

Application for 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 discussion

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

☐ Yes ☒ No ☒ N/A

Have you consulted Council's Infrastructure Officer regarding infrastructure capacity to service the development?

☐ Yes ☒ No ☒ N/A

Have you consulted the Roding Officer regarding any road to vest or departure from District Plan / Engineering standards?

☐ Yes ☒ No ☒ N/A

**Contact details of who and how to engage in pre lodgement discussions can be found on the Resource Consent pages of the FNDC website.*

2. Type of consent being applied for

(more than one circle can be ticked):

☒ Land Use

☐ Fast Track (Land Use - Controlled Activity)

☐ Change of Consent Notice (s.221(3))

☐ Certificate of Compliance (s.139)

☐ Extension of time (s.125)

☐ Other (please specify)

☐ Discharge: Total volume = m³

Note; volumes >3m³ requires NRC Consent 3m³

☐ Subdivision

☐ Existing Use Certificate (s.139A)

☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)

3. Would you like to opt out of the fast track process?

☒ Yes ☐ No

4. Consultation

Have you consulted with iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

Tappenden Holdings Limited

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991?

☐ Yes ☒ No

If yes, please provide details:

6. Address for correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Peter Hall Planning Limited

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.

7. Details of property owner/s and occupier/s

Name and Address of the owner/occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

Tappenden Holdings Limited (details as above)/Bentzen Farm Limited (details below)

Property address/
location:

Postcode

8. Application site details

Location and/or property street address of the proposed activity:

Name/s:

285 Manawaora Road, Bay of Island

Site address/
location:

Lot 25 Deposited Plan 512589 and Lot 18 Deposited Plan 391213 held on RT791499

Lot 16 Deposited Plan 512589 and Lot 18 Deposited Plan 391213 held on RT 791498

Postcode 0202

Legal description:

As above

Val Number:

Certificate of title:

As above

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☒ Yes ☐ No

Is there a dog on the property? ☐ Yes ☒ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

For access please contact property manager Hamish L

9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

To relocate an existing 11kV overhead powerline (from site 25 Ōmarino) and locate it on the adjoining site (to site 16 Ōmarino). A full schedule of the works as specified by Top Energy is shown on the application drawing at Appendix 1 to the Assessment of Effects Report submitted

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

☐ 2009 ☐ 2023

10. Would you like to request public notification?

☒ Yes ☐ No

11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)? ☐ Yes ☒ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result? ☐ Yes ☒ 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. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? ☐ Yes ☐ No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

☒ Flooding

☐ Active Faults

☐ Landslips

☐ Liquefaction

☐ Coastal Erosion

☐ Tsunami

☐ Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. Assessment of environmental effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as written approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application ☒ Yes

15. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☒ Yes ☐ No

If yes, please be advised that the timeframe will be suspended as per s107G of the RMA to enable consideration for the draft conditions.

16. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

Tappenden Holdings Limited

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

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)

Dean Farmer

Signature:

(signature of bill payer)

Date

8/oct/26

MANDATORY

17. 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.

18. Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

Name (please write in full)

Peter Hall

Signature

Date 02 10 2026

A signature is not required if the application is made by electronic means

See overleaf for a checklist of your information...

Checklist of your information

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)
- ☐ Details of your consultation with Iwi and hapū
- ☒ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☒ Applicant / agent / property owner / bill payer details provided
- ☒ 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
- ☒ Location and site plans (land use) AND/OR
- ☐ Location and scheme plan (subdivision)
- ☐ Elevations / floor plans
- ☐ 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*



Tappenden Holdings Limited Sites 25 and 16 Ōmarino,
285 Manawaora Road,
Bay of Islands

11kV Overhead Power Line Relocation

Resource Consent Application to the Far North District Council
Assessment of Effects on the Environment Report

1 October 2026



Revision Summary

Report prepared by Peter Hall Planning Limited for Tappenden Holdings Limited

Rev:	Date:	Issue To:	Version:
A	18/09/26	Client	Draft
B	1/10/26	Far North District Council	Final

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Resource Management Act 1991

Form 9: Application for resource consent

Application: Land Use Consent Far North District Council

To: Far North District Council

1. **Tappenden Holdings Limited, applies for the following type(s) of resource consent:**
Land Use Consent
2. **The activity to which the application relates (the proposed activity) is as follows:**
To relocate an existing 11kV overhead powerline (from site 25 Ōmarino) and locate it on the adjoining site (to site 16 Ōmarino). A full schedule of the works as specified by Top Energy is shown on the application drawing at **Appendix 1** to this Assessment of Effects in the Environment (**AEE**) report and shown also on **Figure 1** below.
3. **The sites at which the proposed activity is to occur is as follows:**
 - Lot 25 Deposited Plan 512589 and Lot 18 Deposited Plan 391213 held on RT791499 (Tappenden Holdings Limited)
 - Lot 16 Deposited Plan 512589 and Lot 18 Deposited Plan 391213 held on RT 791498 (Bentzen Farm Limited)
 - Manawaora Road Reserve
4. **There are no other activities that are part of the proposal to which the application relates**
5. **Additional resource consents are not needed for the proposal to which this application relates.**
6. **I attach** an assessment of the proposed activity's effect on the environment that—
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
7. **I attach** an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
8. **I attach** an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
9. The proposed activity **does not occur** in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Date: 1/10/26

Signature:



Peter Hall (Peter Hall Planning Limited)

(Applicant/person authorised to sign on behalf of applicant)

Contact details

Electronic address for service of applicant: peter@phplanning.co.nz

Telephone: 0274 222118

Postal address (*or alternative method of service under section 352 of the Act*): Peter Hall Planning Limited, PO Box 226, Shortland Street, Auckland 1140.

Contact person: Peter Hall

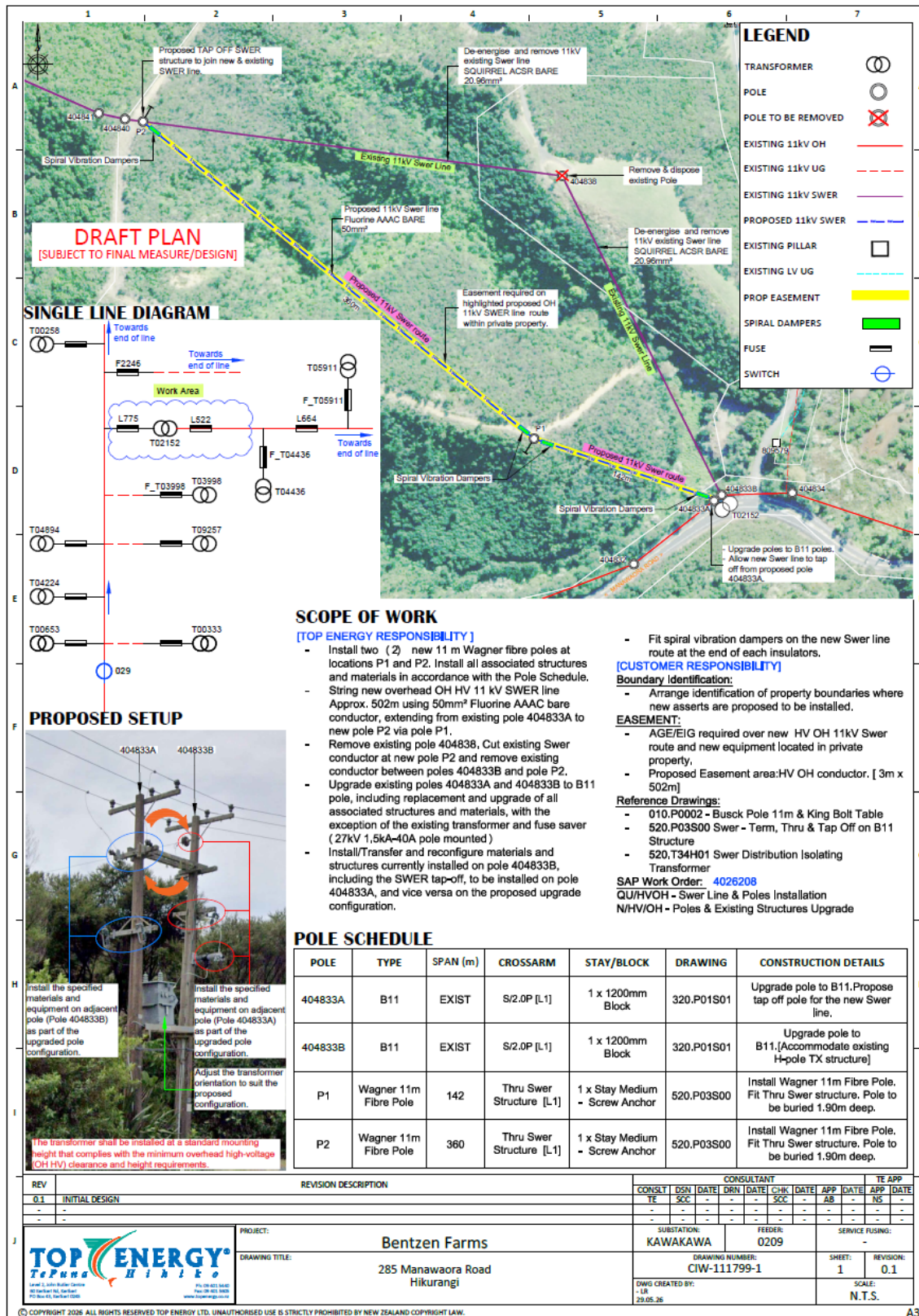


Figure 1: Proposed Works (Top Energy 2026)

1.0 Introduction

Tappenden Holdings Limited (**“the applicant”**) seeks resource consent to relocate an existing 11kV overhead powerline from its property at Ōmarino (site 25) to the adjoining site owned by Bentzen Farm Limited (site 16). Bentzen Farm Limited has agreed to this relocation and Top Energy specified the works and easement arrangements

The reasons for resource consent under both the Operative District Plan and the Proposed District Plan are set out in this AEE, with the specific provisions which trigger this resource consent under the Proposed Plan under appeal by Top Energy, however not yet resolved.



