topenergy.co.nz	Date Issue	t			



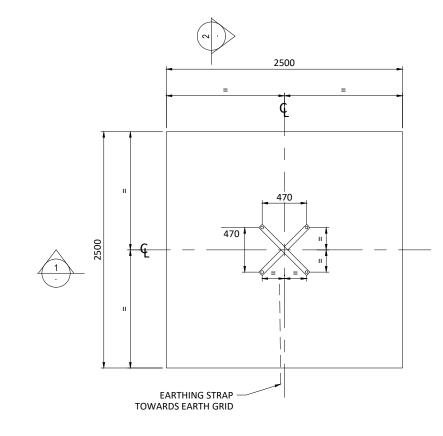


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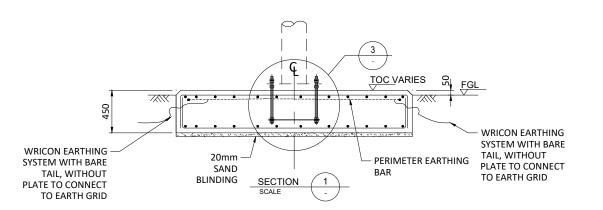
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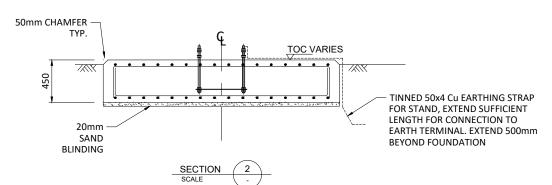
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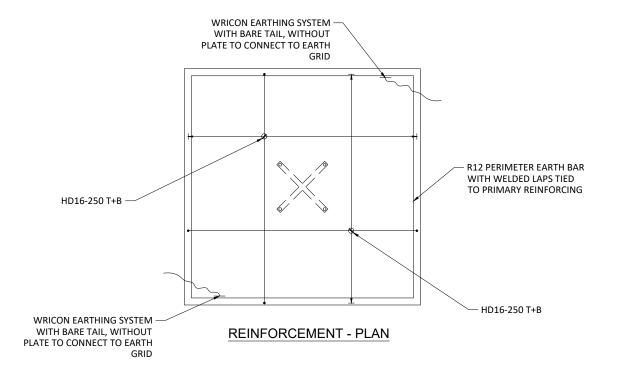




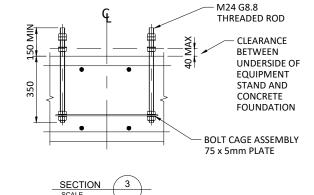
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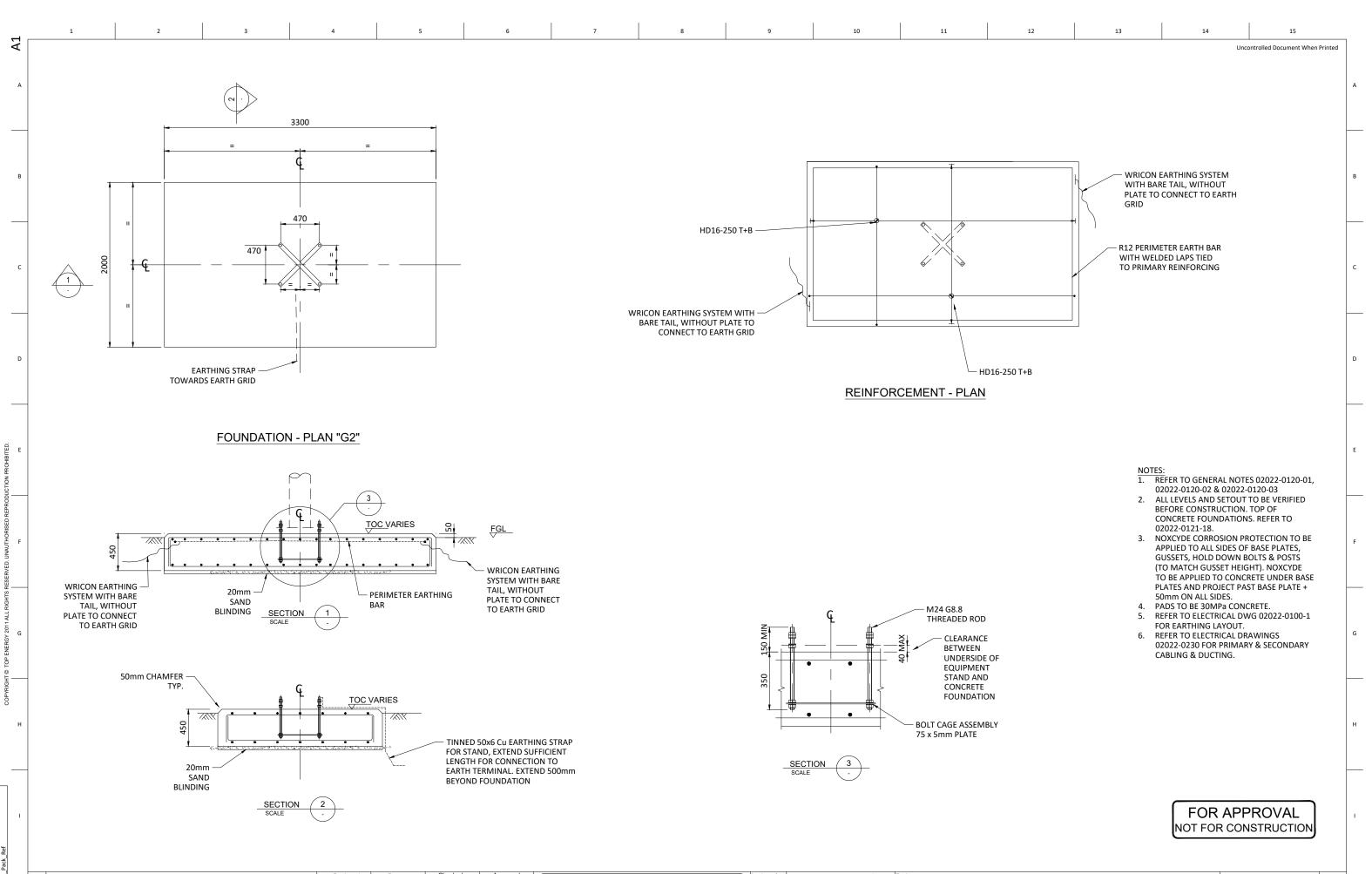
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- 2. ALL LEVELS AND SETOUT TO BE VERIFIED BEFORE CONSTRUCTION. TOP OF CONCRETE FOUNDATIONS. REFER TO 02022-0121-18.
- NOXCYDE CORROSION PROTECTION TO BE APPLIED TO ALL SIDES OF BASE PLATES, GUSSETS, HOLD DOWN BOLTS & POSTS (TO MATCH GUSSET HEIGHT). NOXCYDE TO BE APPLIED TO CONCRETE UNDER BASE PLATES AND PROJECT PAST BASE PLATE + 50mm ON ALL SIDES.
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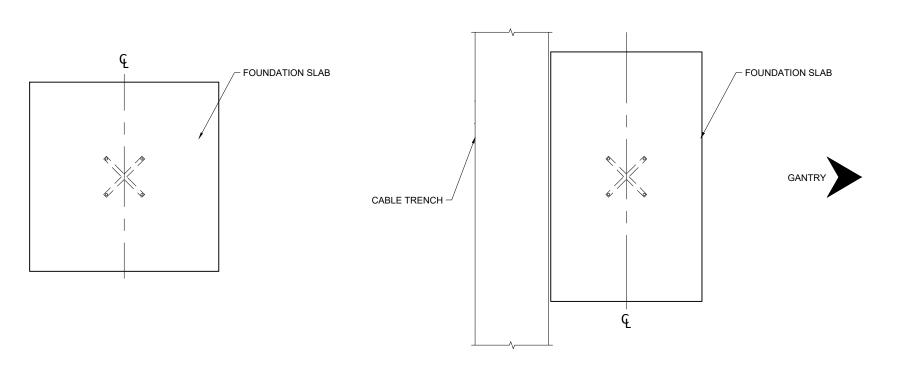
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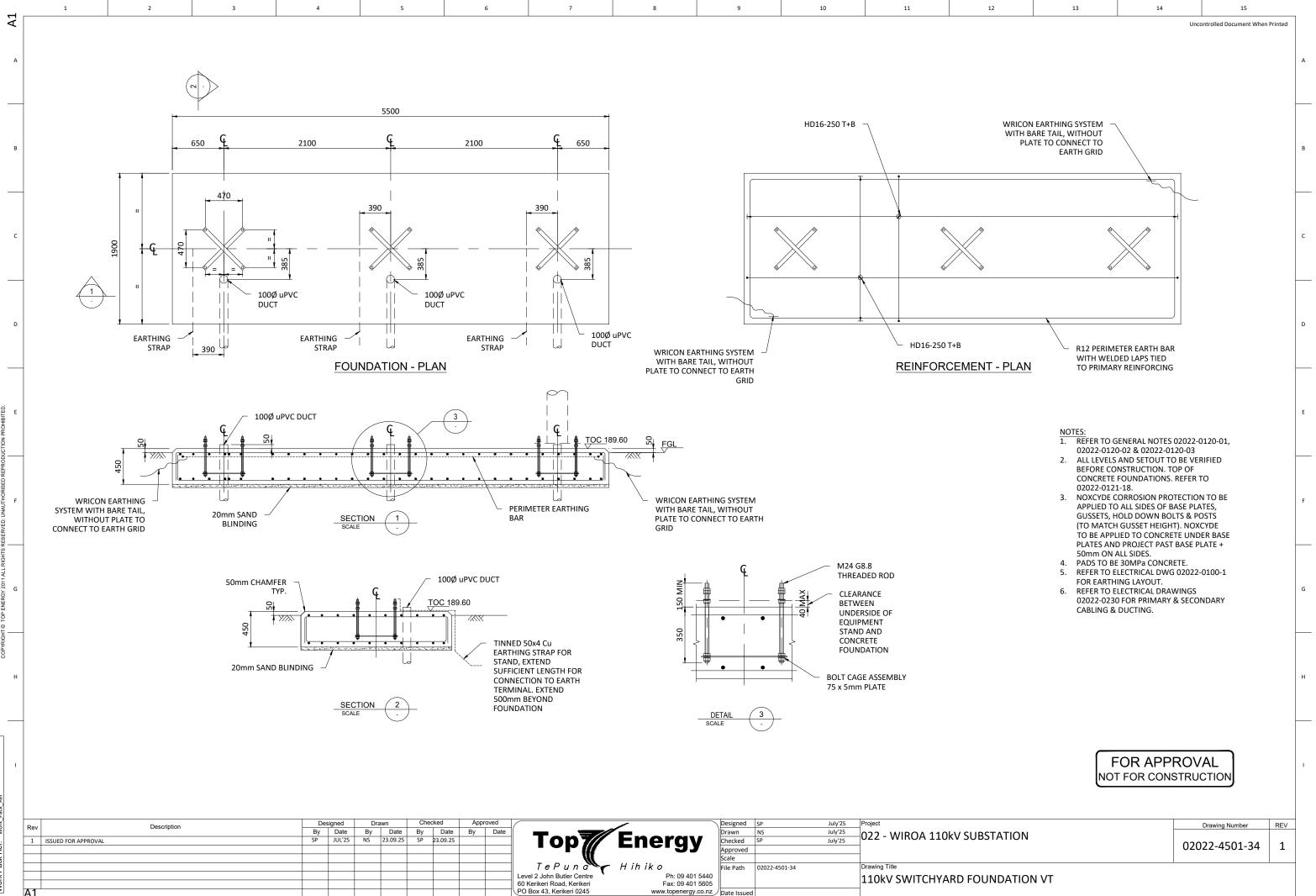


