

An aerial photograph of a coastal town and harbor. The town is built on a peninsula, with a dense residential area and some commercial buildings. The harbor is filled with numerous sailboats, and the surrounding landscape is hilly and forested. The sky is overcast.

29 October 2025

Top Energy – Hearing 16 Presentation

B&A

Urban & Environmental

What I will cover

- Policy Framework
- Response to Minute 36
- SUB-R10 (if necessary)
- SUB-S6 – Power Supply
- Summary & key takeaways



Policy Framework

Objective SUB-O2, Policy SUB-P11, and New Policy SUB-PX

Top Energy's Submission

- Sought amendments to Objective SUB-O2 and Policy SUB-P11 to:
 - ensure that subdivision does not compromise the electricity infrastructure network; and
 - Include consideration of reverse sensitivity effects on electricity infrastructure for subdivision proposals.
- Top Energy also sought to include a new policy which ensures that subdivision and future land uses do not generate reverse sensitivity effects on the electricity network.

Reporting Officer's Recommendation

- Submission points rejected because they consider the protection of infrastructure is already appropriately provided for by the objectives and policies in the Infrastructure Chapter.

Objective SUB-O2, Policy SUB-P11, and New Policy SUB-PX

Issues:

- The Subdivision Chapter does not include objectives or policies that reflect the RPS's strong directive to “avoid” reverse sensitivity effects, particularly:
 - Policy 5.1.1(e): Avoid potential for reverse sensitivity in general.
 - Policy 5.1.3(c): Avoid reverse sensitivity on existing or planned regionally significant infrastructure.
- Rule SUB-R10 does not presently implement any objectives or policies within the Subdivision Chapter → it is clearer to have an objective and policy within the Subdivision Chapter that signals this intent, and that the rule gives effect to.

Objective SUB-O2 and Policy SUB-P11 Recommended Amendments

Objective SUB-O2

Subdivision recognises and provides for the:

- ~~a. Protection of highly productive land; and~~
- b. ~~Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna, Sites and Areas of Significance to Māori, and Historic Heritage; and
- c. Protection of existing electricity infrastructure, in particular the mapped Critical Electricity Line Overlay.

Policy SUB-P11

Consider the following matters where relevant when assessing and managing the effects of subdivision: Manage subdivision 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:

- a. The potential for reverse sensitivity effects on that would prevent or adversely affect activities existing infrastructure, including electricity infrastructure, already established on land from continuing to operate;
- b. Consistency with the scale, density, design and character of the environment and purpose of the zone;
- c. The location, scale and design of buildings and structures;
- d. The adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- e. Managing natural hazards;
- f. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- g. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

New Policy SUB-PX Recommended Amendments

New Policy

Policy SUB-PX

Ensure that subdivision and future land uses avoid the potential for reverse sensitivity effects on infrastructure and regionally significant infrastructure by:

- a. Ensuring suitable setbacks are achieved at the time of subdivision from the mapped Critical Electricity Line Overlay.