Figure 2: Location at Ōmarino

2.0 Applicant and Property Details

To:	Far North District Council
Applicant's Name:	Tappenden Holdings Limited
Address for Service:	Peter Hall Planning Limited PO Box 226, Shortland Street, Auckland 1140 Attn: Peter Hall Phone: 0274222118 Email: Peter@phplanning.co.nz
Contact Details for Fees:	Tappenden Holdings Limited Level 6, 16 Viaduct Harbour Avenue, Auckland Attn: Dean Farmer 09 357 2079
Site Address:	285 Manawaora Road, Parekura Bay, Russell
Legal Description and Owner/Occupier Name and Address:	Lot 25 Deposited Plan 512589 and Lot 18 Deposited Plan 391213 held on RT791499 (Tappenden Holdings Limited) Lot 16 Deposited Plan 512589 and Lot 18 Deposited Plan 391213 held on RT 791498 (Bentzen Farm Limited)
	Refer Records of Title at Appendix 2
2009 Operative Far North District Plan Zoning:	General Coastal Zone Zone
2009 Operative Far North District Plan Designations / Notations/ Overlays:	Outstanding Natural Landscape
2022 Proposed Far North District Plan Zoning:	Rural Production Zone
2022 Proposed Far North District Plan Designations / Notations/ Overlays:	Coastal Environment The southern edge of Site 16 is also subject to the High Natural Character Overlay although not where the proposed works occur. Manawaora Road may be subject to Coastal Flood Zone and River Flood Zone notations, however no new poles are proposed there, just an upgrade of existing.
	See Plan below

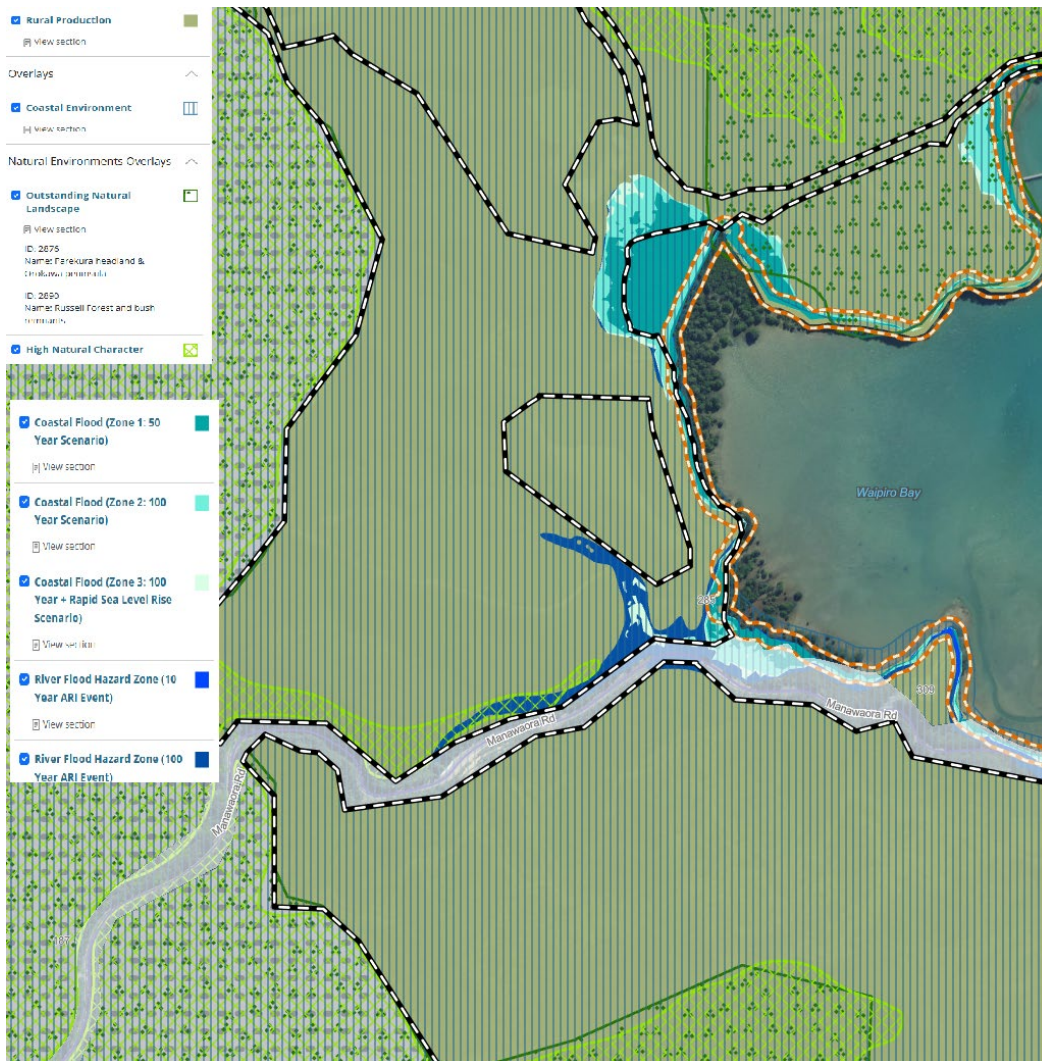


Figure 3: Proposed District Plan (Appeals Version 2026)

3.0 Site Description

3.1.1 Description of the Site and Locality

The subject site is at Waipiro Bay at the end of the Huirangi Inlet in the eastern Bay of Islands. It was created following the 2008 subdivision of Bentzen Farms for the Ōmarino subdivision, itself comprising 17 rural-residential lots, with accessory lots. Ōmarino was a Management Plan subdivision under the then Proposed Far North District Plan, meaning that subdivision entitlements were granted in exchange for significant environmental benefits. In this case those included the planting of over 1 million native plants on the property, on-going pest and predator control, development in accordance with Architectural Design Guidelines and the protection of sites of significance to tangata whenua.

The Ōmarino subdivision was approved on 30 August 2006 by way of Environment Court Consent Order ENV-2006-AKL-000194.

The work to implement the subdivision and management plan transformed the former farm and forestry property, linking existing native forested areas inland to the coast, and providing a vegetated context for the new dwellings.

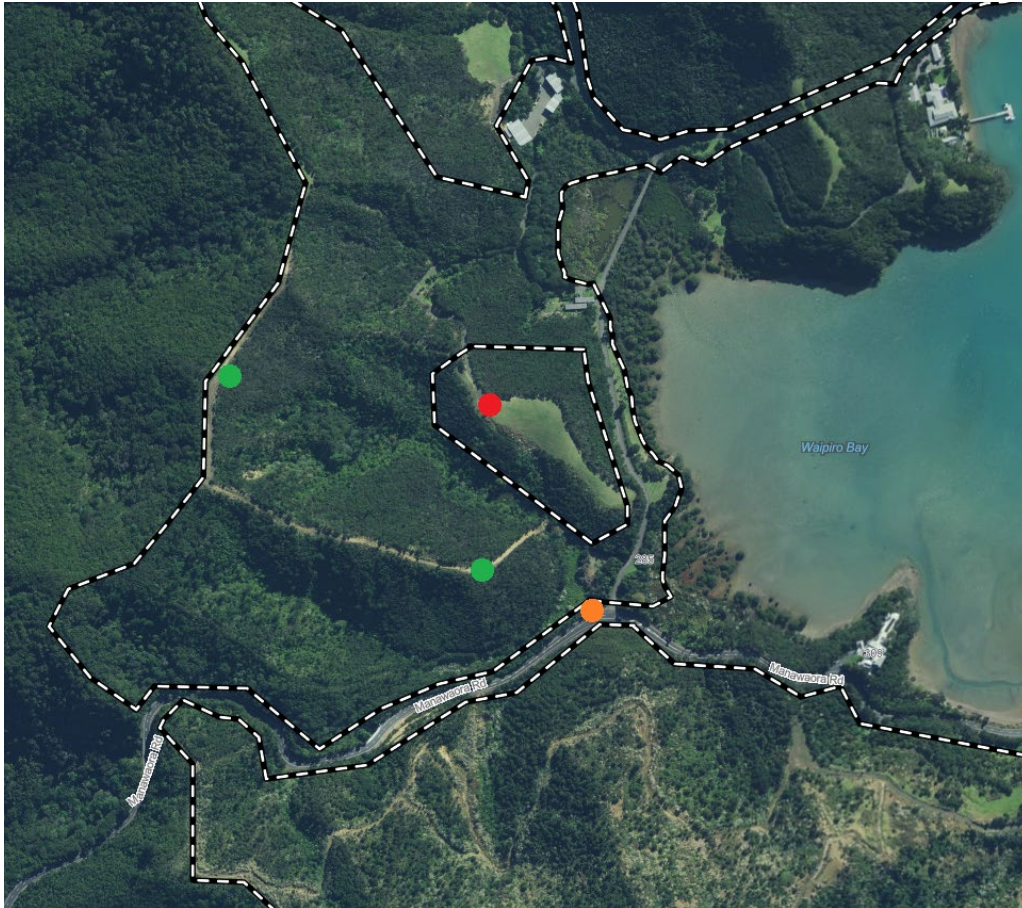


Figure 4: Subject Sites - Red dot power pole to be removed from Tappenden Property, Green dots power pole relocated positions, Orange dot power pole to be upgraded.

On each lot at Ōmarino a curtilage area (exclusive use area) is identified, and within that a buildable area.

The proposed power pole relocation will move an existing pole from a building site on site 25 and move that to the adjoining site 16 (well away from building areas). The existing building site where the power pole is located is clear of vegetation. The locations of the new poles are on two spurs with established revegetation of the land around. An access track runs up and along these spurs.

3.1.2 Consent Notices

Consent Notice- Instrument 7907807.2 which are registered on the titles of the subject site are included at **Appendix 2**.

The following condition from consent notice instrument 7907807.2 are relevant to the subject proposal:

“19. All electricity, telecommunications and other utility services shall be laid underground”

This condition has been satisfied with the development of the Ōmarino subdivision. The subject line is part of the wider Top Energy network which traverses the subject site to serve other properties to the west of Ōmarino with overhead lines, including Opunga Cove and Orokawa Bay. The condition is not intended to apply to the relocation of existing Top Energy assets as is proposed here.