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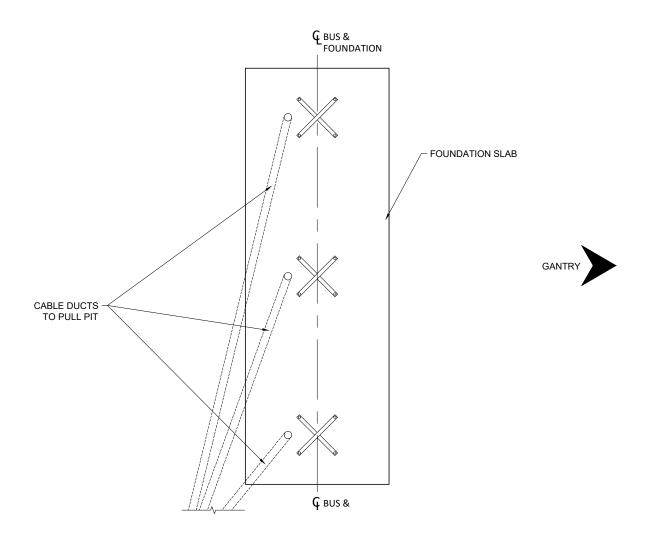
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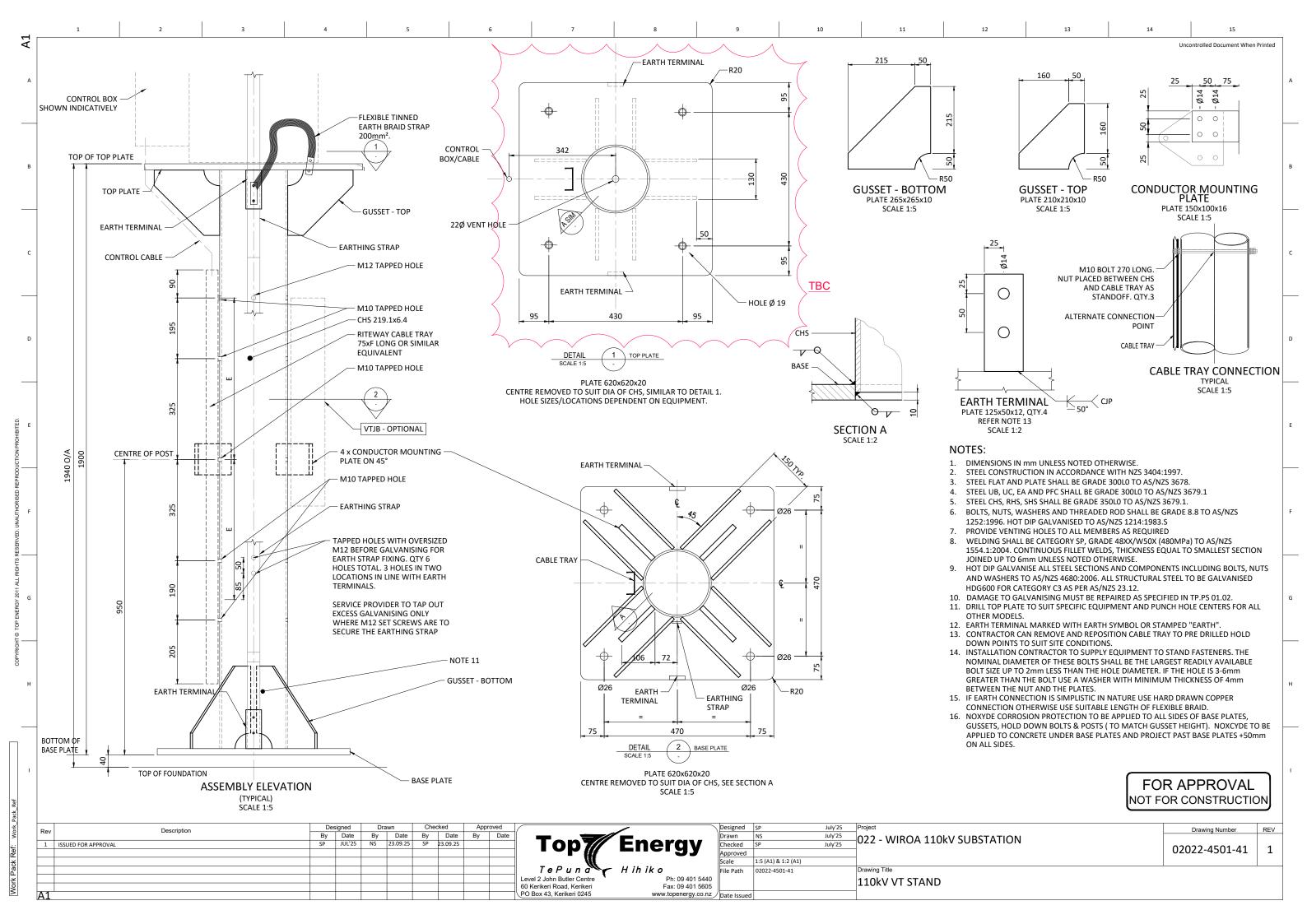
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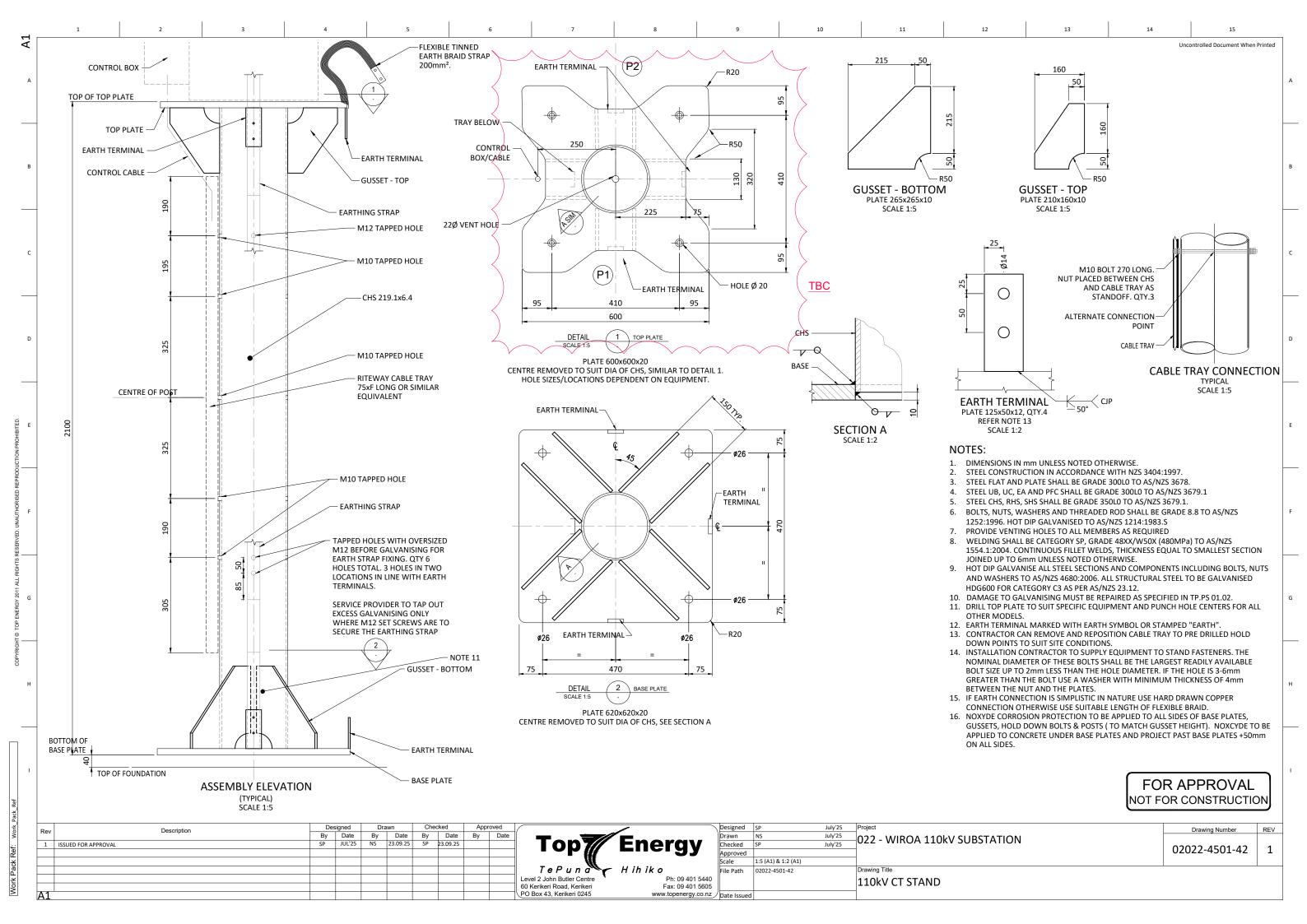