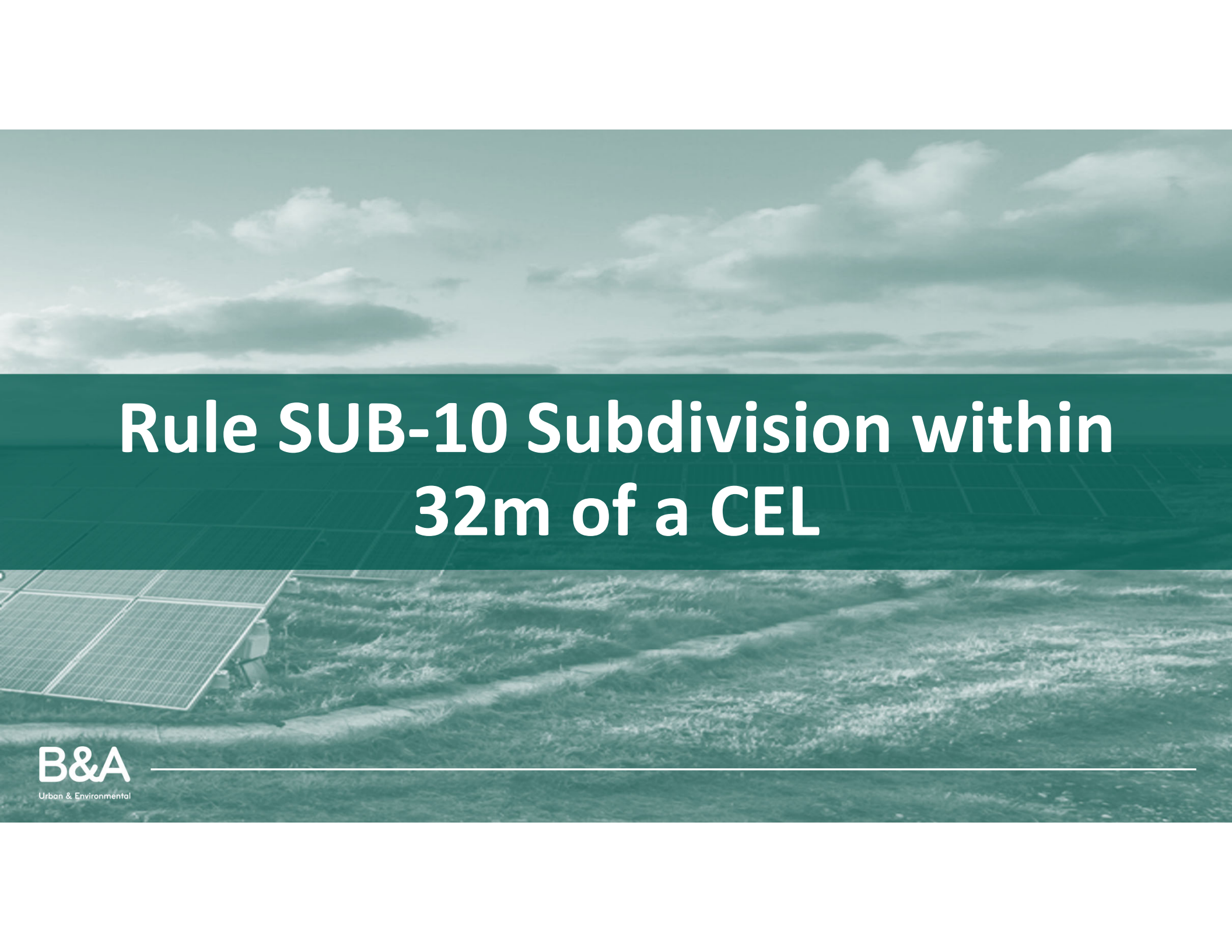


Minute 36

Minute 36

Minute 36

- Concern raised by Mr McPhee on behalf of Oromohoe Landowners re “having two bites at the cherry”.
- To be clear, I have addressed and responded to this in my evidence as it was raised again by the Reporting Officer in the Hearing 16 s42A.
- Within the evidence I have responded to the wording proposed in the Hearing 16 s42A.
- I have no issue with Mr McPhee presenting an additional statement on this matter.
- I will take the Panel’s lead as to whether I should address this further within my presentation or evidence today.



Rule SUB-10 Subdivision within 32m of a CEL

Rule SUB-R10

Top Energy's Submission

- Sought more stringent resource consent requirements for subdivision near Critical Electricity Lines (CEL). This included:
 - Restricted discretionary activity resource consent if building platforms are outside of a 32m setback from CEL; and
 - Non-complying activity resource consent if building platforms are within a 32m setback from CEL.

Reporting Officer's Recommendation

- Submission accepted in part, and has recommended the following amendments to Rule SUB-R10:
 - Controlled activity resource consent if building platforms within 32m of CELs comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP34:2001); and
 - Discretionary activity resource consent if those standards are not met.

Rule SUB-R10

Issues:

- I agree with the revised wording of clause 1 which specifically references the safe distance requirements in NZECP34:2001.
- However, I oppose the following:
 - The revised controlled activity status. I consider that a restricted discretionary activity status should apply given subdivision often includes the creation of additional development rights and the resulting encroachment of sensitive residential activities to existing CELs (Regionally Significant Infrastructure in the RPS).
 - The discretionary activity status where compliance with the criteria is not met. I consider that a non-complying activity status should apply given the status of CELs as Regionally Significant Infrastructure and the strong “avoid” directive relating to reverse sensitivity in the RPS.

Rule SUB-R10 Recommended Amendments

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

Activity status: ~~Controlled~~ **Restricted Discretionary**

Where:

~~CON-1~~ **RDIS-1**

Proposed building platforms are identified for each allotment can accommodate a building(s) that comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Safe Electricity Distances (NZECP34:2001) (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 ~~CON-1~~ **with RDIS-1: Not applicable.**
~~Discretionary-Non complying~~



SUB-S6 Power Supply

Standard SUB-S6

Top Energy's Submission

- Supported the requirement for electricity connection at the site boundary of an allotment, but requested:
 - Additional zones be included; and
 - Easements to be provided at the boundary of allotments to facilitate future connections (via SUB-S6).

Reporting Officer's Recommendation

- Submission rejected – RO considers the requested easement provision is already addressed under SUB-S7, which covers easements for an purpose.

Standard SUB-S6

Issues:

- The Reporting Officer has not properly understood or considered Top Energy's submission point.
- For instance, no response has been provided to the request to add additional zones.
- As it relates to easements, these are for facilitating a "future connection" rather than just providing for an easement for an existing connection or utility as addressed within SUB-S7.
- I acknowledge the submission and evidence of the Planners on behalf of the Telcos. In principle, I agree that telecommunications should also be considered at the time of subdivision.

Standard SUB-S6 Recommended Amendments

SUB-S6 – Telecommunications and Power Supply

General Residential Zone

Medium Density Residential Zone

Town Centre Zone

Kororareka-Russell Township Zone

Mixed Use Zone

Light Industrial Zone

Heavy Industrial Zone

Settlement Zone

Rural Residential Zone

Horticultural Zone

All Zones

Every new allotment (excluding any allotments for access, roads, network utilities or reserves) is provided with a connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the new allotment.

Connections and easements shall be provided at the boundary of the site area of the allotment for:

1. Telecommunications:

- i. Fibre where is available; or**
- ii. Copper where fibre is not available; and**

2. Electricity supply through the local electricity distribution network.

Note: This standard does not apply to allotments used for a utility, road, reserve or for access purposes.

Summary & Key Takeaways

- The Subdivision Chapter could benefit from some specific objective and policy direction regard electricity infrastructure and CELs within it.
- I acknowledge Minute 36 from the Panel and will adhere to the direction given on that.
- Notwithstanding this, I maintain the fundamental position of a restricted discretionary → non-complying activity rule framework for SUB-R10 should be utilised.
- SUB-R6 should be reworded to apply to all zones and include provision for reticulated connection or easement to facilitate future
- While I did not address telecommunications supply within my evidence, I acknowledge and agree in principle that telecommunications supply should also be addressed at the time of subdivision.

He Patai? Any Questions?

David Badham