Furthermore, when the consent notice was imposed, all of the Ōmarino property, including the subject sites, were subject to an Outstanding Natural Landscape overlay, with the condition of the consent notice reflecting the policy position that applied at the time and was later reflected in the Operative District Plan; namely, that services should be undergrounded in Outstanding Natural Landscapes.

Since that time, the Outstanding Natural Landscape overlay has been reassessed and re-mapped for the whole of Northland through the work done to inform the Regional Policy Statement for Northland. This applies a regionally consistent set of criteria to the mapping of areas of Outstanding natural Landscape.

That re-mapping was then reflected in the Far North Proposed District Plan. As shown on the maps of applicable overlays at **Figure 3** above, the Outstanding Natural Landscape notation does not apply to this part of Ōmarino. It applies along the outer coastal facing properties but not to the subject properties which are in a discrete valley and face down into Waipiro Bay. It also applies to the adjoining property to the west - with that reflecting the established vegetated nature of that property, as opposed to the relatively recently vegetated nature of Ōmarino of land that was until circa 2005 farm and pines.

In summary therefore, the obligation to underground under this consent notice condition is not relevant on the basis that firstly, the subject section of line is part of a wider Top Energy network that is not undergrounded and, secondly, that its origin, being the Outstanding Natural Landscape notation, is now historic and not in accordance with modern assessment which has removed this overlay from the impacted area.

4.0 Proposal

The specific works that are the subject of this application are set out on the Top Energy drawing at **Appendix 1**. These are as follows:

- Install two new 11m Wagner fibre poles at locations P1 and P2 (locations as shown on the drawing) (356mm diameter). Install all associated structures and materials in accordance with the Pole Schedule.
- String new overhead OH HV 11 kV SWER line Approx. 502m using 50mm² Fluorine AAAC bare conductor, extending from existing pole 404833A to new pole P2 via pole P1.
- Remove existing pole 404838. Cut existing Swer conductor at new pole P2 and remove existing conductor between poles 404833B and pole P2. Upgrade existing poles 404833A and 404833B to install a new poles, including replacement and upgrade of all associated structures and materials, with the exception of the existing transformer and fuse saver (27kV 1.5kA-40A pole mounted). The existing poles are 10m high, and will be replaced with an 11m high Busck pole (430mm wide at base).
- Install/Transfer and reconfigure materials and structures currently installed on pole 404833B, including the SWER tap-off, to be installed on pole 404833A, and vice versa on the proposed upgrade configuration.
- Fit spiral vibration dampers on the new Swer line route at the end of each insulator.

5.0 Reasons for the Application

5.1 Operative Far North District Plan

Rule	Provision	Compliance
17.2.6.2 CONTROLLED ACTIVITIES	An activity is a controlled activity if: (a) it does not comply with one or more of the standards for permitted activities set out in Rules 17.2.6.1.1 to 17.2.6.1.7; and (b) in the General Coastal Zone it is a new line or addition to lines for conveying electricity at a voltage up to and including 110 kV, including all support structures for those lines; and (c) it complies with the relevant standards for permitted or controlled activities set out in Part 3 of the Plan - District Wide Provisions. 12.1.6.1.6 UTILITY SERVICES IN OUTSTANDING LANDSCAPES The installation of utility services is permitted in Outstanding Landscapes as shown on the Resource Maps, provided that these services are underground.	Rule 17.2.6.2(b) directs a controlled activity, however (c) not met - as Rule 12.1.6.1.6 Utility Services in Outstanding Landscapes not met - lines not underground. Discretionary Activity Consent required.

Land use consent for a **discretionary activity** is required for the proposal under the Operative Far North District Plan.

5.2 Proposed Far North District Plan (Appeals Version)

Rule	Provision	Compliance
I-R3 Upgrading of existing above ground network utilities	Activity Status: Permitted Where: PER-1 The realignment, relocation or replacement of a telecommunications line, pipe, pole, tower, conductor, cross arm, switch, transformer or ancillary structure is <u>within 5m of the existing alignment or location</u>.	I-R3 PER-1 not met - more than 5m from existing alignment Restricted Discretionary Activity under I-R3.
CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures	Activity Status: Permitted PER-4 Any new building or structure and relocated building or an extension or alteration to an existing building or structure not provided for by PER-1, PER-2 or PER-3, where it is: 2. an upgrade of an existing above ground network utility where this is: a. outside high or outstanding natural character areas;	I-R3 not complied with, therefore a Restricted Discretionary Activity under CE-R1.

	b. <u>permitted by I-R3</u>; c. no greater than 12.50m high or the height of the existing structure (whichever is the greatest); d. if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building or structure; and e. not replacing a pole with a pi pole.	
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A resource consent for a restricted discretionary activity is required under the Proposed District Plan (Appeals Version); however because a discretionary activity consent is required under the Operative Plan then overall a **discretionary activity** consent is required.

5.3 National Environmental Standard: Freshwater 2020 (“NES: Freshwater”)

The activity does not require a resource consent under the NES: Freshwater regulations because no earthworks are within 10m of natural wetlands. In addition, no diversion or overland discharge of stormwater or wastewater occurs within 100m of a natural wetland.

5.4 National Environmental Standard: Contaminated Land

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health do not apply to the subject proposals under clause 5 because the land is not a piece of land described in clause 7 which has had in the past, is likely to have, or is having now a HAIL activity undertaken on it, being a section of the previous farm not used for potential HAIL activities such as sheepyards.

5.5 Permitted Activity Assessment

Schedule 4 Clause 3 of the RMA 1991 specifies that, if a permitted activity is part of the proposal, the application must also include a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)).

The assessments against the relevant rules and provisions of the Operative and Proposed Far North District Plans is attached at **Appendix 3**.

6.0 Assessment of Effects on the Environment

6.1 Schedule 4 of the RMA 1991

This assessment has been prepared in accordance with the requirements of sections 6 and 7 of Schedule 4 of the RMA 1991. In summary and in respect of these matters:

6.1.1 Section 6 (Schedule 4) Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:

(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The activities will not result in any significant adverse effects on the environment, and therefore no assessment of alternatives is required.

(b) an assessment of the actual or potential effect on the environment of the activity:

These matters are addressed in the relevant parts of section 6.0 of this AEE.

(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:

The activities do not include the use of hazardous installations.

(d) if the activity includes the discharge of any contaminant, a description of–

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

The proposal does not involve the diversion of stormwater.

(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:

Mitigation measures proposed are described in the relevant parts of section 6.0 of this AEE.

(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

Consultation undertaken is set out in this AEE.

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

The scale and significance of the effects of the activity, as described in section 6.0 of the AEE, are such that monitoring will not be required.

(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

There are no protected customary rights that the activities may have an adverse effect on.

(2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

The requirements of the relevant policy statement and plans have been incorporated into this AEE.

6.1.2 Section 7 (Schedule 4) Matters that must be addressed by assessment of environmental effects

(1) An assessment of the activity's effects on the environment must address the following matters:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including any landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

These matters are assessed to the extent they are relevant to the proposal in the relevant parts of section 6.0 of this AEE.

(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

The requirements of the relevant policy statement and plans have been incorporated into this AEE.

6.2 Section 104(2) Permitted Baseline

Under section 104(2) of the RMA 1991, when forming an opinion for the purposes of subsection s104(1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the District Plan permits an activity with that effect.

In this instance the effects of the operation and maintenance of the poles and lines once installed can be disregarded under s104(1)(a) because they are permitted by the District Plan, Regional Plan and/or NES: Freshwater.

6.3 Landscape, Natural Character and Visual Amenity Effects

The purpose of the project is to remove the pole and associated lines from the approved buildable area on lot 25 to improve the usability and visual amenity of that lot.

The new poles will be repositioned on the adjoining lot 16 within a well-vegetated part of the site.

The subject lots are within a separate and discrete visual catchment at the end of Waipiro Bay. There are sufficient separation distances from dwellings such that no direct visual effects will arise.

As set out above, no Outstanding Natural Landscape notation applies over this part of Ōmarino identified under the Proposed Plan or Northland Regional Policy Statement and so there will be no effects in those values. Similarly the relocated poles and lines do not cross any High or Outstanding Natural Character Areas.

The location of the relocated poles and lines within a visual discrete part of the property and within well vegetated areas, off dominant inland ridgelines will ensure that no adverse landscape, natural character or visual amenity effects arise.

6.4 Ecology

The relocated power poles and lines do not impact or traverse any areas of particular or identified high ecological value. Through the revegetation of Ōmarino which has occurred these values are improving, however no impact on vegetation or wetlands will occur, other than potentially tree trimming.

6.5 Archaeology

Ōmarino was subject to extensive archaeological survey prior to its subdivision consent with a New Zealand Heritage Authority also granted in relation to the works¹.

Informing these consents was an Archaeological Survey of the full Ōmarino Property by Archaeologists Clough and Associates in 2004 (referred to at that time as “Bentzen Farm” prior to the coastal section of the property being renamed Ōmarino). A link to that report is footnoted at this report².

Taken from that Clough and Associates report is the figure below which show the archaeological features at Ōmarino.

There is only one such site in the general area of the works, a midden on the coastal edge identified as “Q05/856”. The works however are not close to this midden location and will have no impact.

Should the Council consider it necessary an accidental discovery condition can be placed on the consent in relation to the earthworks for the new power poles.