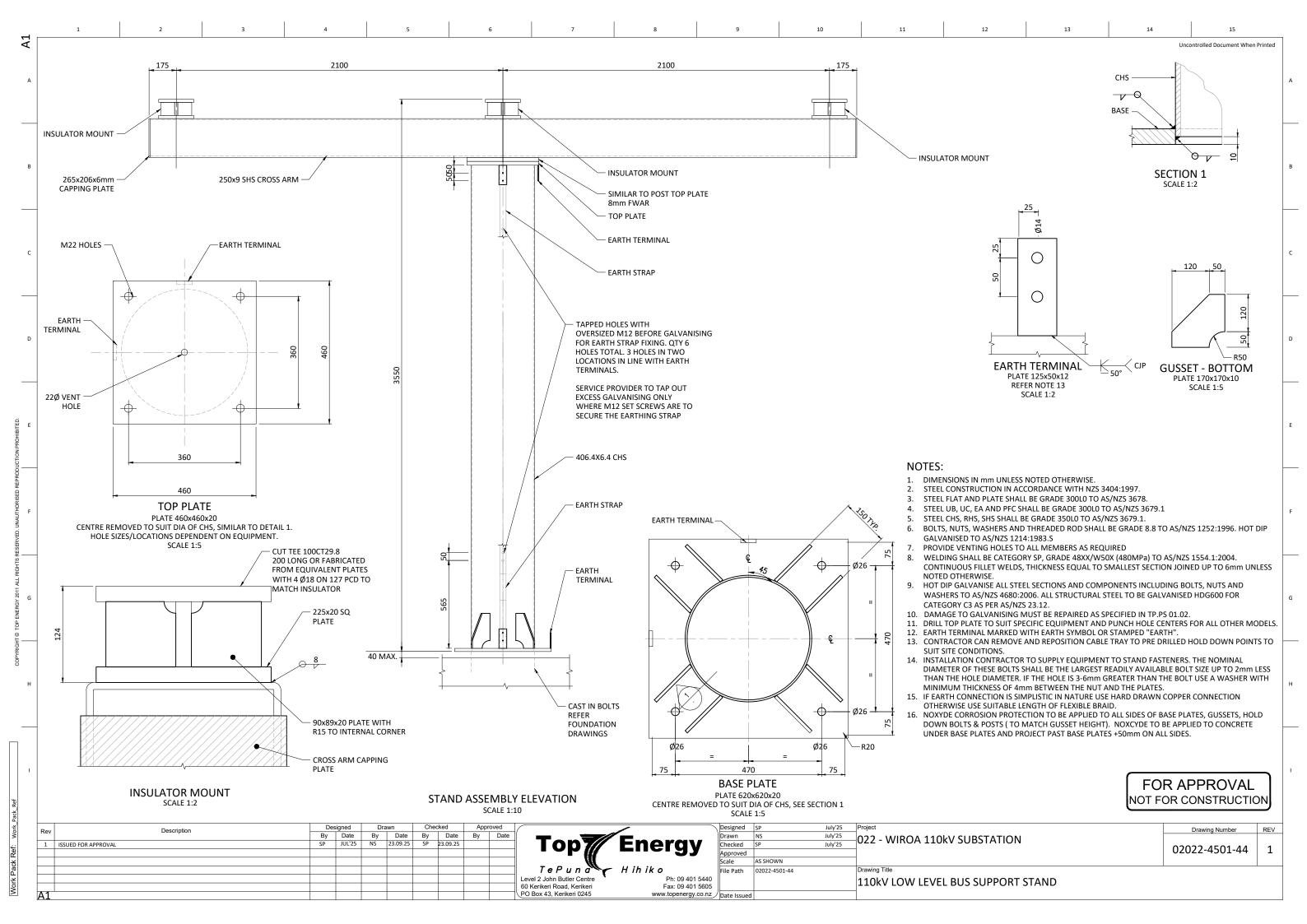
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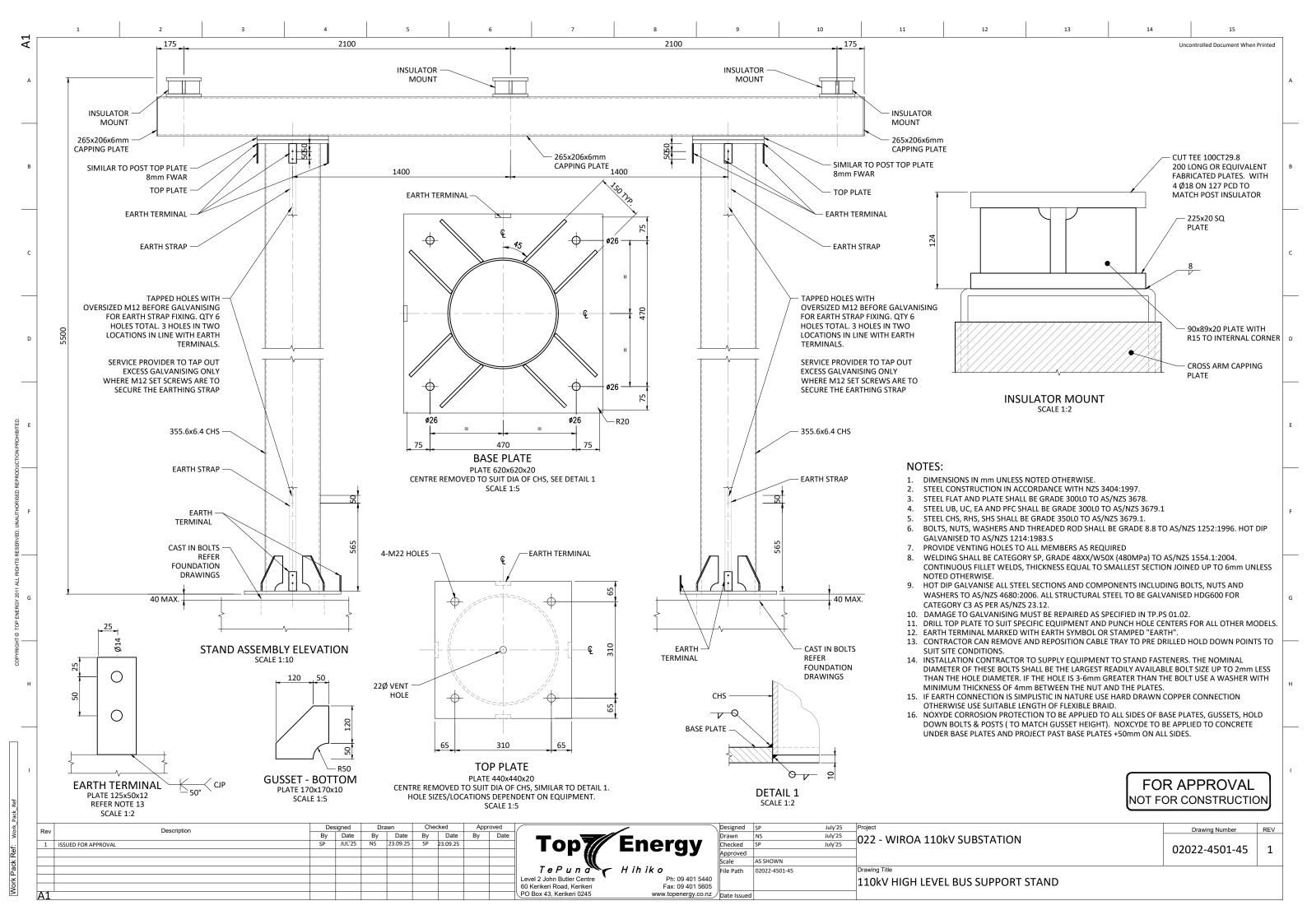
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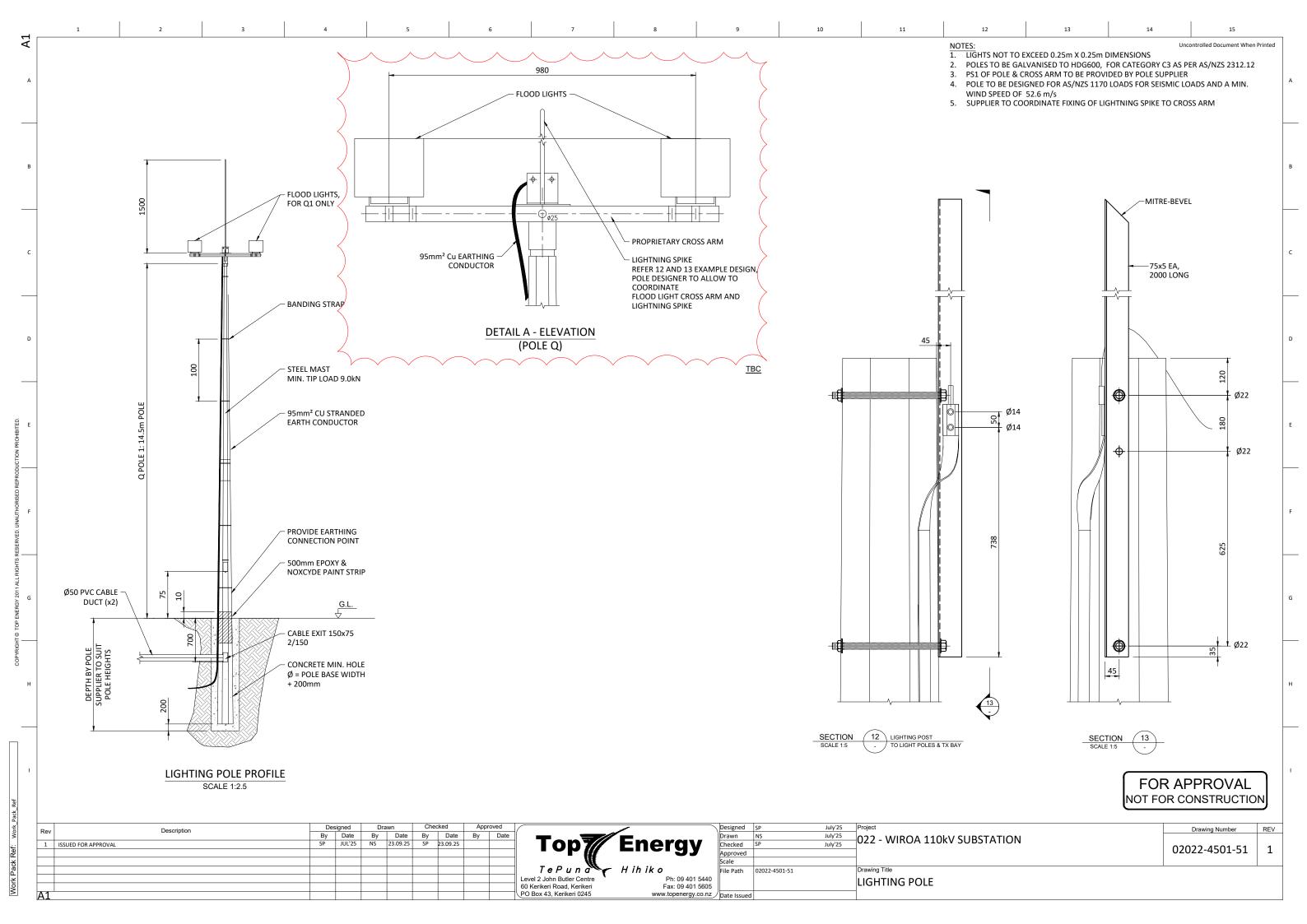
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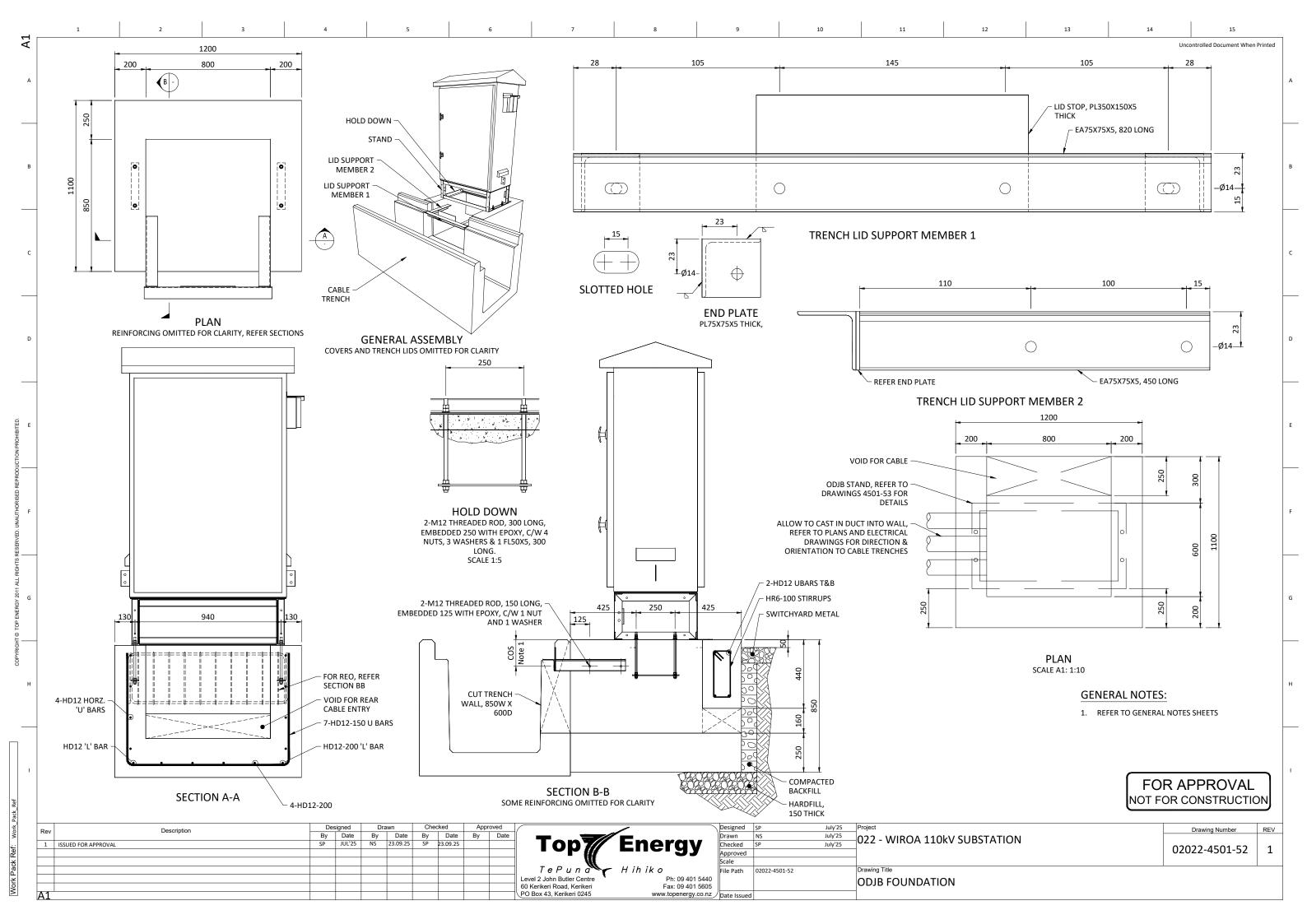


