

10 August 2026

Far North District Council
Private Bag 752
Kaikohe 0440

By Email
pdp@fndc.govt.nz

Dear Kate Ivicheva

NOTICE OF DECISION OF TOP ENERGY LIMITED UNDER CLAUSE 13 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991

Background

1. Top Energy Limited (Top Energy) is a requiring authority for the purposes of the Resource Management Act 1991 (RMA).
2. Top Energy rolled over its existing designations into the notified version of the Far North Proposed District Plan with a number of minor amendments made.¹
3. Following notification of the Far North Proposed District Plan (PDP), Top Energy sought minor amendments to its Designation TE249 in its submission on the PDP dated 21 October 2022.²
4. In evidence filed on behalf of Top Energy in Hearing Stream 11 (Energy, Infrastructure, Transport and Designations), Top Energy sought further minor amendments to its following Designations: TE208, TE243, TE244, and TE247.³
5. The Hearings Panel recommended that Top Energy's submission seeking amendments to TE249 (Oruru Road Substation) be accepted.⁴ The Hearings Panel did not make a recommendation in relation to the other designations held by Top Energy.
6. The Council notified requiring authorities of its recommendations on their designations on 30 June 2026 and accepted the Hearings Panel's recommendations in respect of Top Energy's designations.

¹ Refer to the letter provided by Barker & Associates on behalf of Top Energy Limited to Far North District Council dated 7 March 2022.

² Top Energy Submission, section 2.3.1, submission point S483.187.

³ Evidence of David Badham, Hearing Stream 11, 14 April 2025 at section 8. Note references in Top Energy's evidence to designations TE245 and TE249 are understood to be references to designations TE244 and TE247 respectively.

⁴ Far North District Council Independent Hearing Commissioners *Recommendation Report 11 – Hearing 11: Renewable Energy, Infrastructure, Transport and Designations* (March 2026) at [6.3.1] and at page 6 of Appendix 3.4.

Top Energy's decision

7. Top Energy accepts the Council's recommendation on Designation TE249. However, it notes that the following elements of Top Energy's submission on that Designation, which the Hearings Panel recorded as accepted, have not been incorporated into the PDP – Decisions Version:
 - a. the deletion of condition 2; and
 - b. the insertion of a condition providing that an Outline Plan of Works is not required where the activity being undertaken is in accordance with the information submitted by Top Energy in support of the notice of requirement.
8. Accordingly, Top Energy has decided to amend Designation TE249 to reflect the Council's recommendations.
9. In addition, Top Energy has made several minor amendments to its designations to reflect the amendments sought in its Hearing Stream 11 evidence, which were not addressed by the Hearings Panel in its recommendations, but which are not inconsistent with the designations as notified.⁵
10. A copy of the revised designation texts, showing all amendments in strikethrough and underline, is attached as **Attachment A**.
11. If you require any further information from Top Energy, please contact me at taryn.collins@topenergy.co.nz or 027 807 5779.

Yours faithfully



Taryn Collins
Property Advisor
Top Energy Limited

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⁵ Pursuant to Sch 1, cl 13(2) of the RMA.

ATTACHMENT A – MODIFICATIONS TO DESIGNATIONS

Settlement Road, Kawakawa	
Designation unique identifier	TE208
Designation purpose	Telecommunications, and the generation, supply and storage of electricity including the operation, maintenance and upgrade of substation and related infrastructure for electricity supply and distribution
Site identifier	Kawakawa Substation, Settlement Road, Kawakawa Lot 2 DP184846; 2670sqm <u>NA115B/816</u>
Lapse date	Given effect
Designation hierarchy under section 177 of the RMA	Primary
Conditions	No
Additional information	Rollover designation with minor updates to the schedule

[...]

CONDITIONS APPLYING TO TE244

Hazardous Substances

- ~~13.1.~~ The substation shall be operated in accordance with the Top Energy procedure for "oil handling" (Procedure No CS E01 dated February 1996) and subsequent amendments.

Electronic and Magnetic Fields

- ~~14.2.~~ Exposures to extremely low frequency electric and magnetic fields at the boundary of the site and at all publicly accessible areas within the site, shall comply with the guidelines recommended by the International Commission on Non-Ionising Radiation Protection in 1998.

[...]

CONDITIONS APPLYING TO TE247

11. The existing landscaping shall be maintained for the duration of the activity in accordance with Resource Consent 2130173.

[...]

CONDITIONS APPLYING TO TE249

1. The works to give effect to the designation of the Oruru Road Substation shall be generally in accordance with the information submitted by Top Energy Ltd in support of the Notice of Requirement.
- ~~2. The works to give effect to the designation of the Oruru Road substation shall be generally in accordance with the information by Top Energy Ltd in support of the Notice of Requirement.~~

[...]

- XX. An Outline Plan of Works is not required where the activity being undertaken is in accordance with the information submitted by Top Energy in support of the notice of requirement.