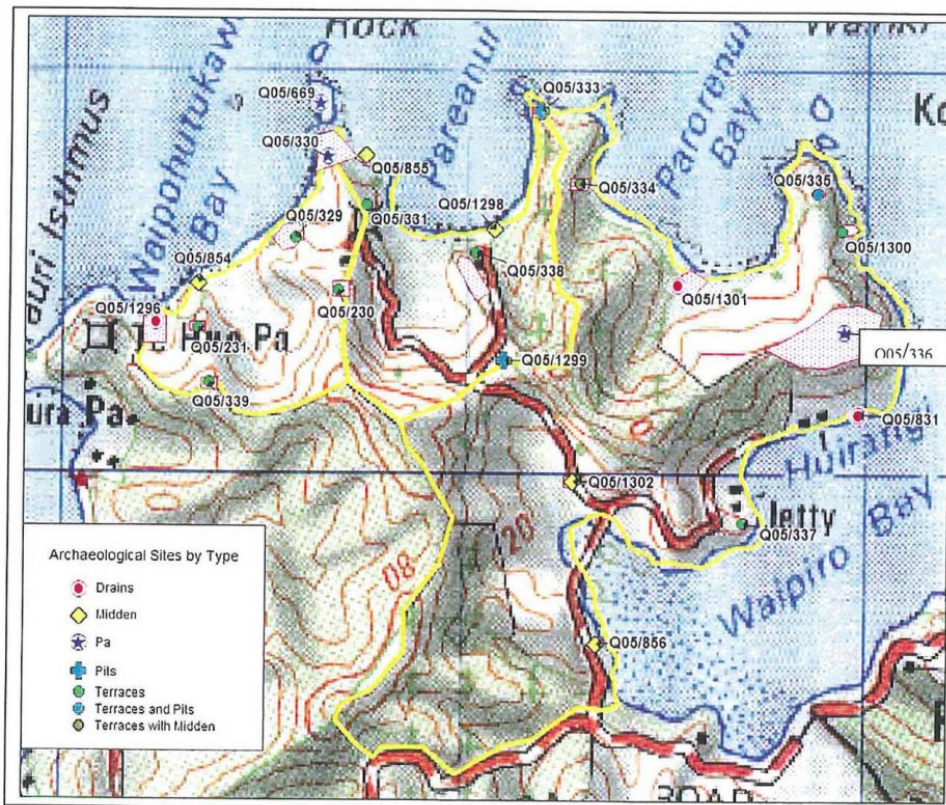


Figure 5 Subject Sites - Red dot power pole to be removed from Tappenden Property, Green dots power pole relocated positions, Orange dot power pole to be upgraded.

¹ New Zealand Historic Places Trust Authority HP11013-014 granted 6 April 2006.

² <https://heritage.cms.waikato.ac.nz/greenstone3/library/sites/hnz/collect/pdf-reports/index/assoc/Bickler1/0.dir/Bickler10.pdf;jsessionid=E998BE6EDB9D0D9B1ACFBDC4AEFA31D1>

7.0 Policy Assessment

In accordance with Section 104(1)(b) of the Resource Management Act 1991 ('RMA'), this part of the report addresses the following statutory documents which are relevant to the assessment of this application:

- New Zealand Coastal Policy Statement 2010 ("NZCPS")
- Northland Regional Policy Statement 2016 ("NRPS")
- Operative Far North District Plan 2009
- Proposed Far North District Plan 2022

There are no other matters considered to be relevant and to be reasonably necessary to determine the application.

There are no relevant planning documents prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act.

None of the "higher order" planning instruments require assessment in relation to the works on the basis that these have been given effect to by the Proposed District Plan, and that the works are not of such significance or impact to offend any of the matters contained therein. As noted, the works avoid areas of Outstanding Natural Landscape and High and Outstanding Natural Character and so do not warrant an assessment under the NZCPS and NRPS in relation to those matters.

Although subject to appeals, the Proposed Plan provides relevant policy guidance in relation to the proposal. In particular, the policies set out in the Infrastructure and Coastal Environment Chapters.

Infrastructure Policy I-P2 of the Proposed Plan seeks to *"Provide for the continued operation, maintenance, repair, upgrading and replacement of existing infrastructure"*. This is relevant to the subject proposal, with the directive here to "provide for" these activities. This policy is not subject to appeals and so can be treated as operative.

Policy I-P15 sets out the matters to be considered when assessing and managing the effects of infrastructure. To the extent that these are relevant, they have been assessed above. This policy is also not subject to appeals and so can be treated as operative.

Coastal Environment Policy CE-P3 seeks to *"Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, qualities and values of natural character areas and natural features and landscapes in the coastal environment not identified as an: outstanding natural character area; ONL; or ONF"*. This applies because the subject area is not identified as being within any of these overlays. In accordance with this policy, significant adverse effects are avoided, because none arise; the project remedies an existing adverse effect on the use and enjoyment of the subject site, and all other adverse effects are either avoided or mitigated.

Policy CE-P9 sets out the matters to be considered when assessing and managing the effects of land use and subdivision on the coastal environment. Again, these have been mostly assessed above, with the exception of *"g. the operational or functional need of any infrastructure to be sited in the particular location;"*. The lines have a operational and functional need to traverse the property in the manner proposed, connecting existing Top Energy infrastructure at either side of the Ōmarino property. The locations of the new poles are clear of vegetation, on a ridge and accessible by an existing track and provide a suitable span - all factors which necessitate the locations chosen.

8.0 Part 2 of the RMA 1991

The application has been assessed against all relevant planning documents and is consistent with those instruments.

Those documents are not considered to be invalid, incomplete, or uncertain, and in turn can be assumed to have particularised and already given effect to Part 2 of the Act, therefore the activities are also consistent with Part 2.

However, for the purposes of completeness, and in compliance with Schedule 4(2)(a) RMA, a separate assessment of the three applications against Part 2 of the Act follows.

Part 2 of the RMA sets out the purpose (Section 5) and principles (Sections 6-8) of the RMA.

Section 5 of the RMA states that the purpose of the RMA is:

“to promote the sustainable management of natural and physical resources”.

Section 5 also states:

“(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The proposal represents the sustainable management of natural and physical resources as it enables the owner of the property to remove an impediment on development of the site, while avoiding adverse impacts on the life-supporting capacity of air, water, soil, and ecosystems and the wider environment.

Section 6 “Matters of National Importance” of the RMA states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance.”

The section 6 RMA matters of relevance being the preservation of the natural character of the coastal environment and the protection of historic heritage have been achieved.

Section 7 “Other Matters” of the RMA states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—”

The “Other Matters” considered potentially relevant to this proposal are:

- (b) The efficient use and development of natural and physical resources.*
- (c) The maintenance and enhancement of amenity values.*
- (f) Maintenance and enhancement of the quality of the environment.*

Allowing the existing approved buildable area to be properly developed free from the power pole and lines is an efficient use of existing resources. Amenity values and the quality of the environment are maintained.

Section 8 of the RMA states:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

The principle of active protection is taken into account by avoidance of known sites and areas of cultural significance (archaeological sites, Pā) and avoidance of adverse impacts on waterways and wetlands.

9.0 Consultation

The project has been developed by and in full consultation with Top Energy. An Agreement to Grant Easement for the relocated poles and lines has been drafted between the parties: being Top Energy, Ironwood Trustee Limited and Bentzen Farm Limited.

Bentzen Farm Limited as the landowner on which the poles will be relocated to is in agreement on the project.

10.0 Notification

10.1 Public Notification (RMA 1991 Sections 95A, 95C and 95D)

Section 95A sets out the steps the Consent Authority is to follow to determine whether an application is to be publicly notified. These are addressed below.

10.1.1 Steps to Determining Public Notification under Section 95A

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.

These circumstances do not apply to the proposal.

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 applicable rules do not preclude public notification, and the proposal is not a controlled activity or boundary activity. Therefore, public notification is not precluded.

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 concluded under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As set out below, any adverse effects on the environment from the proposal will be no more than minor, and so public notification is not required under step 3.

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.

There is nothing about the proposal which would warrant notification under special circumstances. In particular, the circumstances of the proposal are not exceptional or unusual, outside of the common run of applications of this nature or would otherwise make notification desirable.

10.1.2 Approach to adverse effects assessment under Section 95D

In determining whether to publicly notify an application, section 95D specifies a Consent Authority 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.
- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded.
- If a restricted discretionary activity, only those effects on persons that fall within the matters of discretion restricted under the plan can be considered.
- Trade competition must be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.

Land adjacent to the subject site that must be disregarded and the permitted baseline for the purpose of assessment under 95D is identified below.

In respect of the remaining matters above: the activity is not a restricted discretionary activity; trade competition is not a relevant matter in this case; and no persons have provided their written approval for this proposal (noting that the relevant parties being Top Energy, Bentzen Farms Limited and the applicant are in agreement).

10.1.3 Land Excluded from the Assessment

In respect of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in the Figure below.



Figure 15: Adjacent Land under Section 95D

10.1.4 The Permitted Baseline under s95D

In this instance the effects of the following activities proposed can be disregarded under s95D because they are permitted by the District Plan, Regional Plan and/or NES: Freshwater:

- Effects arising from the operation and maintenance of the power poles and lines once installed.

10.1.5 Assessment of Effects on the Environment under s95D

Based on the assessment above in this AEE and the conclusions of the reports attached, the activities will not have adverse effects on the wider environment that are more than minor because:

- Vegetation and topography and distance from adjoining residential dwellings contain the visual effects of the project to the immediate environment within Ōmarino.
- As evidence by the aerial photo above, the subject locations are a considerable distance from any existing dwelling either within Ōmarino or on adjacent properties.
- Impacts on vegetation and earthworks will be very minimal.

10.1.6 Public Notification Conclusion

Based on the above assessment under the Section 95A Public Notification steps, the following conclusions are reached:

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

Therefore, based on the conclusions reached under steps 3 and 4, the application shall be processed without public notification.

10.2 Limited Notification (section 95B, 95E to 95G)

10.2.1 Steps to Determining Public Notification under Section 95B

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

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.

There are no affected protected customary rights groups or customary marine title groups, or affected persons under a statutory acknowledgement.

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 applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

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.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the Consent Authority 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, excluding persons assessed under s 95E as not being affected persons.

There are no other persons (other than those who have been excluded under s 95E as not being affected persons), and therefore an assessment of special circumstances is not required under Step 4.

10.2.2 Affected Persons Assessment Under Section 95E

If the application is not publicly notified and the application is not for a boundary activity, a Consent Authority 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 above in relation to public notification, and no written approvals have been sought or required in relation to this application.

With reference to Section 95E there is no adversely affected person who must be notified of this application because:

- Vegetation and topography and distance from adjoining residential dwellings contain the visual effects of the project to the immediate environment within Ōmarino.
- As evidence by the aerial photo above, the subject locations are a considerable distance from any existing dwelling either within Ōmarino or on adjacent properties.
- Impacts on vegetation and earthworks will be very minimal.

Accordingly, as it is considered that any adverse effects on persons will be less than minor the consent authority need not give notice of this proposal to any person.