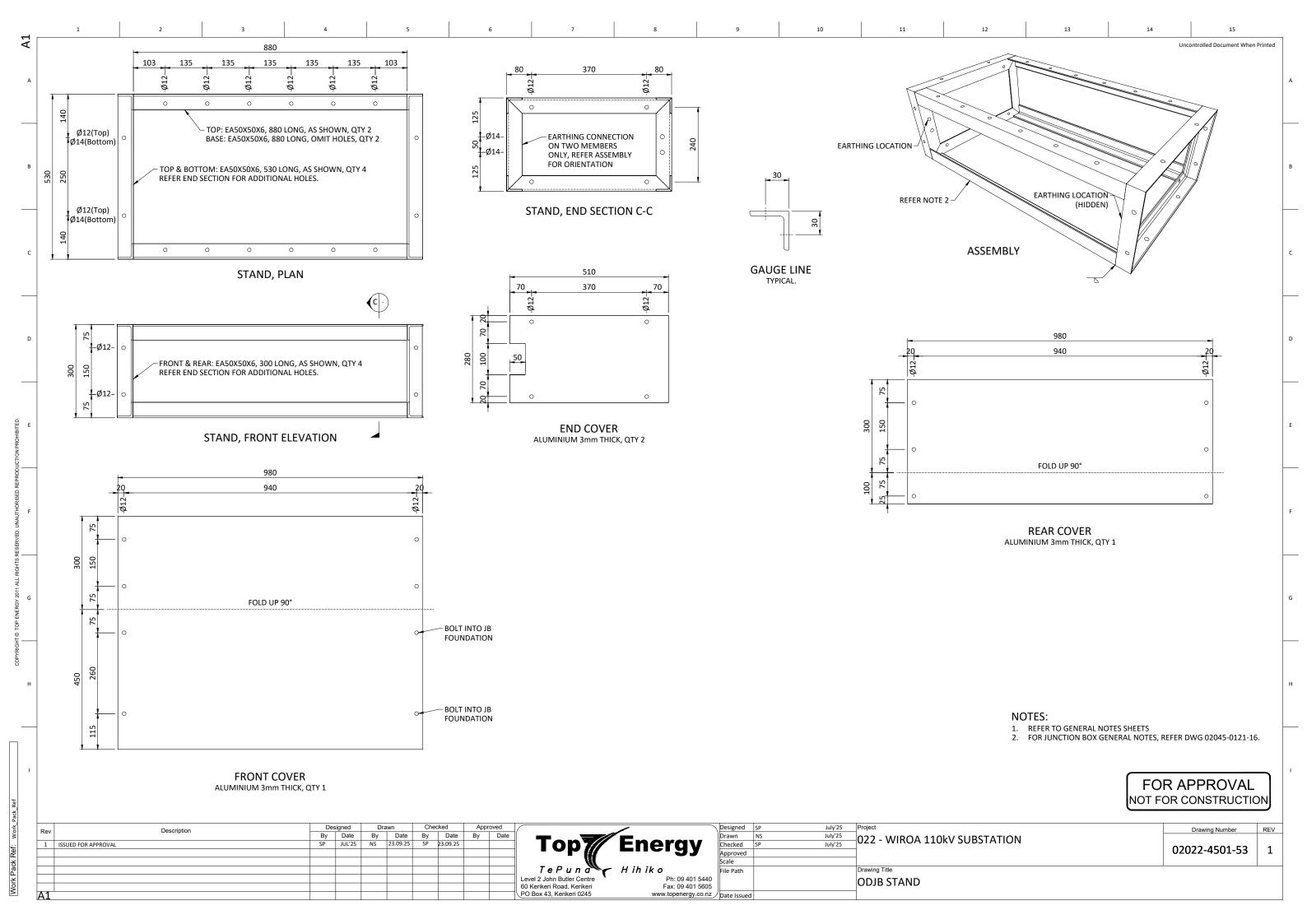


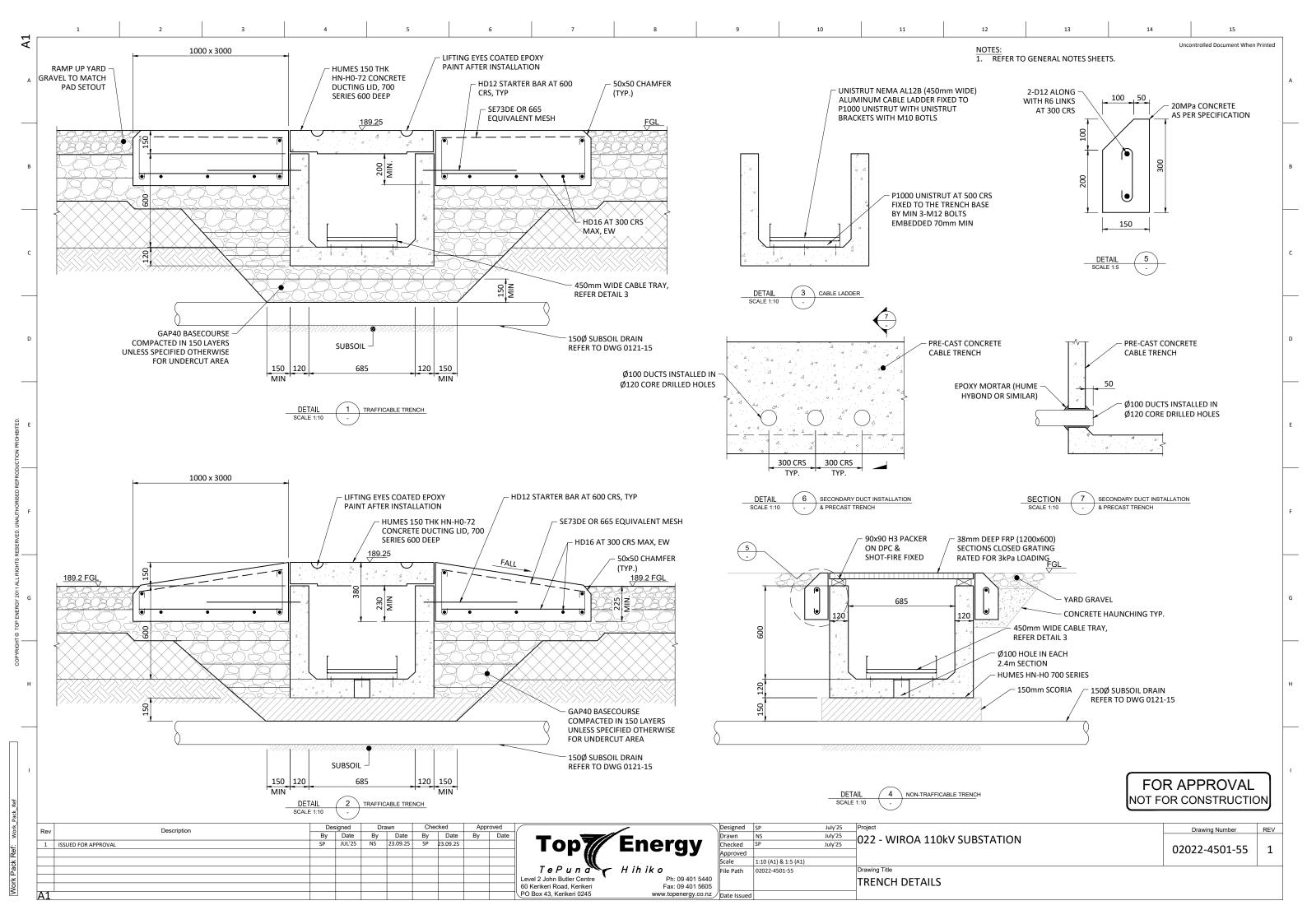


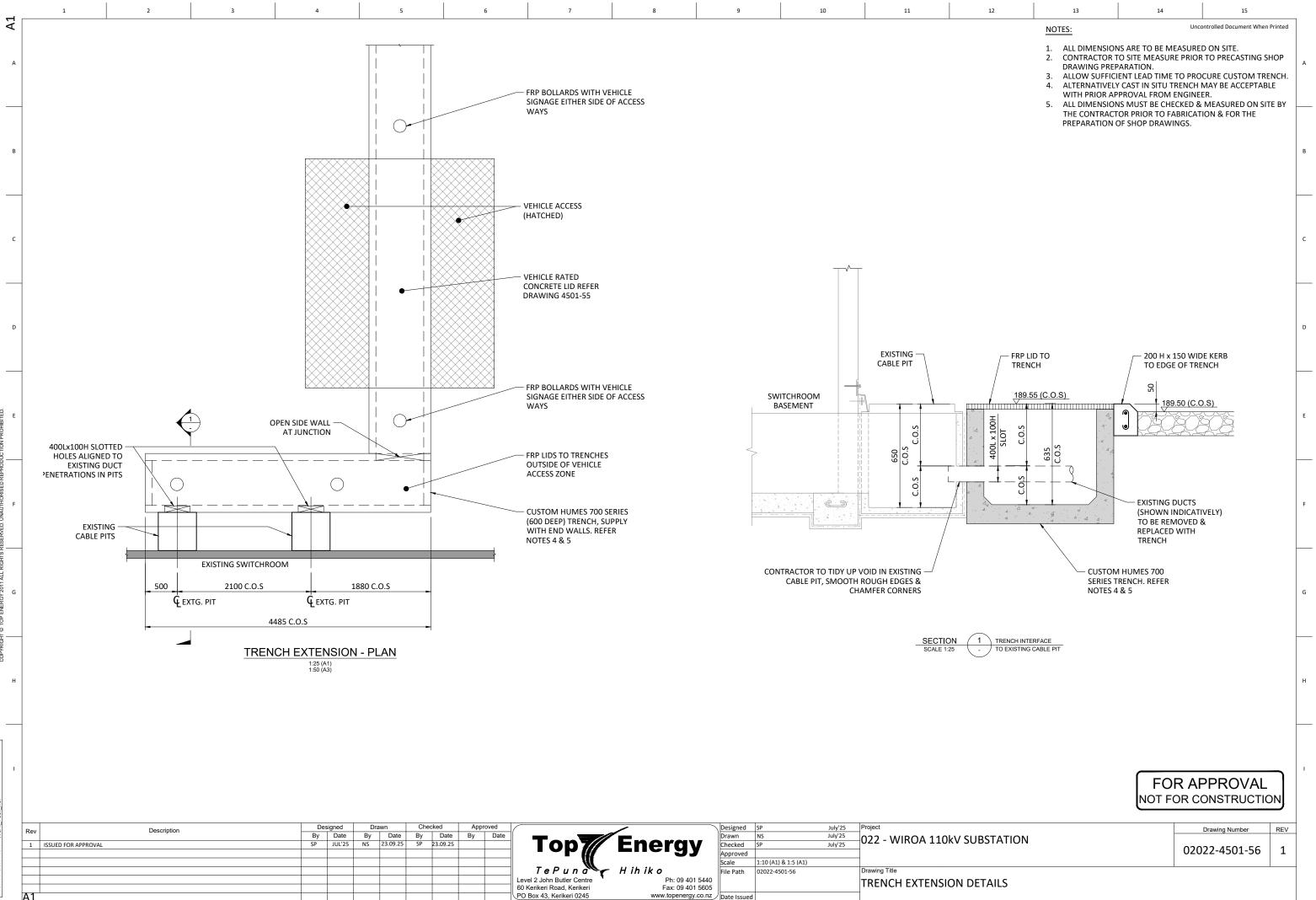




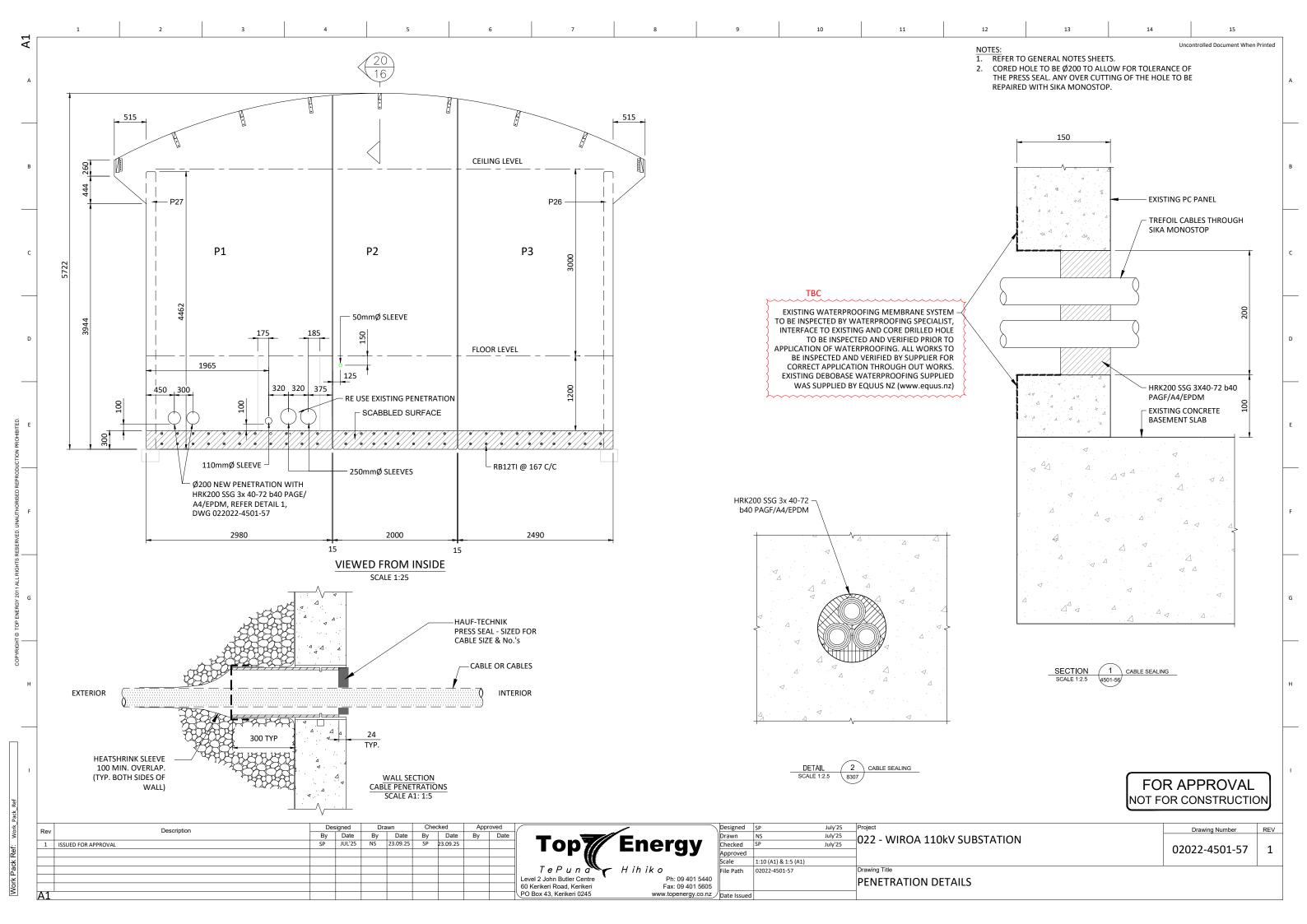


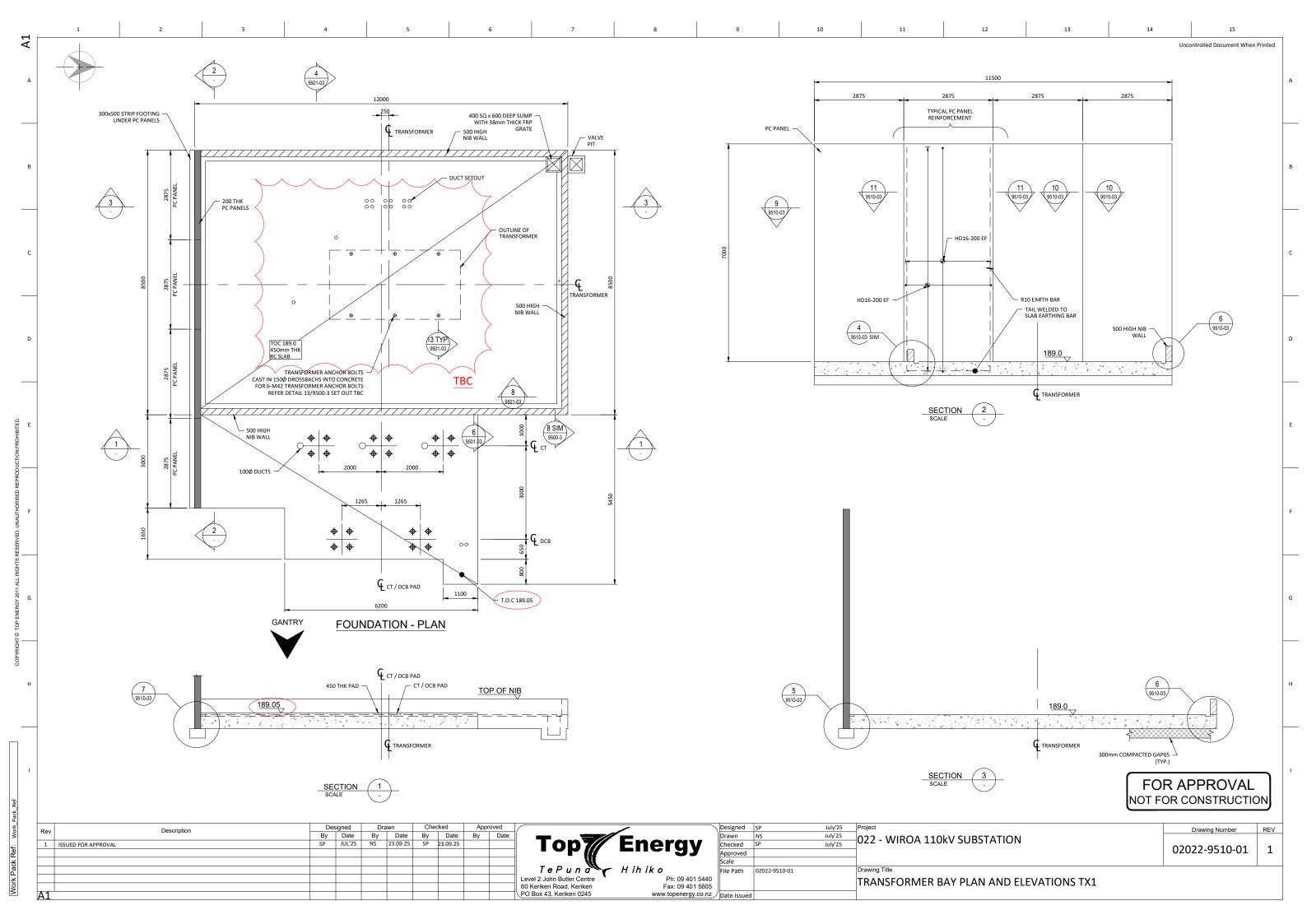


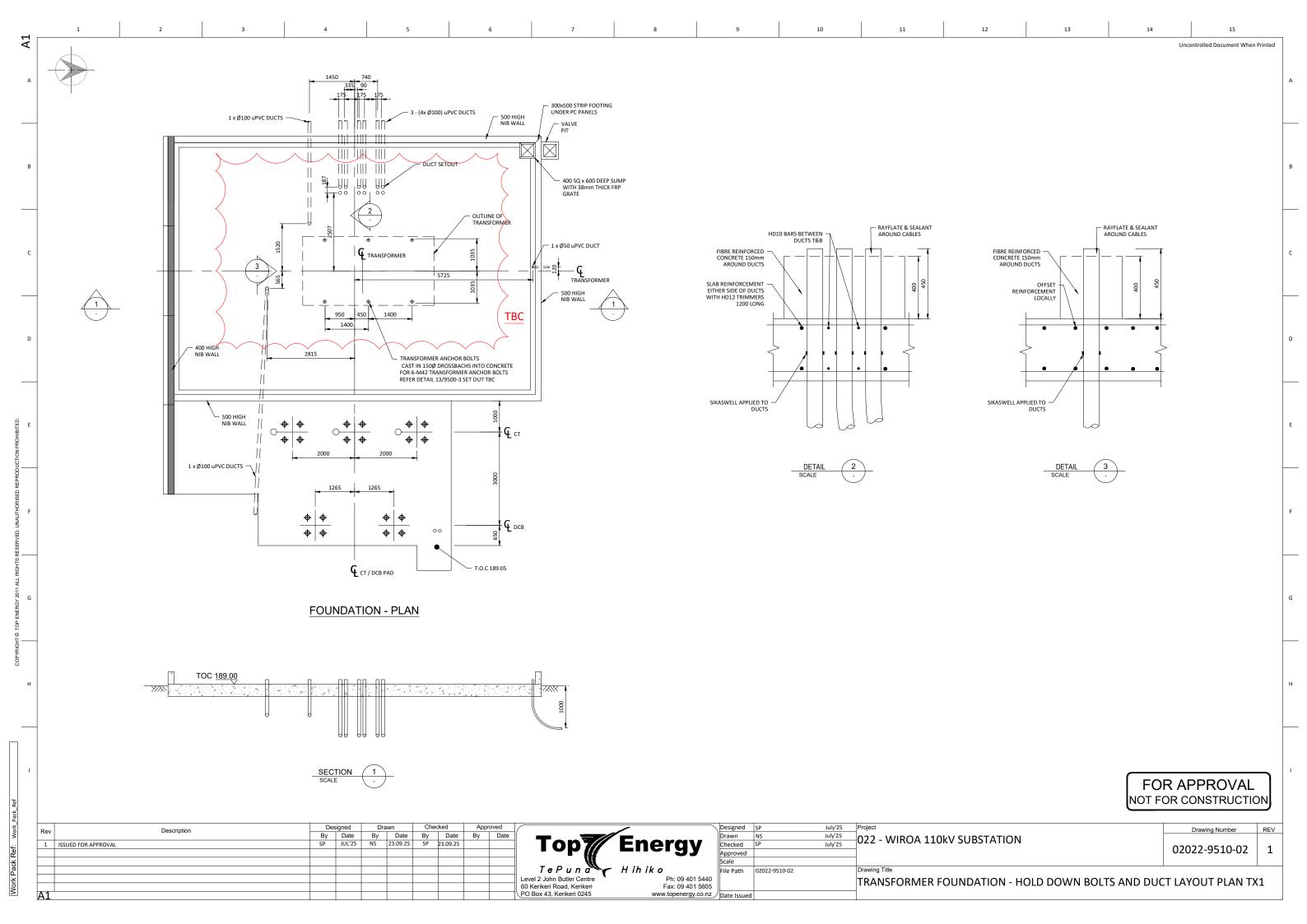


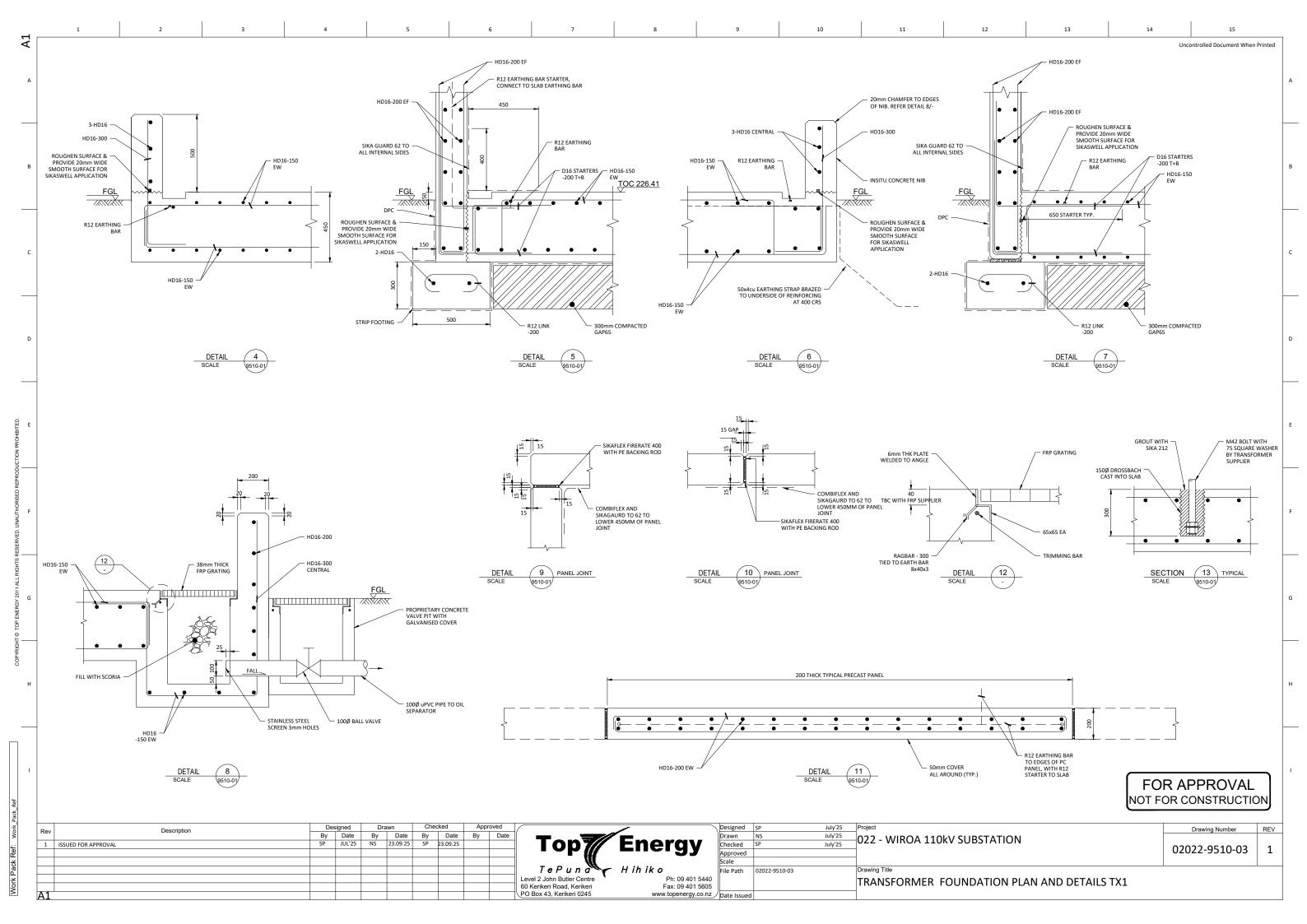