10.2.3 Limited Notification Conclusion

Based on the above assessment under section 95B for limited notification, the following conclusions are made:

- 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 effects on any affected person that are minor or more than minor; and
- Under step 4, there are no special circumstances.

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

11.0 Conclusions

The proposal is to relocate an existing 11kV overhead powerline (from lot 25 Ōmarino) and locate it on the adjoining site (to lot 16 Ōmarino). This is to improve the usability and visual amenity of the buildable area on lot 16 which is currently un-built.

The location of the relocated poles and lines within a visually discrete part of the property and within well vegetated areas, off dominant inland ridgelines will ensure that no adverse landscape, natural character or visual amenity effects arise.

The relocated power poles and lines do not impact or traverse any areas of particular or identified high ecological value.

The works will have no impact on identified archaeological sites. Should the Council consider it necessary an accidental discovery condition can be placed on the consent in relation to the earthworks for the new power poles.

The project has been developed in conjunction with Top Energy and the adjoining landowner Bentzen Farms Limited.

The proposal satisfies all relevant planning policy considerations as described in this AEE.

In terms of Part 2 of the RMA 1991, the overall proposal represents the sustainable management of natural and physical resources as it enables the owner of the property to realise the full potential of their site, while avoiding adverse impacts on the life-supporting capacity of air, water, soil, and ecosystems and the wider environment. The section 6 RMA matters of relevance being the preservation of the natural character of the coastal environment and the protection of historic heritage have been achieved, and particular regard has been had to section 7 matters.

For the reasons set out in this AEE, the application can be properly processed without full or limited notification, and then granted consent subject to fair and reasonable conditions.

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0274222118



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **791499**
Land Registration District **North Auckland**
Date Issued 17 October 2017

Prior References
411670

Estate Fee Simple
Area 2.9870 hectares more or less
Legal Description Lot 25 Deposited Plan 512589
Registered Owners
Tappenden Holdings Limited

Estate Fee Simple - 1/17 share
Area 8.4550 hectares more or less
Legal Description Lot 18 Deposited Plan 391213
Registered Owners
Tappenden Holdings Limited

Interests

Appurtenant to Lot 25 DP 512589 to part Lot 18 DP 391213 formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 DP 391213 in favour of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 7907807.7 - 14.8.2008 at 9:00 am

Appurtenant hereto are walkway and riding rights created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

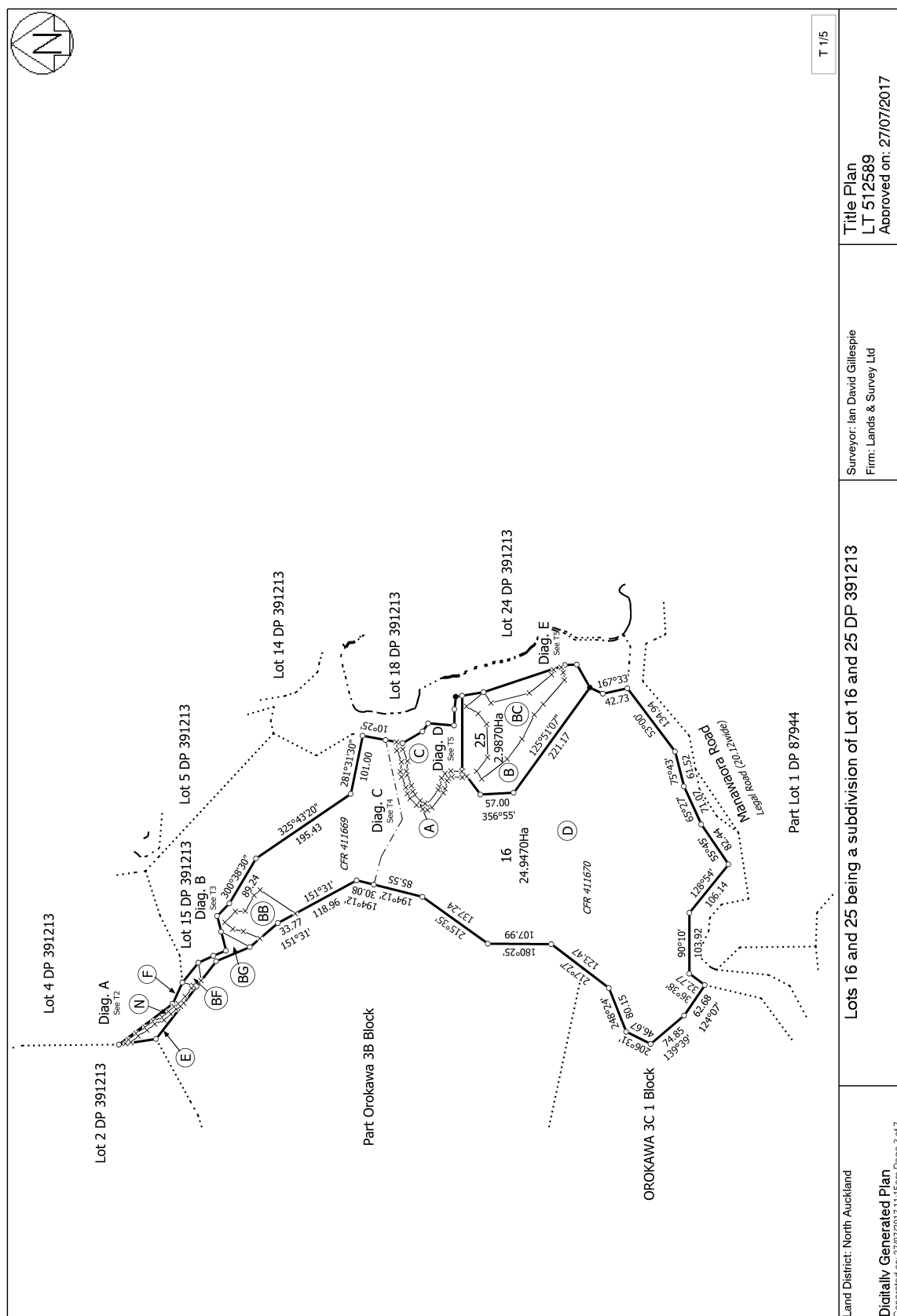
Appurtenant hereto is a right of way and a right to convey electricity, telecommunications and computer media created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

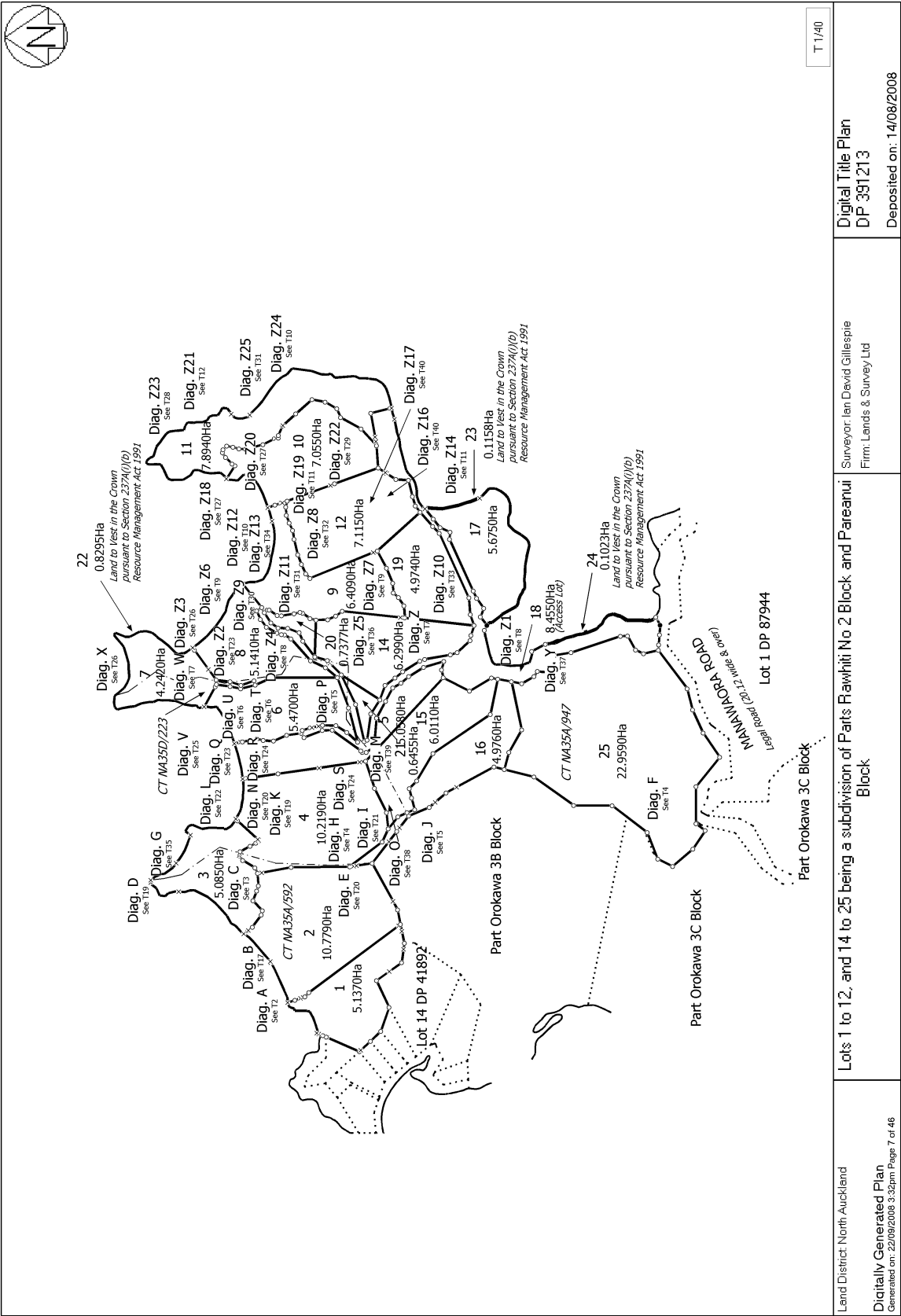
Some of the easements created by Easement Instrument 7907807.9 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