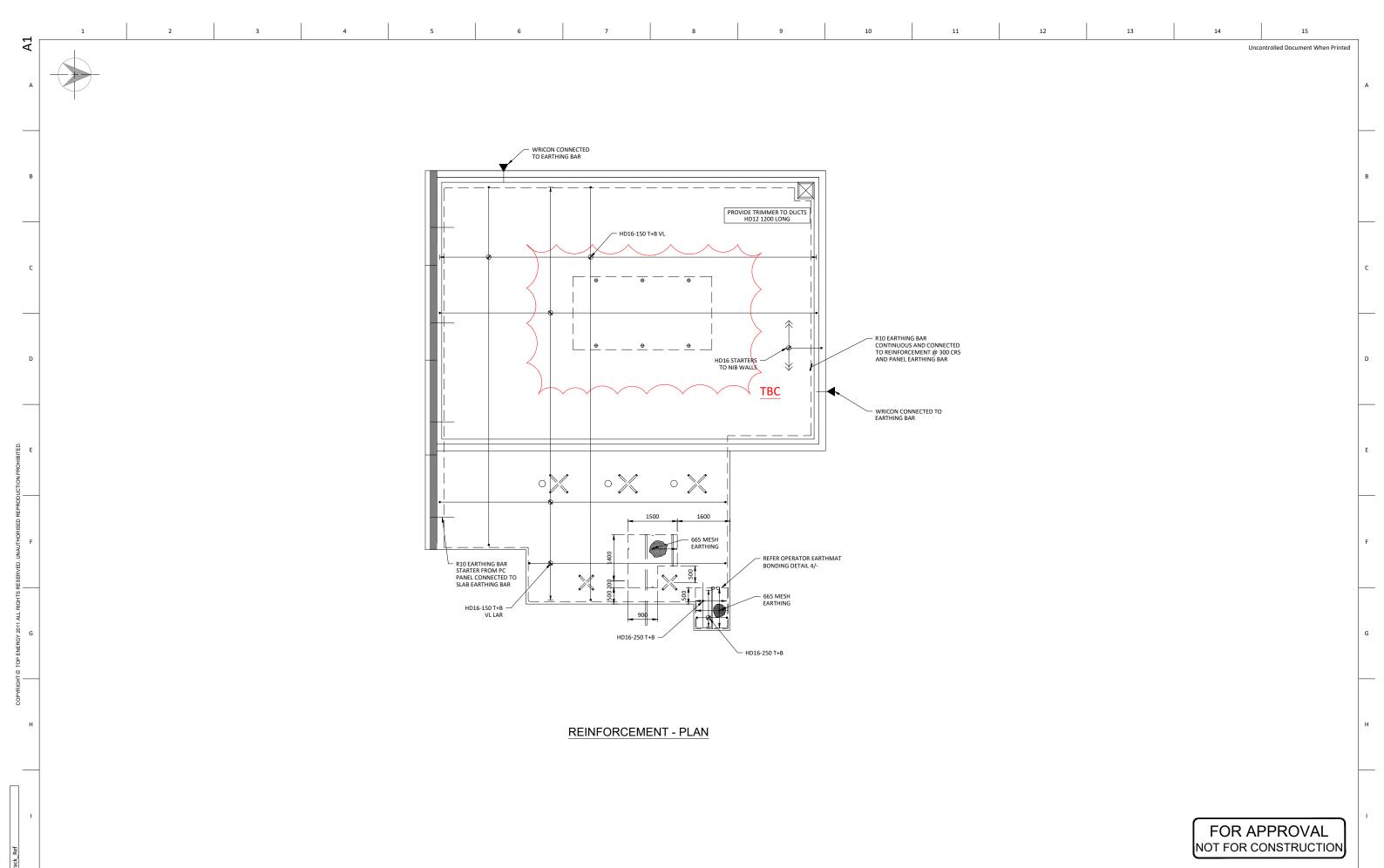
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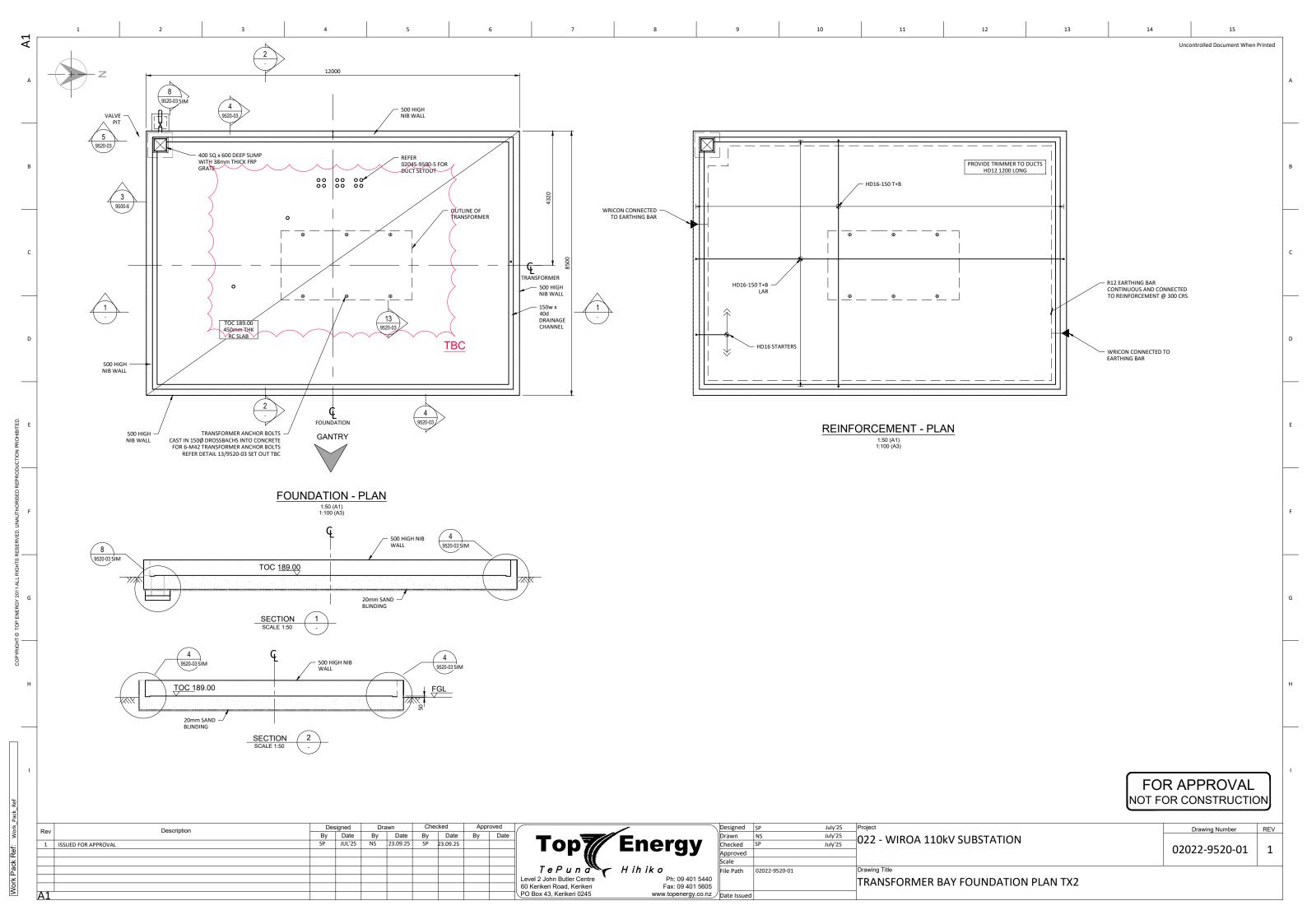


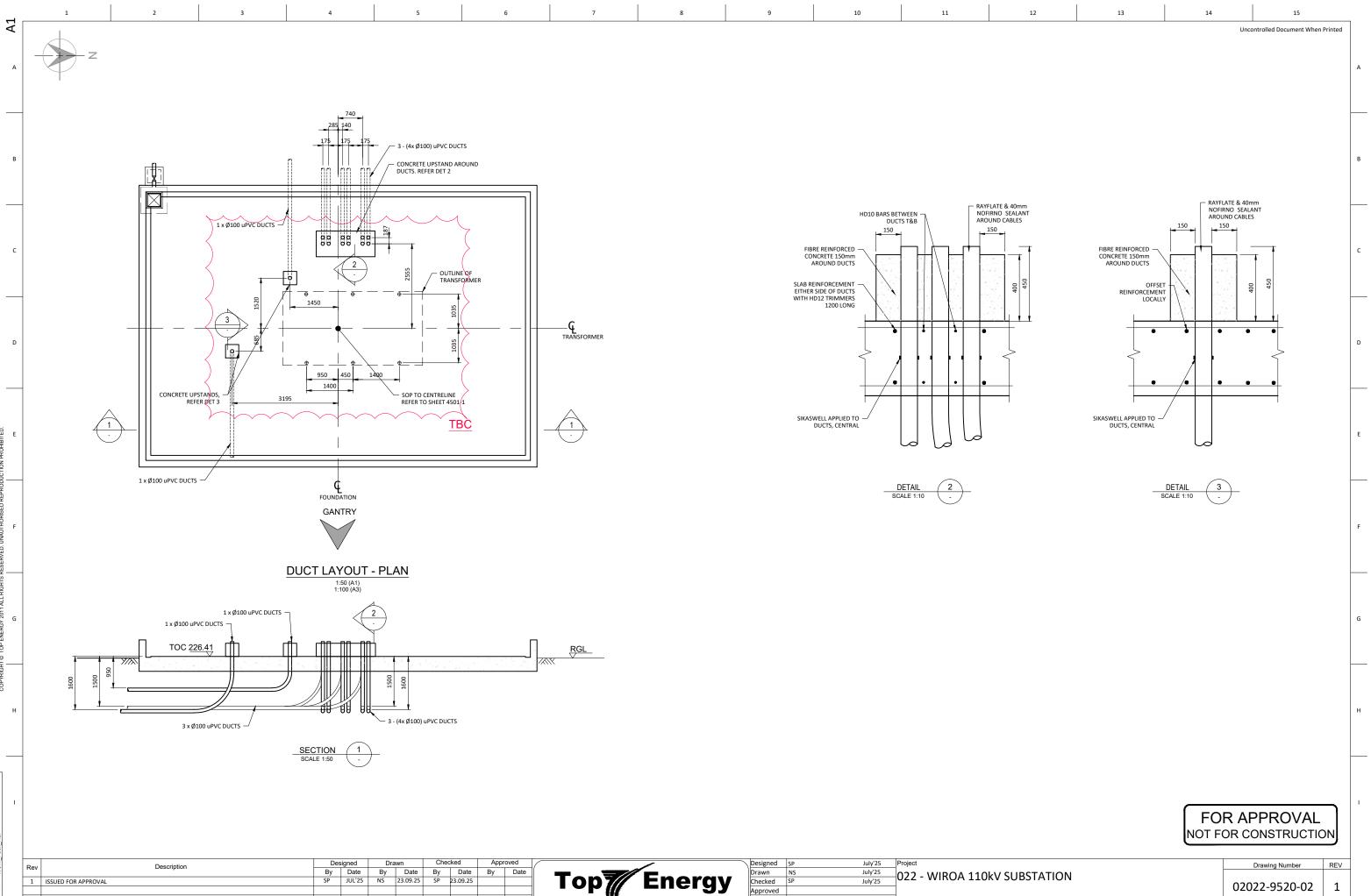






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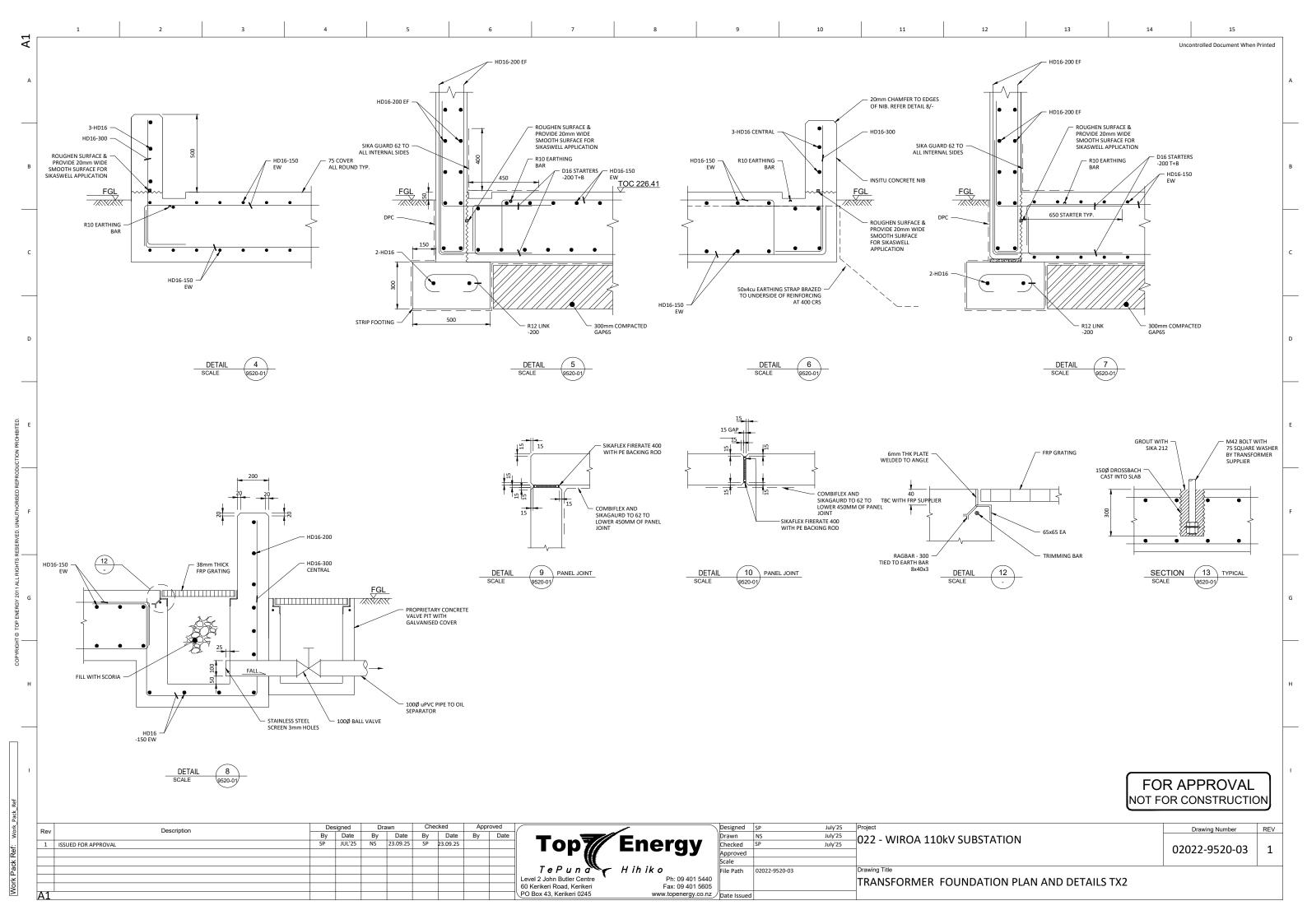
Ph: 09 401 5440

Fax: 09 401 5605 www.topenergy.co.nz

TePuna

Level 2 John Butler Centre 60 Kerikeri Road, Kerikeri PO Box 43, Kerikeri 0245

Work Pack Ref: Work Pack Ref





498 Wiroa Road, Kerikeri

Outline Plan of Works Application Pursuant to S176A of the RMA 1991 and Land Use Consent under the NES for Contaminated Soils

1 December 2025

Prepared for:

Top Energy Limited



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Status:

Final Revision 1

Date:

1 December 2025

Prepared by:

Moana Schoffa

Senior Planner, Barker & Associates Limited

Michella

Reviewed by:

David Badham

Partner, Barker & Associates Limited



Contents

1.0	Applicant and Property Details	5
2.0	Introduction	6
3.0	Site Context	6
3.1	Site Description	6
4.0	Proposal	7
5.0	Reasons for the Application	8
5.1	Activity A - Outline Plan	8
5.2	Activity B - National Environmental Standards – Contaminated Soils	9
6.0	Activity A – Outline Plan	10
6.1	Assessment against Section 176A of RMA	10
6.2	Height, Shape, and Bulk of the Public Work, Project, or Work	10
6.3	The Location of the Site of the Public Work, Project, or Work	10
6.4	The likely Finished Contour of the Site	11
6.5	The Vehicular Access, Circulation, and the Provision for Parking	11
6.6	The Proposed Landscaping	11
6.7	Any other Matters to Avoid, Remedy, or Mitigate any Adverse Effects on the Environment	11
7.0	Activity B – NES Contaminated Soil	11
7.1	Public Notification Assessment (Sections 95A, 95C and 95D)	11
7.2	Public Notification Conclusion	13
7.3	Limited Notification Assessment (Sections 95B, 95E to 95G)	13
7.4	Section 95E Statutory Matters	14
7.5	Assessment of Effects on Persons	15
7.6	Limited Notification Conclusion	16
7.7	Consideration of Applications (Section 104)	17
7.8	Effects on the Environment (Section 104(1)(A))	17
8.0	District Plan and Statutory Documents (Section 104(1)(B))	17
8.1	Objectives and Policies of the Regional Policy Statement for Northland	17
8.2	Summary	18
9.0	Part 2 Matters	18
10.0	Other Matters (Section 104(1)(C))	18
10.1	Record of Title Interests	18
11.0	Conclusion	19
11.1	Activity A – Outline Plan of Works	19
11.2	Activity B – NES – Contaminated Soils	19



Appendices

Appendix 1 Record of Title and Interests

Appendix 2 Civil and Structural Design Drawings Package

Appendix 3 Preliminary & Detailed Site Investigation



1.0 Applicant and Property Details

To: Far North District Council ('FNDC')

Site Address: 498 Wiroa Road, Kerikeri

Applicant Name: Top Energy Limited

Address for Service: Barker & Associates Ltd

PO Box 1986, Shortland Street, Auckland 1140

Attention: Moana Schoffa

Legal Description: Lot 2 DP 461681 (refer to Record of Title as Appendix

1

Site Area: 1.2152ha

Site Owner: Top Energy Limited

District Plan: Operative Far North District Plan ('ODP')

ODP Zoning: Rural Production Zone & Lakes and Rivers Zone

ODP Overlays & Controls: Nil

Designations: TE247 - Wiroa Substation - the operation,

maintenance, and upgrading of an electricity substation, and related infrastructure, required for

electricity supply and distribution.

Locality Diagram: Refer to Figure 1

Brief Description of Proposal: The proposal involves upgrading the Wiroa

Substation which includes the construction of new transformer bays and outdoor yard bus equipment

Summary of Reasons for Consent: Outline Plan: required pursuant to section 176A of

the RMA.

NES-CS: Resource Consent is required for a **controlled**

activity pursuant to regulation 9(1).



2.0 Introduction

This report has been prepared to support an application for an Outline Plan of Works (**OPW**), as well as a resource consent application to obtain a land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in soil to Protect Human Health) Regulations 2011 (**NES-CS**) by Top Energy Limited (**Top Energy**), to provide for upgrade works to the existing Wiroa Substation.

Top Energy is an electricity distribution company, based in the Far North District. Top Energy is a requiring authority pursuant to section 167 of the Resource Management Act 1991 (RMA) and is specified as a requiring authority in the Designations chapter of the ODP.

This Report and its attachments are compiled and lodged in accordance with the requirements of section 88 and schedule 4, as well as section 176A of the RMA.

3.0 Site Context

3.1 Site Description

The substation site is located at 498 Wiroa Road, Kerikeri. It is located approximately 8km southwest of Kerikeri.

The site is legally described as Lot 2 DP 461681 (see **Figure 1** below), measuring approximately 1.2152ha in area.

The site itself is utilised as an electrical substation containing an existing switch room building. The balance of the site is paved or grassed.



Figure 1: Locality Plan



The surrounding environment is predominantly rural to rural-lifestyle in nature, with rural land located to the north, east, west and south.

4.0 Proposal

Top Energy owns and operates the electricity lines network within the Far North District, servicing an area of 6,822km² and serving over 32,000 customers. Top Energy's current electricity network has a total system length of 4,016km and includes seventeen substations that are subject to designations.

Top Energy are seeking to upgrade the existing Wiroa Substation to include a new 110kV switchyard which will comprise two new 80 MVA 110/33 kV transformers and yard equipment. Yard equipment will include current transformers, Voltage transformers, Disconnecting Circuit Breakers, high-level bus (conductor) support, and low-level bus support.

The substation upgrades are considered necessary to reinforce the northern network for Top Energy networks. The importance level of the structure and transformer bays are IL4 (Critical), and the design life is 50 years.

The scope of the work proposed is split into four stages, and includes the following:

- Stage 1 Yard extension civil works. These works will extend the switchyard platform to accommodate the required 110 kV equipment as well as upgrading site stormwater runoff and sediment controls. Stage 1 works are scheduled to commence and be completed early 2026;
- Stage 2 Switchyard civil works. These works will complete the switchyard surface, install equipment foundations, cable routes, earth grid, and permanent site security fencing. Stage 2 works are scheduled to commence mid-2026 and be completed early 2027;
- Stage 3 Transformer 1 (T1) electrical installation. These works will install all required supporting electrical equipment for T1 and Transformer 2 (T2), and includes the installation and commissioning of T1. Stage 3 works are scheduled to commence and be completed in 2027;
- Stage 4 T2 installation. These works will install and commission the second (T2) 110/33 kV transformer. Stage 4 works are expected to be completed in approximately 2035; and

The proposed earthworks volumes for Stages 1 and 2 will comprise approximately $1,855m^3$ of cut and $1,635m^3$ of fill over an area of $2,570m^2$ for the civil works associated with the substation upgrades.

Figure 2 below shows the proposed site layout.



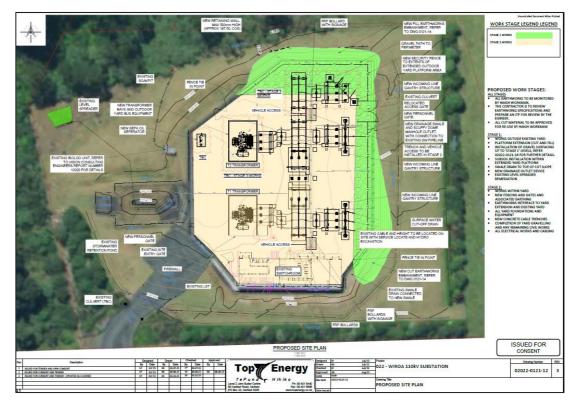


Figure 2: Proposed Site Layout

Further detail of each element above is provided in the Civil and Structural Design Drawings Package attached to **Appendix 2** of this Report.

5.0 Reasons for the Application

5.1 Activity A - Outline Plan

The Wiroa Substation is designated as TE-247 under the ODP, with its purpose being as follows:

"Wiroa Substation. The operation, maintenance, and upgrading of an electricity substation, and related infrastructure, required for electricity supply and distribution."

The requirements for an OPW are set out in section 176A of the RMA. An outline plan of the public work to be constructed on designated land must be submitted by the requiring authority to territorial authority. 1

None of the exceptions in section 176A(2) are considered to apply as the work has not been otherwise approved under the Act, the details are were not included in the designation, and no request has been made for the outline plan requirement to be waived.