Subject to an inspection and maintenance work right (in gross) over part Lot 25 DP 512589 marked B on DP 512589 in favour of Omarino Residents Association Incorporated created by Easement Instrument 7907807.12 - 14.8.2008 at 9:00 am
7907807.13 Encumbrance to Omarino Residents Association Incorporated - 14.8.2008 at 9:00 am
7907807.14 Lease of Lot 18 DP 391213 Term 999 years commencing on 8.8.2008 CIR 440867 issued - 14.8.2008 at 9:00 am (Right of Renewal)
8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am
Appurtenant hereto is a right of way, right to convey electricity, telecommunications and computer media created by Easement Instrument 10906293.2 - 17.10.2017 at 9:47 am
The easements created by Easement Instrument 10906293.2 are subject to Section 243 (a) Resource Management Act 1991
13554457.1 Variation of Land Covenant created by Easement Instrument 7907807.7 - 19.6.2026 at 9:52 am







RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **791498**
Land Registration District **North Auckland**
Date Issued 17 October 2017

Prior References

411669 411670

Estate Fee Simple
Area 24.9470 hectares more or less
Legal Description Lot 16 Deposited Plan 512589
Registered Owners
Bentzen Farm Limited

Estate Fee Simple - 1/17 share
Area 8.4550 hectares more or less
Legal Description Lot 18 Deposited Plan 391213
Registered Owners
Bentzen Farm Limited

Interests

Appurtenant to Part Lot 16 DP 512589 and Part Lot 18 DP 391213 formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 DP 391213 in favour of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 7907807.7 - 14.8.2008 at 9:00 am

Appurtenant hereto are walkway and riding rights created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Subject to walkway and riding rights over part Lot 16 DP 512589 marked N and BF on DP 512589 created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of way and a right to convey electricity, telecommunications and computer media created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Subject to a right of way and a right to convey electricity, telecommunications and computer media over part Lot 16 DP 512589 marked BF and BG on DP 512589 created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.9 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

Subject to an inspection and maintenance work right (in gross) over Lot 16 DP 512589 part marked A, BF, BG, N, C, D, E and F on DP 512589 in favour of Omarino Residents Association Incorporated created by Easement Instrument 7907807.12 - 14.8.2008 at 9:00 am

7907807.13 Encumbrance to Omarino Residents Association Incorporated - 14.8.2008 at 9:00 am

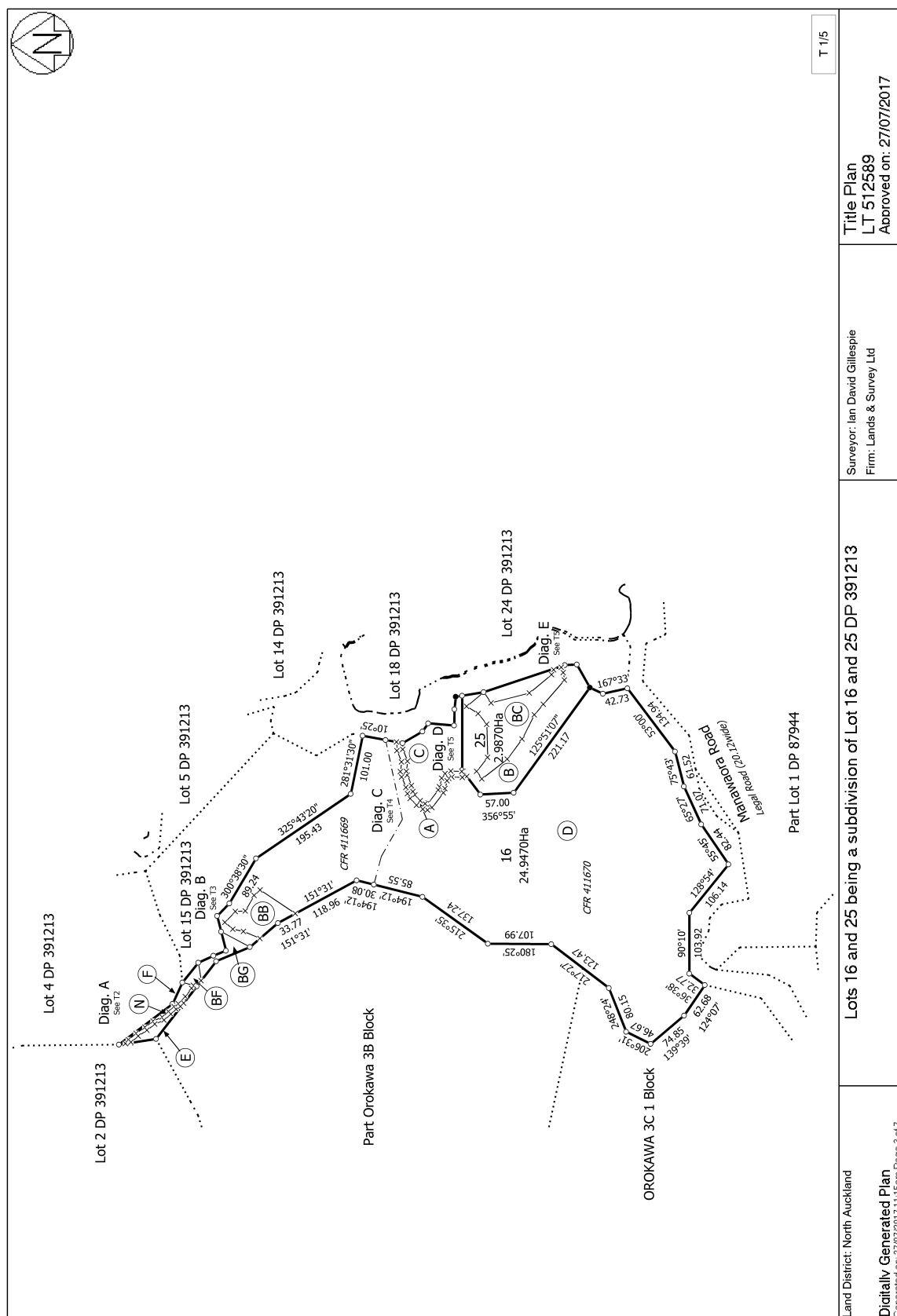
7907807.14 Lease of Lot 18 DP 391213 Term 999 years commencing on 8.8.2008 CIR 440867 issued - 14.8.2008 at 9:00 am (Right of Renewal)

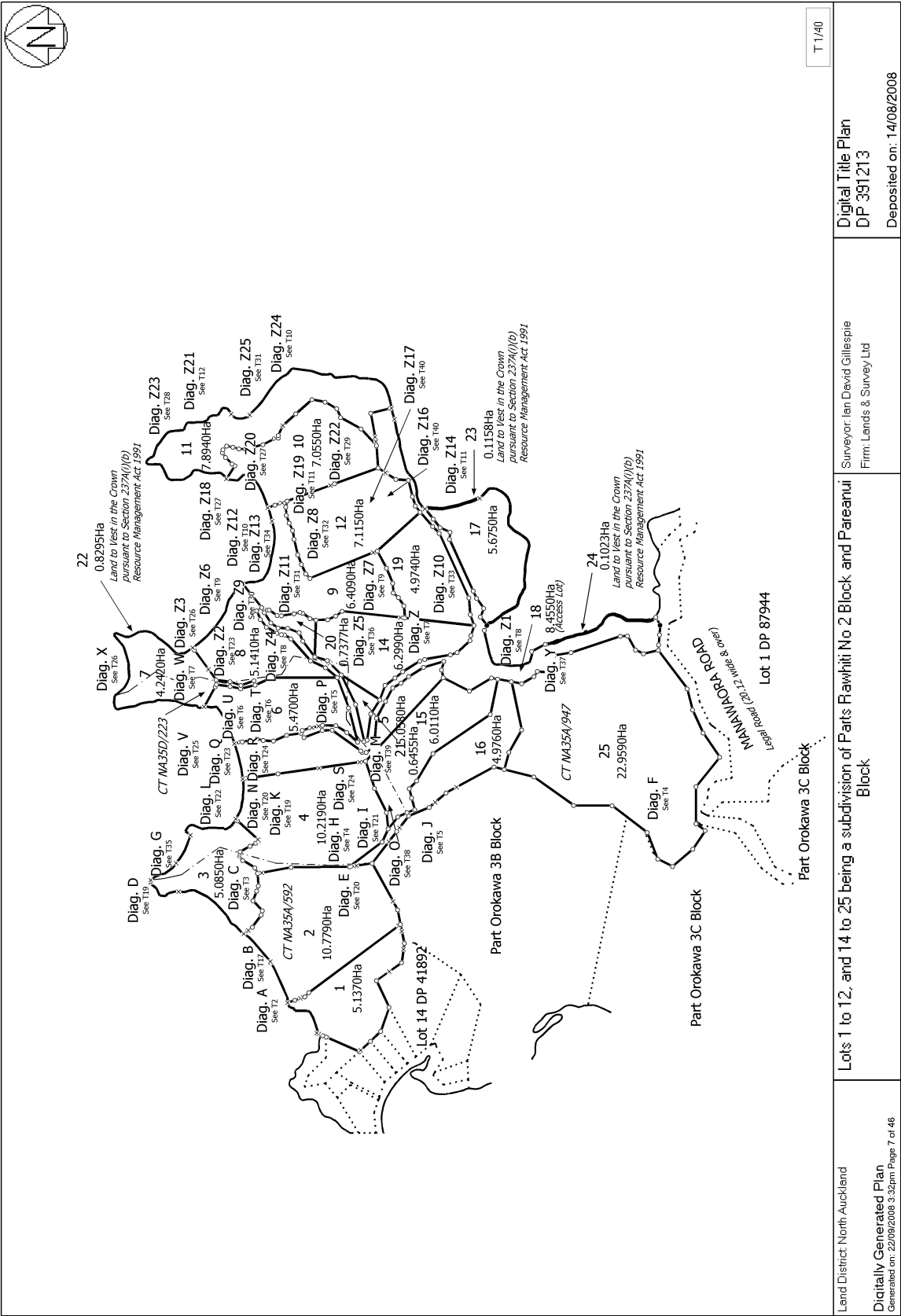
8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am

Subject to a right of way, right to convey electricity, telecommunications and computer media over part Lot 16 DP 512589 marked A on DP 512589 created by Easement Instrument 10906293.2 - 17.10.2017 at 9:47 am

The easements created by Easement Instrument 10906293.2 are subject to Section 243 (a) Resource Management Act 1991

13554457.1 Variation of Land Covenant created by Easement Instrument 7907807.7 - 19.6.2026 at 9:52 am







DocID: 313165939



**Far North
District Council**

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Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

IN THE MATTER

of the Resource Management
Act 1991 ("the Act")

A N D

IN THE MATTER

of a subdivision consent as
evidenced by Land Transfer
Plan No. 391213

A N D

IN THE MATTER

of a Consent Notice issued
pursuant to Section 221 of the
Act by FAR NORTH DISTRICT
COUNCIL ("the Council")

IT IS HEREBY CERTIFIED that the following conditions to be complied with on a continuing basis by the subdividing owner and subsequent owners were imposed by the Council as conditions of approval for the subdivision as effected by Land Transfer Plan No. 391213 ("the plan")

1. Further subdivision of lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan is prohibited.
2. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of each building on lots 7, 11 and 12 on the plan shall be no more than 4 metres above ground level.
3. No buildings shall be erected on lot 7 on the plan until such time as the native screen planting backdrop has reached a height of 4 metres when viewed from a position no closer than 500 metres offshore with such backdrop planting to be maintained at a height of no less than the building thereafter.
4. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lots 1, 2, 4, 6, 8, 9 and 10 on the plan shall be no more than 5 metres above ground level.
5. The maximum rolling height above ground level (using the definition in the district plan as at 30 May 2005) of any building on lot 5 on the plan shall be no more than 6 metres.
6. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lot 3 on the plan shall be:

- (i) No more than 6 metres if the structure or any part thereof is located above a topographical line that is 16 metres or more above mean high water springs; or
 - (ii) No more than 8 metres if the structure or any part thereof is located below a topographical line that is 16 metres or more above mean high water springs.
7. Buildings are prohibited on lots 19, 20 and 21 on the plan.
 8. The external cladding of all buildings constructed on all lots on the plan shall be in accordance with the management plan as approved for the subdivision evidenced by the plan such management plan being entitled "Omarino Residents Association Management Plan dated October 2007" ("the management plan").
 9. The revegetation of those parts of lots 1 through 12, 14 through 17 and 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being
 - that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
 shall be maintained in perpetuity.
 10. All the archaeological sites ("the archaeological sites") located within Lots 1 through 12, 14 through 21 and 25 on the plan shall remain undisturbed.
 11. Access to the heritage covenant areas being:
 - (a) That part of lot 3 on the plan as is shown marked thereon with the letters "AL"; and
 - (b) That part of lot 10 on the plan as is shown marked thereon with the letter "E"

and access to the archaeological sites and other waahi tapu shall be provided to members of Patukeha Hapu, Ngati Kuta Hapu, and other tangata whenua for the purposes of enabling tangata whenua to conduct their kaitiaki responsibilities provided always that:

- (i) Such access is to be on 48 hours notice to the Lot owner (or agent) and for such period and frequency to be agreed upon by the Lot owner (or agent) and tangata whenua, and that access to the archaeological sites be provided to tangata whenua on such terms as may be agreed between the Lot owner and tangata whenua following them having given 48 hours notice to the Lot owner;
 - (ii) Access shall be limited to the hours of daylight and the frequency of visits and the number of visitors (being tangata whenua) shall be such that they do not cause a nuisance or disturbance to the archaeological sites, other waahi tapu and heritage covenant areas or to the vegetation or improvements on the lots, or other activities;
 - (iii) The tangata whenua that visit the archaeological sites, other waahi tapu and heritage covenant areas shall ensure that the sites are protected and remain undisturbed with any other members of the public, being those that have not sought, or been provided with permission from the Lot owner, being trespassers in the context of this condition of consent; and
 - (iv) A lot owner shall not unreasonably withhold or decline consent and if there is any dispute as to the interpretation of this condition or as to the exercise by the Lot owner or tangata whenua of their respective entitlements or obligations under this condition then before the Lot owner may deny access to the sites or before members of the public visit the sites pursuant to this condition, the dispute shall be referred to the President of the Auckland District Law Society whose decision shall be binding on all parties.
12. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan shall ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).
13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (i) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (ii) Compliance with the design guidelines for buildings on the lots; and
 - (iii) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
14. The registered proprietors for the time being of the properties being lots 1 through 12 on the plan will not for the duration of the consent granted by Northland Regional Council under Consent No. CON20041055810 authorising the alterations to a jetty at Waipiro Bay at location co ordinates 1712030E 6098240N:

- (a) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area boundary within a setback of 20 metres inland from the mean high water mark of each lot; and
 - (b) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across and use of the coastal marine area which is 50 metres seaward of the mean high water springs boundary of their property.
- 15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan.
- 16. No cats and no mustelids shall be kept on or brought onto any of the lots on the plan.
- 17. Unless authorised by a resource consent or by the district plan as a permitted activity buildings on each lot in the plan shall be restricted to:
 - (i) One residential unit;
 - (ii) One caretaker's residential unit not more than 125m² in gross floor area;
 - (iii) One non-residential building; and
 - (iv) Water storage facilitieswith the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.
- 18. The external appearance of all buildings constructed on lots 1 through 12, 14, 15, 16 and 25 on the plan shall be in accordance with the design details contained in the management plan and shall in the case of buildings on lots 17 and 18 on the plan be traditional cladding and colours.
- 19. All electricity, telecommunication and other utility services shall be laid underground.
- 20. All earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be regrassed or planted in native vegetation.
- 21. The keeping of dogs on each lot is limited to a maximum of two per lot with all dogs to be:
 - (i) Confined to the registered proprietors' curtilage area when in the company of that registered proprietor or their invitees, or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the registered proprietors curtilage area then secured by way of a hand held leash.

22. The development of each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin & Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent such specifically requiring that a site specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing.
23. None of the non-residential ancillary buildings and water storage facilities on lots 1 through 12, 14 through 17 and 25 on the plan shall be used for residential purposes without the prior written consent of the Council and no cooking or food preparation facilities are to be installed in these non-residential buildings or water storage facilities.
24. No part of the recreation facility on lot 18 on the plan is to be used as a licensed restaurant/hotel/bar without further written consent from the Council.
25. Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) with each effluent disposal field on lots 1 through 12, 17 and 18 on the plan to be located at least 30 metres from mean high water springs with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
26. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation on each lot in terms of the relevant revegetation plan approved for each lot outside of the curtilage area including the first 20 metres landward of mean high water springs.
27. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation landscape planting as provided for in the management plan of all covenanted areas and maintain or repair any stock exclusion structures.
28. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan acknowledge the archaeological records affecting the lots and as detailed in the report prepared by Clough & Associates Limited dated September 2004 and acknowledge that:
 - (i) There is a prohibition on the destruction on any archaeological site such being in contravention of the New Zealand Historic Places Act 1993; and
 - (ii) There is a requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.
29. All building platforms on lot 7 on the plan shall be located below the dominant ridgeline and no building consent will be granted for this lot until such time as a backdrop of native vegetation reaches 4 metres above ground height.
30. All buildings on lots 1 through 12, 14 through 16, 19 through 21 and 25 on the plan and any new buildings on lots 17 and 18 on the plan erected after June 2005 shall be located at least 30 metres landward of mean high water springs.

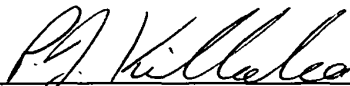
31. No construction of buildings or construction activity shall be located on any of the lots on the plan within 10 metres of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site protected by the NZ Historic Places Act 1993.
32. The registered proprietors for the time being of the properties being lots 14, 15, 16 and 25 on the plan shall in constructing any buildings thereon adhere to the design guidelines outlined in the Assessment of Environmental Effects submitted with the application for the consent for the subdivision as evidenced by the plan, the draft management plan submitted to the Council on 30 May 2005 at the hearing of the application for consent, (which will include conditions that reflectivity will not exceed a maximum of 30%), and the management plan all as amended by:
 - (i) the details and plans submitted with resource consent application RC2070967 – RMAVAR; and
 - (ii) the details and plan submitted with the resource consent application RC2080375 – RMAVAR including the Section 127 application dated 14 March 2008 and the Omarino Management Plan (September 2007).
33. The maximum rolling height above ground level (as defined in the Council's district plan as at 30 May 2005) of each building on lots 14, 15, 16 and 25 shall be as follows:
 - (a) on lot 14 no more than 4.5 metres above ground level with a maximum RL of 83 metres ASL;
 - (b) on lot 15 no more than 5 metres above ground level providing that the eastern end of the buildable area a maximum RL of 122 metres ASL applies and for the remainder of the buildable area a maximum RL of 123 metres ASL applies;
 - (c) on lot 16 no more than 4.5 metres above ground level with a maximum RL of 118 metres ASL; and
 - (d) on lot 25 no more than 5 metres above ground levelwith these rolling heights being defined within the Omarino Property Architectural design guidelines (dated 2 October 2007).
34. No building shall be erected on lot 15 on the plan until such time as the proposed amenity tree planting as illustrated on Figure 5 of the Boffa Miskell folio drawing dated October 2007, or native screen planting backdrop/foreground to the south east and the south west of the proposed dwelling has achieved a height of RL 124.0m ASL with this planting to be maintained at a height of no less than this level.
35. Prior to any development occurring on lots 14, 15 and 16 on the plan a full assessment of visual and landscaping effects is to be undertaken by a qualified and experienced landscape architect as part of any future resource consent application to the Council such to include the provision of a landscape planting plan and specifications to be provided at the building resource consent stage

for approval by the Council. This is to include all areas within these allotments not covered by the actual building and accessways.

36. Effluent disposal on lots 14, 15, 16 and 25 on the plan shall be allocated in accordance with the recommendations contained in the Soil and Rock report dated 5 September 2007 as submitted in the Assessment of Environmental Effects (RC 2080375 RMAVAR) with each effluent disposal field on lots 14, 15, 16 and 25 to be located at least 30 metres from mean high water springs and with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
37. The development of each buildable area on lots 14, 15, 16 and 25 on the plan is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Soil and Rock Consultants entitled "Geotechnical Appraisal For Additional Development Sites Bentzen Farm, Te Awhi Awhi, Bay of Islands" and dated 5 November 2007 and specifically with a site-specific geotechnical investigation to be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.

DATED at Kerikeri this 4th day of July 2008

SIGNED for FAR NORTH DISTRICT COUNCIL
pursuant to the authority of the Council given pursuant
to the Local Government Act 2002 and the Resource
Management Act 1991



Authorised Signatory



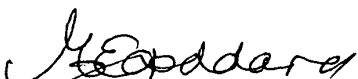
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of** Auckland, New Zealand, Bank Officer, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)

Insert type of instrument
"Caveat", "Mortgage" etc**Mortgage**Page **1** of **1** pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND**Mortgagee under Mortgage No. 6633581.1****Consent**

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

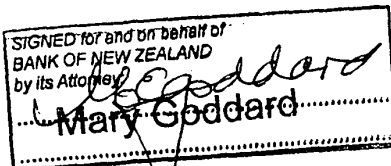
Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The consent notice specifying the conditions of the Far North District Council subdivision consent and the Northland Regional Council for the jetty and the boat ramp to be complied with on a continuing basis in the form of the instrument attached

Dated this 11 day of August 2008**Attestation**

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

ROBYN WATKIN
BANK OFFICER
AUCKLAND

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

District Plan Assessment based on Top Energy Scope of Work specified on Drawing CIW-111799-1 for 285 Manawaora Road

Far North Proposed District Plan – Appeals Version

Zone: Rural Production / Poles 404833 A & B within Manawaora Road

Overlays: Coastal Environment, Coastal / River Flood Hazard

Scope of Works (Top Energy Responsibility)	Relevant PDP-DV Rule/s	Consent Requirements
Install two (2) new 11m Wagner fibre poles at locations P1 and P2. Install all associated structures and materials in accordance with the Pole Schedule.	<u>I-R3 Upgrading of existing above ground network utilities</u> Activity Status: Permitted Where: PER-1 The realignment, relocation or replacement of a telecommunications line, pipe, pole, tower, conductor, cross arm, switch, transformer or ancillary structure is within 5m of the existing alignment or location.	I-R3 PER-1 not met – more than 5m from existing alignment Restricted Discretionary Activity under I-R3.
String new overhead OH HV 11kV SWER line Approx. 502m using 50mm ² Fluorine AAAC bare conductor, extending from existing pole 404833A to new pole P2 via pole P1.	<u>I-R7 New overhead lines and associated poles, telecommunication poles and attached antennas, or towers</u> Activity status: Permitted 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, ... PER-6 The activity complies with standards: I-S2 Electric and magnetic fields.	(but is permitted under I-R7) I-R7 met. Permitted activity (poles not more than 25m in the Rural Production Zone). Assume I-S2 Electric and magnetic fields complied with.

	<u>CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures</u> Activity Status: Permitted PER-4 Any new building or structure and relocated building or an extension or alteration to an existing building or structure not provided for by PER-1, PER-2 or PER-3, where it is: 2. an upgrade of an existing above ground network utility where this is: a. outside high or outstanding natural character areas; b. permitted by I-R3; c. no greater than 12.50m high or the height of the existing structure (whichever is the greatest); d. if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building or structure; and e. not replacing a pole with a pi pole.	CE-R1 specifies a permitted activity where it complies with I-R3. I-R3 not complied with, therefore a Restricted Discretionary Activity under CE-R1. <i>Rules I-R7 & CE-R1 appealed by Top Energy Ltd.</i>
Remove existing pole 404838. Cut existing Swer conductor at new pole P2 and remove existing conductor between poles 404833B and pole P2.	<u>I-R1 Operation, maintenance, repair and removal of existing above or underground network utilities</u> Activity status: Permitted PER-6 The activity complies with standards: I-S2 Electric and magnetic fields.	Permitted activity. Assume I-S2 complied with.
Upgrade existing poles 404833A and 404833B to B11 pole, including replacement and upgrade of all associated structures and materials, with the exception of the existing transformer and fuse saver (27kV 1.5A-40A pole mounted)	I-R3 Upgrading of existing above ground network utilities Activity status: Permitted PER-4 A replacement pole, tower or telecommunication pole does not exceed a height, which is the lesser of the following: 1. 25m; or 2. the height of the replaced pole, tower or telecommunications pole by more than 30 percent. PER-5 The diameter or width of a replacement pole or telecommunication pole: 1. does not exceed twice that of the replaced pole at its widest point; or 2. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times the width of the replaced pole at its widest point.	Permitted activity Existing poles 10m (PER-4(2)). +30% equals 13m. New poles are 11m therefore complies. Replacement pole diameters comply with PER-5.

	PER-8 Additional cross arms do not exceed the length of the existing cross arm by more than 4m.	Rule I-R7 PER-1 (4) allows new poles up to 25m in road reserve adjoining Rural Production Zone. <i>Rule appealed by Top Energy Ltd.</i>
	NH-R1 Maintenance, repair or upgrading of existing infrastructure, including structural mitigation assets River Flood hazard areas Activity status: Permitted Where: PER-1 Any increase of footprint of the above ground infrastructure does not exceed 10m². PER-2 Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path. PER-3 Ground is reinstated to the equivalent state that existed prior to the works.	Permitted activity NH-R1 - Permitted activity standards are met for the poles in the Manawaora Road reserve within the flood hazard area.
Install/Transfer and reconfigure materials and structure currently installed on pole 404833B, including the SWER tap-off, to be installed on pole 404833A, and vice versa on the proposed upgrade configuration.	I-R3 Upgrading of existing above ground network utilities Activity status: Permitted	Permitted activity I-R3 Permitted activity <i>Rule appealed by Top Energy Ltd.</i>

Operative District Plan

Zone: General Coastal

Resources: Outstanding Landscape

Scope of Works (Top Energy Responsibility)	Relevant ODP Rule/s	Comments
Install two (2) new 11m Wagner fibre poles at locations P1 and P2. Install all associated structures and materials in accordance with the Pole Schedule. String new overhead OH HV 11kV SWER line Approx. 502m using 50mm² Fluorine AAAC bare conductor, extending from existing pole 404833A to new pole P2 via pole P1.	17.2.6.2 CONTROLLED ACTIVITIES An activity is a controlled activity if: (a) it does not comply with one or more of the standards for permitted activities set out in Rules 17.2.6.1.1 to 17.2.6.1.7; and (b) in the General Coastal Zone it is a new line or addition to lines for conveying electricity at a voltage up to and including 110 kV, including all support structures for those lines; and (c) it complies with the relevant standards for permitted or controlled activities set out in Part 3 of the Plan – District Wide Provisions. Permitted Activity: 12.1.6.1.6 UTILITY SERVICES IN OUTSTANDING LANDSCAPES The installation of utility services is permitted in Outstanding Landscapes as shown on the Resource Maps, provided that these services are underground.	Rule 17.2.6.2(b) directs a controlled activity, however (c) not met - as Rule 12.1.6.1.6 Utility Services in Outstanding Landscapes not met - lines not underground. Discretionary Activity Consent required.
Remove existing pole 404838. Cut existing Swer conductor at new pole P2 and remove existing conductor between poles 404833B and pole P2.	17.2.6.1.7 MAINTENANCE OF UTILITY SERVICES FOR THE SUPPLY OF ELECTRICITY INCLUDING LINES, STRUCTURES AND SUPPORT STRUCTURES FOR THE TRANSFORMATION, TRANSMISSION OR DISTRIBUTION OF ELECTRICITY The maintenance (including vegetation trimming), replacement, operation, demolition and minor upgrading of all existing utility services for the supply of	Permitted activity.

	electricity including structures and support structures is a permitted activity and is not required to comply with the zone standards in Part 2 – Environment Provisions For the purpose of this rule Minor Upgrading means: An increase in the carrying capacity, efficiency or security of electricity and associated telecommunication lines, existing support structures or structures of a similar scale or character and includes: (a) the addition of circuits or conductors; (b) reconductoring with higher capacity conductors; (c) the resagging of conductors; (d) the replacement or addition of longer or more efficient insulator equipment; (e) the addition of earthwires (which may contain a telecommunication line, e.g. fibre optic) earth peaks and lightning rods.	
Upgrade existing poles 404833A and 404833B to B11 pole, including replacement and upgrade of all associated structures and materials, with the exception of the existing transformer and fuse saver (27kV 1.5A-40A pole mounted)	17.2.6.1.7 MAINTENANCE OF UTILITY SERVICES FOR THE SUPPLY OF ELECTRICITY INCLUDING LINES, STRUCTURES AND SUPPORT STRUCTURES FOR THE TRANSFORMATION, TRANSMISSION OR DISTRIBUTION OF ELECTRICITY The maintenance (including vegetation trimming), replacement, operation, demolition and minor upgrading of all existing utility services for the supply of electricity including structures and support structures is a permitted activity and is not required to comply with the zone standards in Part 2 – Environment Provisions For the purpose of this rule Minor Upgrading means: An increase in the carrying capacity, efficiency or security of electricity and associated telecommunication lines, existing support structures or structures <u>of a similar scale or character</u> and includes: (a) the addition of circuits or conductors; (b) reconductoring with higher capacity conductors; (c) the resagging of conductors; (d) the replacement or addition of longer or more efficient insulator equipment; (e) the addition of earthwires (which may contain a telecommunication line, e.g. fibre optic) earth peaks and lightning rods.	Permitted activity Replacement aspects in accordance with permitted activity. Upgrade of poles – new poles of similar scale and character to the existing ones.

Install/Transfer and reconfigure materials and structure currently installed on pole 404833B, including the SWER tap-off, to be installed on pole 404833A, and vice versa on the proposed upgrade configuration.	17.2.6.1.7 MAINTENANCE OF UTILITY SERVICES FOR THE SUPPLY OF ELECTRICITY INCLUDING LINES, STRUCTURES AND SUPPORT STRUCTURES FOR THE TRANSFORMATION, TRANSMISSION OR DISTRIBUTION OF ELECTRICITY	Permitted activity.
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