This Report and attached information are provided in accordance with the requirements set out in section 176A(3) for the OPW to show a range of details.

Within 20 working days after receiving the OPW, the territorial authority may request the requiring authority to make changes.²

Section 176A(1) of the RMA.

Section 176A(4) of the RMA.



The territorial authority may appeal to the Environment Court any decision by the requiring authority not to make changes so requested.³

5.2 Activity B - National Environmental Standards – Contaminated Soils

While the subject site is designated under the ODP, section 43D(3) of the RMA states that a national environmental standard prevails over a designation that requires an outline plan, if, when the standard is made –

- The designation exists; and
- No outline plan for the designation is completed.

The above applies to the current proposal and designation, therefore an assessment against the relevant requirements of the NES-CS is required regardless of the status of the site as a designated site in the ODP.

The NES-CS was gazetted on 13 October 2011 and took effect on 1 January 2012. The standards are applicable if the and in question, is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

Substations and switchyards are included as a HAIL item B.4. and soil disturbance is required to facilitate the proposal. Accordingly, Haigh Workman were engaged to undertake an assessment of the site and have prepared a preliminary & detailed site investigation (PSI/DSI) provided as Appendix 3 to this application.

Methodology

The methodology followed by Haigh Workman is in accordance with the Ministry for the Environment Contaminated Land Management Guidelines and included desktop review, site inspection, conceptual site modelling and soil sampling. The sampling was sent to Eurofins Laboratory for analysis, quality assurance and quality control procedures were followed.

Summary of Findings and Consent Requirements

The assessment of available information from the site walkover indicated that the following Hazardous Activities and Industries list activities have, or potentially have, occurred at the site:

- Persistent pesticide bulk storage or use associated with horticultural activities (HAIL cat. A.10); and
- Undocumented fill (HAIL Cat. L).

The soil sample investigation undertaken as part of the PSI/DSI confirms while all contaminants of concern concentrations were below applicable commercial / industrial human health criteria, metal concentrations were above background levels in all samples and total petroleum hydrocarbon concentrations were also above laboratory method detection limits in one of the soil samples.

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³ Section 176A(5) of the RMA.



Subsequently, resource consent is required for a **controlled activity** under regulation 9(1) of the NES-CS to disturb soil because the proposed earthworks volumes exceed the permitted volumes (by approximately 360m³) under regulation 8(3) of the NES-CS.

Mitigation Measures Offered

The following mitigation measures and any necessary conditions of consent required to implement these measures are offered as part of Activity B – NES-CS Consent:

- Appropriate erosion and sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05);
- Any proposed removal of material exceeding background level criteria will be disposed of at an appropriately licenced facility; and
- Any visual / olfactory evidence of contamination discovered during site works shall be segregated and analysed by a 'Suitably Qualified Expert' (SQEP) prior to disposal.

6.0 Activity A – Outline Plan

The following assessment relates to the Outline Plan of Works component of this Application.

6.1 Assessment against Section 176A of RMA

Pursuant to section 176A of the RMA, the OPW must show the following:

- a) The height, shape, and bulk of the public work, project, or work; and
- b) The location on the site of the public work, project, or work; and
- c) The likely finished contour of the site; and
- d) The vehicular access, circulation, and the provision for parking; and
- e) The landscaping proposed; and
- f) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

6.2 Height, Shape, and Bulk of the Public Work, Project, or Work

The drawings package prepared by Ergo Consulting, provided as **Appendix 2** includes site plans and elevations with information addressing information required by clause a).

6.3 The Location of the Site of the Public Work, Project, or Work

The drawings package prepared by Ergo Consulting, provided as **Appendix 2** includes site plans and elevations with information addressing information required by clause b).



6.4 The likely Finished Contour of the Site

Approximately 3490m³ of earthworks (cut & fill) is required over 2,570m² to facilitate the substation upgrades. The earthworks will not result in any changes to the finished ground contour of the site.

6.5 The Vehicular Access, Circulation, and the Provision for Parking

The proposal will not result in any significant changes to vehicle access and circulation within the site, and there will be ample room for parking.

6.6 The Proposed Landscaping

Top Energy are not proposing any landscaping on the subject site. Furthermore, any landscaping within the site could result in operation and maintenance issues.

6.7 Any other Matters to Avoid, Remedy, or Mitigate any Adverse Effects on the Environment

The proposed works are considered minor in scale involving additions and alterations to an existing substation located within Designation TE247. The proposed additions and alterations will result in a new 110kV switchyard which will comprise two new 80 MVA 110/33 kV transformers and yard equipment. These substation upgrades are required to modernise the substation and ensure its ongoing efficient and safe operation.

As such, it is considered that any resultant effects on the environment will be negligible.

7.0 Activity B – NES Contaminated Soil

The following assessment relates to Activity B being the land use component of the Application seeking resource consent under the NES-CS.

7.1 Public Notification Assessment (Sections 95A, 95C and 95D)

7.1.1 Assessment of Steps 1 to 4 (Sections 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

7.1.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.



7.1.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the proposal is a controlled activity or a boundary activity. Therefore, public notification is precluded.

7.1.1.3 Step 3: If not required by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is precluded, and an assessment under section 95A is not required.

7.1.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

The proposed land use is provided for as a controlled activity under the NES-CS and this is based on the conclusions provided by Haigh Workman within their PSI/DSI.

It is considered that there is nothing noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

7.1.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

 Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed in section 7.5 below.



• Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded.

In this case, there is no relevant permitted baseline as the proposed soil disturbance volumes exceed the permitted volumes (25m³ per 500m²) under regulation 8(3) of the NES-CS.

• As a controlled activity, only those matters within the council's control can be considered.

The matters of control are listed in section Error! Reference source not found. below.

• Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

 The adverse effects on those persons who have provided their written approval must be disregarded.

No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95D, including identification of adjacent properties, matters of control, and an assessment of adverse effects.

7.2 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is precluded;
- Under step 3, public notification is not required as public notification is precluded under Step 2, and regardless it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

7.3 Limited Notification Assessment (Sections 95B, 95E to 95G)

7.3.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

7.3.2 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement



affecting the land (being on land, or adjacent to land, that is subject to a statutory acknowledgement area).

The above does not apply to this proposal.

7.3.3 Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the proposal is a controlled activity (other than the subdivision of land). Therefore, limited notification is precluded.

7.3.4 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects on persons will be less than minor, and accordingly, that no persons are adversely affected.

7.3.5 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 7.1.1.4 above, it is considered that special circumstances do not apply.

7.4 Section 95E Statutory Matters

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded;
- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and



• The adverse effects on those persons who have provided their written approval must be disregarded.

These matters were addressed in section 7.1.2 above, and no written approvals have been obtained.

Having regard to the above provisions, an assessment is provided below.

7.5 Assessment of Effects on Persons

The relevant adjacent properties are shown in **Figure X** below, and include:

- Lot 1-18 DP 202798, Kerikeri Irrigation Company Limited;
- 471 Wiroa Road, Kerikeri, Wiroa Property Limited; and
- Lot 3 DP 515337, Kariene Nelda Gardiner, David Alexander Gillett, John Raymond Gillett, Michael James Gillett, Freeman Trustee 2024 Limited.



Figure 3: Adjacent Properties in relation to the subject site outlined in red. Source: Emap

7.5.1 Matters of Control

Under section 104A of the Act, as a controlled activity, the consent authority must consider only those matters over which it has reserved its control in its plan. These matters are those listed in Regulation 9(2) and are generally related to:

- The adequacy of the detailed site investigation, including, site sampling, laboratory analysis and risk assessment;
- How the activity is managed, monitored and reported on;



- Transport and disposal of materials; and
- Timing and nature of review conditions and duration of consent.

7.5.2 Assessment of Effects

The following section sets out an assessment of effects of the proposal on the localised environment which it is considered is limited to effects on ecological values and human health. Other matters of control specified in Regulation (9) are addressed throughout the application.

7.5.2.1 Soil Contamination

In summary, it can be concluded that any risk to future site users and earthworks contactors is negligible, given the Conceptual Site Model's assessment of 'incomplete pathway' due to contaminant concentrations being below applicable Human Health criteria.

The PSI/DSI further confirms that there are no significant contaminated land related constraints on development of the land for commercial / industrial purposes, and makes the following recommendations:

- Erosion and sediment control measures will be appropriate for managing soil disturbance activities;
- If removal of material exceeding background level criteria is proposed, it shall be disposed of at an appropriately licenced facility;
- The retention and re-use of any material exceeding background level criteria on-site may be a sustainable option; and
- Any visual / olfactory evidence of contamination discovered during site works shall be segregated and analysed by a SQEP prior to disposal. Should visual and / or olfactory evidence of gross contamination be identified during excavation works, works should cease in that area, and a SQEP familiar with the site shall attend to inspect the impacted soils. If required, the SQEP will undertake sampling to confirm the level and scope of contamination. The area should also be physically isolated using a high visibility fence if practicable.

7.5.3 Summary of Effects

Overall, it is considered that any adverse effects on the environment relating to this proposal will be less than minor.

7.6 Limited Notification Conclusion

Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.



7.7 Consideration of Applications (Section 104)

7.7.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a national environmental standard, other regulations, national
 policy statement, a New Zealand coastal policy statement, a regional policy statement or
 proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a controlled activity, section 104A of the Act states that a council:

- (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and
- (b) may impose conditions on the consent under section 108 only for those matters over which it has reserved its control in its plan.

7.8 Effects on the Environment (Section 104(1)(A))

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above that any wider adverse effects relating to the proposal will be less than minor and that no persons would be adversely affected by the proposal.

Further, it is considered that the proposal will also result in positive effects in that the proposal will assist in facilitating a safe and resilient electricity supply for the district and region.

Overall, it is considered that the proposal will have positive effects, and any actual and potential adverse effects on the environment of allowing the activity are less than minor.

8.0 District Plan and Statutory Documents (Section 104(1)(B))

8.1 Objectives and Policies of the Regional Policy Statement for Northland

The Northland Regional Policy Statement (RPS) covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather give guidance to consent applications and the development of District Plans on a regional level.

Northpower substations and lines are defined as Regionally Significant Infrastructure in Appendix 3 of the RPS. The RPS encourages the supply of energy particularly via:

- Objective 3.9 Security of Energy
- Policy 5.3.1 Identifying Regionally Significant Infrastructure



- Policy 5.3.2 Benefits of Regionally Significant Infrastructure
- Policy 5.3.3 Managing Adverse Effects Arising from Regionally Significant Infrastructure.

It is considered that the proposal is consistent with the direction of the RPS with respect to Regionally Significant Infrastructure and achieves a security of energy.

The RPS does not have policy directly related soil contamination, rather focuses upon the risk of contamination to fresh water. It is considered that the proposal subject to compliance with recommendations of the PSI/DSI will be consistent with the provisions of the RPS.

8.2 Summary

It is considered that the proposal is generally in accordance with the objectives and policies of the RPS. The provisions of the Operative District Plan and Proposed District Plan are not relevant given the designation that applies for the substation site.

9.0 Part 2 Matters

While it is not necessary to take recourse to Part 2 given that it has already been incorporated into the ODP, we do so for completeness.

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of "other matters" to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant ODP objectives and policies, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

10.0 Other Matters (Section 104(1)(C))

10.1 Record of Title Interests

The Record of Title is included as **Appendix 1**. There are no interests of relevance to this proposal.



11.0 Conclusion

11.1 Activity A – Outline Plan of Works

Overall, it is considered that pursuant to section 176A of the RMA, the proposal is consistent with the purpose of the designation and can subsequently be approved by the territorial authority.

11.2 Activity B – NES – Contaminated Soils

The proposal involves the disturbance of soil within land identified as contaminated pursuant to regulation 9(1) of the NES-CS.

Based on the above, it is considered that:

- Public notification is precluded;
- Limited notification is not required as no persons at adjacent properties are considered to be
 adversely affected by the proposal when taking into account the permitted baseline for
 development and the matters of control;
- Any adverse effects are considered to be less than minor, and acceptable when considering
 the positive effects of the proposal which includes the provision of electricity to the Far North
 District;
- The proposal accords with the relevant RPS objectives and policies;
- The proposal meets the relevant NES-CS matters of control; and
- The proposal is considered to be consistent with Part 2 of the RMA.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis.