

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2026-AKL

IN THE MATTER OF

the Resource Management Act 1991
(*RMA*)

AND

IN THE MATTER OF

an appeal under Clause 14(1) of
Schedule 1 of the RMA against the
decision of the Far North District
Council in respect of the Proposed Far
North District Plan

BETWEEN

TOP ENERGY LIMITED

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL

Dated: 10 August 2026

GREENWOOD ROCHE
LAWYERS
Auckland
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TO: The Registrar
 Environment Court
 Auckland

BACKGROUND

- 1 Top Energy Limited (*Top Energy*) appeals against parts of the decision of the Far North District Council (*Council*) on the Proposed Far North District Plan (*PDP*) (*Decision*).
- 2 Top Energy made a submission on the PDP on 21 October 2022 and a further submission on 4 September 2023. Top Energy filed evidence in support of its submissions.
- 3 Top Energy received notice of the Decision on the PDP on 30 June 2026.
- 4 Top Energy owns and operates the electricity lines network within the Far North District, servicing an area of 6,822km² and serving over 32,000 customers. Top Energy's current electricity network has a total system length of 4,016km and includes seventeen substations that are subject to Designations. Top Energy's network exists both above and below ground and traverses a number of zones and sensitive areas.
- 5 Top Energy's network is a physical resource under the RMA and parts of its network are recognised as regionally significant infrastructure in the Regional Policy Statement for Northland (*Northland RPS*).¹ National direction requires decision-makers to recognise and provide for the development, operation, maintenance and upgrading of this infrastructure. In particular:
 - (a) National Policy Statement for Electricity Networks 2008 (*NPS-Electricity*), as recently amended, recognises the national significance of the electricity transmission network;²

¹ Northland RPS at Appendix 3. Clause 1 of Appendix 3 identifies "electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised" as regionally significant infrastructure.

² Objective 2.1(1) and Policy 1(1)(a) which directs decision-makers to recognise and provide for the national significance of the energy network.

- (b) the National Policy Statement for Renewable Electricity Generation 2011 (*NPS-REG*) seeks to enable renewable electricity generation; and
 - (c) the National Policy Statement on Infrastructure 2025 (*NPS-Infrastructure*) provides broad policy support for the development and operation of infrastructure.
- 6 Top Energy is not a trade competitor for the purposes of section 308D of the RMA.

SCOPE OF APPEAL

- 7 Top Energy appeals the following parts of the Decision:

Part 1 – Introduction and General Provisions

- (a) Interpretation – Definitions: Community Scale Renewable Electricity Generation Activities.

Part 2 – District-Wide Matters

- (b) Strategic Direction Chapter – Objectives and policies.
- (c) Infrastructure Chapter – Policies and rules.
- (d) Renewable Electricity Generation Chapter – Objectives, policies and rules.
- (e) Transport Chapter – New objectives, policies and rules.
- (f) Natural Hazards Chapter – Objectives and standards.
- (g) Notable Trees Chapter – Objectives and policies.
- (h) Heritage Overlay and Historic Heritage Chapter – Rules.
- (i) Ecosystems and Indigenous Biodiversity Chapter – Rules.
- (j) Natural Character Chapter – Policies and rules.
- (k) Natural Features and Landscapes Chapter – Rules.
- (l) Sites and Areas of Significance to Māori Chapter – Objectives, policies and rules.

- (m) Subdivision Chapter – Objectives, policies and standards.
 - (n) Earthworks Chapter – Standards.
 - (o) Coastal Environment Chapter – Rules.
 - (p) Noise Chapter – Objectives and policies.
- 8 The specific amendments sought by Top Energy are detailed in **Appendix A**.

GENERAL REASONS FOR APPEAL

- 9 The reasons for this appeal include that the Decision:
- (a) will not promote the sustainable management of the natural or physical resources in the Far North District, nor will it achieve the purpose of the RMA;
 - (b) will not give effect to the Northland RPS and the relevant national direction in the NPS-Electricity and NPS-Infrastructure;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable the social, economic and cultural wellbeing of the people of the Far North District;
 - (e) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
 - (f) is not the most appropriate way to achieve the objectives of the Northland RPS in terms of section 32 of the RMA.

SPECIFIC REASONS FOR APPEAL

- 10 In addition to the general reasons outlined above, Top Energy appeals the Decision for the following, more specific reasons:
- (a) *Regionally Significant Infrastructure:* The Decision does not adequately give effect to the Northland RPS provisions relating to the recognition, protection and enablement of regionally significant

infrastructure.³ In particular, the PDP does not contain sufficient policy direction or regulatory provisions to recognise and provide for the operation, maintenance, upgrading and development of Top Energy's electricity network.

- (b) *Renewable electricity generation:* The Decision does not adequately provide for renewable electricity generation activities and, in some respects, unduly constrains the establishment and upgrading of renewable electricity infrastructure despite the direction in the RMA, *NPS-REG* and Northland RPS to enable such activities. As a consequence, the Decision does not give effect to the relevant direction in these documents to provide for the development, operation, maintenance and upgrading of this infrastructure.
 - (c) *Reverse sensitivity:* The Decision does not adequately avoid reverse sensitivity effects on the existing and planned electricity network and renewable electricity generation infrastructure.
 - (d) *National direction directing the development of new infrastructure:* The Decision is inconsistent with national direction directing decision-makers to enable the development of new infrastructure, specifically the *NPS-Electricity*, *NPS-REG* and *NPS-Infrastructure*.
- 11 The specific amendments sought in relation to the above and reasons for those amendments are detailed in **Appendix A**.

RELIEF SOUGHT

- 12 Top Energy seeks the following relief:
- (a) amendments to the provisions of the PDP as set out in detail in **Appendix A** – Schedule of relief sought; and
 - (b) such further, alternative or consequential relief as may be necessary to address Top Energy's concerns.

³ See 5.3 of the Northland RPS which specifically addresses the issue of Regionally Significant Infrastructure.

ATTACHMENTS

13 The following documents are attached to this notice:

- (a) **Appendix B** – a copy of Top Energy’s original submission and further submission.
- (b) **Appendix C** – relevant extracts from the Independent Hearings Panel’s recommendations, adopted by the Council in its Decision, that are appealed.
- (c) **Appendix D** – a list of names and addresses of persons to be served with a copy of this notice.

DATED this 10th day of August 2026



F M Lupis
Counsel for Top Energy Limited

Address for Service:

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

You may apply to the Environment Court under section 281 of the RMA for a waiver of the above timing or service requirements (see Form 18).

How to obtain copies of documents relating to appeal

The decision may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

APPENDICES

(provided separately)

APPENDIX A: SCHEDULE OF RELIEF SOUGHT

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough
Part 1 – Introduction and General Provisions (Interpretation) – Definitions		
Definitions – Community Scale Renewable Electricity Generation Activities	Top Energy supports the definition for Community Scale Renewable Electricity Generation Activities that was originally notified by the Council. Top Energy seeks the reinstatement of the notification version of the definition as that is more consistent with the definition in the National Policy Statement on Renewable Electricity Generation 2011 (<i>NPS-REG</i>). The NPS-REG definition does not distinguish between different specific users within the electricity network (and applies to the community / local users more broadly).	<i>Reinstate definition as follows:</i> <u>means renewable electricity generation that is supplied to local electricity users or the distribution network and where the installed capacity does not exceed 10MW.</u>
Part 2 – District-Wide Matters – Strategic Direction		
Strategic direction – New objectives for Regionally Significant Infrastructure.	Top Energy seeks the inclusion of new objectives within the Strategic Direction Chapter of the PDP for regionally significant infrastructure. The Strategic Direction Chapter is fundamental to the tone and direction of the PDP. While Top Energy supports the inclusion of objectives referencing infrastructure broadly, it considers it important that strategic direction is provided at this level for Regionally Significant Infrastructure through objectives and policies and notes that other District Plans in Northland have specifically included strategic direction in this regard.¹ Top Energy considers this approach is required to give effect to the provisions of the Northland Regional Policy Statement (<i>RPS</i>) relating to Regionally Significant Infrastructure.	<i>Insert new objectives as follows:</i> <u>SD-IE-OXX Regionally Significant Infrastructure is identified and protected.</u> <u>SD-IE-OXX The benefits of Regionally Significant Infrastructure are recognised and provided for.</u> <u>SD-IE-OXX Avoid, remedy, mitigate or offset adverse effects arising from the development, operation, maintenance, and upgrading of Regionally Significant Infrastructure.</u>
Strategic direction – New objective and policy for reverse sensitivity.	Top Energy seeks the inclusion of a new objective and policy within the Strategic Direction of the PDP that relates to reverse sensitivity effects and reflects the objective in the Northland RPS to protect Regionally Significant Infrastructure from such effects. The Strategic Direction Chapter is fundamental to the tone and direction of the PDP. Top Energy considers there is insufficient strategic direction within the PDP in relation to reverse sensitivity.	<i>Insert a new objective as follows:</i> SD-IE-OX: Avoid conflict between incompatible land use activities from the establishment of new subdivision, use and development, and avoid reverse sensitivity for existing primary production activities, industrial and commercial activities, mining or existing and planned Regionally Significant Infrastructure.

¹ See for example the District Growth and Development Objectives for Regionally Significant Infrastructure in the Operative Whangārei District Plan. That section of the Operative Whangārei District Plan contains provisions identifying and protecting Regionally Significant Infrastructure.

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough			
Part 2 - District-Wide Matters (Energy, infrastructure and transport) – Infrastructure					
Infrastructure – Policy I-P11	While Top Energy supports the ability of tangata whenua to develop land in the Māori Purpose Zone or Treaty Settlement overlay, it opposes the avoidance directive within this specific policy. That avoidance wording is incongruous with the wording of Objective I-O6 (which contemplates a pathway for the development of infrastructure within these zones).	<i>Amend Policy I-P11 as follows:</i> Avoid <u>Manage</u> new infrastructure where so that it will <u>not</u> unnecessarily constrain compromise the ability to develop and use land in the Māori Purpose zones or in the Treaty Settlement overlay unless the owners of the land agree to the new infrastructure.			
Infrastructure – Policy I-P12	Top Energy considers the wording of Policy I-P12 should be worded so as to recognise and provide for the benefits of new technology in infrastructure. These technologies are likely to continue to change over the anticipated lifespan of the PDP. As such, the PDP should “provide” for these benefits not just simply “recognise” them.	<i>Amend Policy I-P12 as follows:</i> Recognise <u>and provide for</u> the benefits of new technology in infrastructure that: - improve access to, and efficient use of, networks and services; - increases resilience or reliability of networks and services; - protects the on-going safety of the community and the integrity of the network; or - results in environmental benefits or enhancements.			
Infrastructure – Rule I-R3 – Upgrading of existing above ground network utilities	Top Energy supports the upgrading of existing above ground network utilities being a permitted activity in all zones but considers that Rule I-R3 is overly restrictive of infrastructure. It contains a number of arbitrary performance standards making this rule of limited use in enabling upgrades to existing above ground network utilities which are required to ensure this lifeline service to the communities is functional and resilient. Non-compliance would result in unnecessary resource consent requirements. Top Energy considers further amendments are required to avoid confusion and simplify the application of this rule.	<i>Replace Rule I-R3 as follows:</i> <table border="1"> <tr> <td data-bbox="1792 1068 2012 1938">All zones</td><td data-bbox="2012 1068 2513 1938"> <u>Activity status: Permitted</u> <u>Where:</u> <u>General</u> <u>PER-1</u> <u>The upgrade of network utility structures or buildings:</u> <u>is within 5m of the existing alignment location of the original structure or building;</u> <u>complies with the zone's permitted setback standards if it is a building; and</u> <u>does not result in an increase to the diameter of a replacement pipe by more than 300mm.</u> <u>PER-2</u> </td><td data-bbox="2513 1068 2875 1938"> <u>Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>The functional need and operational need of the network utility;</u> <u>The benefits of the network utility;</u> <u>The purpose and necessity of the upgrading;</u> </td></tr> </table>	All zones	<u>Activity status: Permitted</u> <u>Where:</u> <u>General</u> <u>PER-1</u> <u>The upgrade of network utility structures or buildings:</u> <u>is within 5m of the existing alignment location of the original structure or building;</u> <u>complies with the zone's permitted setback standards if it is a building; and</u> <u>does not result in an increase to the diameter of a replacement pipe by more than 300mm.</u> <u>PER-2</u>	<u>Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>The functional need and operational need of the network utility;</u> <u>The benefits of the network utility;</u> <u>The purpose and necessity of the upgrading;</u>
All zones	<u>Activity status: Permitted</u> <u>Where:</u> <u>General</u> <u>PER-1</u> <u>The upgrade of network utility structures or buildings:</u> <u>is within 5m of the existing alignment location of the original structure or building;</u> <u>complies with the zone's permitted setback standards if it is a building; and</u> <u>does not result in an increase to the diameter of a replacement pipe by more than 300mm.</u> <u>PER-2</u>	<u>Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>The functional need and operational need of the network utility;</u> <u>The benefits of the network utility;</u> <u>The purpose and necessity of the upgrading;</u>			

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough	
		The <u>realignment, relocation or replacement of a gas transmission line is within:</u> <u>an existing easement in favour of the pipeline; or 12m of the existing alignment or location.</u> <u>12m of the existing alignment or location.</u> Electricity PER-3 <u>In addition to PER 1 and PER 2, the upgrade of electricity network utilities structures or buildings must not result in:</u> <u>Pole or tower height that exceeds 25m above ground level;</u> <u>More than two additional poles; and</u> <u>Additional towers.</u> PER-4 <u>Additional cross arms must not exceed a length of more than 4m.</u> Gas PER-5 <u>In addition to PER 1 and PER 2, the realignment, relocation or replacement of a gas transmission line is within:</u> <u>an existing easement in favour of the pipeline;</u> <u>12m of the existing alignment or location.</u>	d. The potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality, and any cumulative adverse effects; and e. Any measures to avoid, remedy or mitigate adverse effects.

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough					
			<u>Telecommunications</u> <u>PER 6</u> <u>In addition to PER 1 and PER 2:</u> 1. <u>A replacement panel antenna does not increase the face area by more than 20 percent.</u> 2. <u>A replacement dish antenna does not increase in diameter by more than 20 percent.</u>				
Infrastructure – Rule I-R7 – New overhead lines and associated poles, telecommunication poles and attached antennas, or towers	Top Energy considers Permitted Activity Standard PER-2 should be amended to clarify that it is intended to apply above ground and to enable towers up to a height of 25m to ensure consistency with Permitted Activity Standard PER-1.	<i>Amend Rule I-R7 as follows:</i> <table><tr><td>All <u>Zones</u></td><td>Activity status: Permitted Where: PER-1 Poles or telecommunications poles and attached antenna (excluding lighting rods) do not exceed a height above ground level of: 1. 25m in the Rural Production zone, Rural Lifestyle zone, Māori Purpose zones, Light Industrial zone, Heavy Industrial zone, Airport zone, Hospital zone, Horticulture Processing Facilities zone; 2. 20m in the Mixed-Use zone, Open Space zone, Sport and Active Recreation zone, Ngawha Innovation and Enterprise Park zone, Orongo Bay zone, Rural Residential zone; 3. 15m in the General Residential zone, Settlement zone, and all other special purpose zones; or</td><td>Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4 or PER-5: Restricted discretionary Matters of discretion are restricted to: a. the functional need and operational need of, and benefits from, the network utility; b. the potential impact on the levels of service or health and safety if the work is not undertaken; c. the bulk, height, location and design of the network utility, including any associated building(s) or structures; d. the impact on the character and qualities</td></tr></table>			All <u>Zones</u>	Activity status: Permitted Where: PER-1 Poles or telecommunications poles and attached antenna (excluding lighting rods) do not exceed a height above ground level of: 1. 25m in the Rural Production zone, Rural Lifestyle zone, Māori Purpose zones, Light Industrial zone, Heavy Industrial zone, Airport zone, Hospital zone, Horticulture Processing Facilities zone; 2. 20m in the Mixed-Use zone, Open Space zone, Sport and Active Recreation zone, Ngawha Innovation and Enterprise Park zone, Orongo Bay zone, Rural Residential zone; 3. 15m in the General Residential zone, Settlement zone, and all other special purpose zones; or	Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4 or PER-5: Restricted discretionary Matters of discretion are restricted to: a. the functional need and operational need of, and benefits from, the network utility; b. the potential impact on the levels of service or health and safety if the work is not undertaken; c. the bulk, height, location and design of the network utility, including any associated building(s) or structures; d. the impact on the character and qualities
All <u>Zones</u>	Activity status: Permitted Where: PER-1 Poles or telecommunications poles and attached antenna (excluding lighting rods) do not exceed a height above ground level of: 1. 25m in the Rural Production zone, Rural Lifestyle zone, Māori Purpose zones, Light Industrial zone, Heavy Industrial zone, Airport zone, Hospital zone, Horticulture Processing Facilities zone; 2. 20m in the Mixed-Use zone, Open Space zone, Sport and Active Recreation zone, Ngawha Innovation and Enterprise Park zone, Orongo Bay zone, Rural Residential zone; 3. 15m in the General Residential zone, Settlement zone, and all other special purpose zones; or	Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4 or PER-5: Restricted discretionary Matters of discretion are restricted to: a. the functional need and operational need of, and benefits from, the network utility; b. the potential impact on the levels of service or health and safety if the work is not undertaken; c. the bulk, height, location and design of the network utility, including any associated building(s) or structures; d. the impact on the character and qualities					

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		4. the permitted height of the adjacent zone in clause 1 to 3 above if located in the road reserve. PER-2 Towers do not exceed a height of <u>25.15m above ground level</u>. PER-3 Where two or more telecommunication facility operators are located on the same pole in the zones referred to PER-1. 1, the pole and attached antenna (excluding lighting rods) do not exceed a height of 30m above ground level. PER-4 Where located within or adjacent to a residential zone-(except within the road reserve), the telecommunication facility complies with the relevant height in relation to boundary standard for that zone. PER-5 Where located in the road reserve, the diameter of the antenna and any headframe do not exceed 1m. PER-6 The activity complies with standards: I-S1 Radio frequency fields; and I-S2 Electric and magnetic fields.	of the surrounding area; and e. any adverse effects on public health and/or safety.

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough
Infrastructure – Rule I-R12 – New buildings or structures and relocated buildings and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Lines Overlay	Top Energy considers the reference to “and earthworks” in the Rule heading should be deleted to reflect the fact this rule does not relate to earthworks activities.	<i>Amend Rule I-R12 as follows:</i> New buildings or structures and relocated buildings and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Lines Overlay
Part 2 – District-Wide Matters (Energy, infrastructure and transport) – Renewable electricity generation		
Renewable Electricity Generation – REG-O1	Top Energy supports the acknowledgement of the significance of the local, regional and national benefits of renewable energy, as well as the recognition in the PDP of the inclusion of renewable energy as a matter of national significance in the RMA. However Top Energy considers REG-O1 needs to be amended to ensure the technical, operational and functional needs and constraints of renewable electricity generation are also recognised and provided for. While the technical, operational and functional needs of renewable electricity generation activities are captured under REG-O3, the relief sought will better enable the PDP to recognise and provide for the local, regional and national benefits of these activities.	<i>Amend Objective REG-O1 as follows:</i> The significant local, regional and national benefits from the use and development of renewable electricity generation activities, <u>and their technical, operational and functional needs and constraints</u>, are recognised and provided for.
Renewable Electricity Generation – REG-O4	The use of “or otherwise mitigating” reverse sensitivity effects is inconsistent with, and does not give effect to, the Northland RPS, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that “should not result in incompatible land uses in close proximity <u>and avoids</u> the potential for reverse sensitivity” [our emphasis added].	<i>Amend Policy REG-O4 as follows:</i> The ongoing efficient operation, maintenance, repair and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, or otherwise mitigating, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities.
Renewable Electricity Generation – REG-P7	Top Energy supports protecting large scale renewable electricity generation activities. However, the use of “or otherwise mitigate” reverse sensitivity effects is inconsistent with, and does not give effect to, the Northland RPS, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that “should not result in incompatible land uses in close proximity <u>and avoids</u> the potential for reverse sensitivity” [our emphasis added].	<i>Amend Policy REG-P7 as follows:</i> Require sensitive activities to be designed and located to avoid to the extent possible, or otherwise mitigate, reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities.
Renewable Electricity Generation – REG-P8	Given that renewable energy resources are located throughout the district and not just within the Rural Production, Māori Purpose and Open Space zones, Top Energy considers that in some instances there will be technical, operational and functional needs for such an activity to be located outside of these zones.	<i>Delete Policy REG-P8 as follows:</i>

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough
	The directive to avoid locating infrastructure within specific zones is also inconsistent with Policy 9(1) of the National Policy Statement on Infrastructure 2025 (<i>NPS-Infrastructure</i>) which requires decision-makers to enable new infrastructure in <i>all</i> environments and Policy 5(1) the National Policy Statement for Electricity Networks 2008 (<i>NPS Electricity</i>) which provide for routine renewable energy generation activities to occur in <i>all</i> locations and environments. Top Energy seeks the deletion of REG-P9 on the above basis.	Avoid locating large scale and community scale renewable electricity generation activities outside the Rural Production, Māori Purpose and Open Space zones unless it can be demonstrated that adverse effects will be no more than minor.
Renewable Electricity Generation – REG-P9	Top Energy considers it is more appropriate for REG-P9 to be moved to REG-P10 as a new matter for consideration for assessing and managing the effects of renewable electricity generation activities through a resource consent process. As there is no specific method or rule implementing Policy REG-P9, moving that policy to sit within REG-P10 means it is a directly relevant matter for consideration when assessing and managing the effects of renewable electricity generation activities.	<i>Delete Policy REG-P9 as follows:</i> Require that during or following decommission of any renewable electricity generation activity, that all renewable electricity generation structures, buildings and concrete areas are removed or otherwise mitigated to be compatible with future land use.
Renewable Electricity Generation – REG-P10		<i>Amend Policy REG-P10 as follows:</i> Consideration of the following matters where relevant when assessing and managing the effects of renewable electricity generation activities: <u>I. plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas.</u>
Renewable Electricity Generation – New Restricted Discretionary Activity Rule for Large Scale Solar renewable electricity generation activity.	Top Energy considers that adverse effects associated with solar renewable electricity generation are readily understandable and therefore this activity should be enabled as a restricted discretionary activity with clear matters of discretion. Top Energy acknowledges that REG-R6 has been amended to enable Large Scale Solar renewable electricity generation activities as a permitted activity, subject to standards, with a default restricted discretionary activity status for non-compliance; however, that does not apply within all zones and only applies within Rural Production, Māori Purpose, Open Space and Waitangi Estate zones. A discretionary activity status would be triggered for large-scale solar activities in any other zone, which Top Energy considers is unduly restrictive given the importance of this infrastructure. It is also inconsistent with the directives within the NPS-Infrastructure and NPS-REG to enable the development of this infrastructure within <i>all</i> locations and environments.	<i>Add new restricted discretionary rule as follows:</i> <u>REG – RX Large scale solar renewable electricity generation activity</u> <u>Activity status: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> <u>a. adverse visual amenity effects resulting from the scale of the buildings or structures and whether landscaping can effectively manage any such effects;</u> <u>b. adverse effects on the natural character of the site or surrounding area;</u> <u>c. adverse noise effects on adjoining properties;</u> <u>d. adverse effects on transportation network resulting from construction traffic;</u> <u>e. adverse effects on adjoining properties; or</u> <u>f. the wider catchment resulting from stormwater runoff.</u>

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough					
Part 2 – District-Wide Matters (Energy, infrastructure and transport) – Transport							
Transport – requested new objective for infrastructure in the road corridor	Top Energy considers there should be a new objective to recognise and provide for the operation, maintenance, repair and upgrading of infrastructure within the transport network, in particular the roading corridor.	Add new objective as follows: <u>Recognise and provide for the operation, maintenance, repair and upgrading of other infrastructure including electricity and telecommunications infrastructure within the transport network, in particular the roading corridor.</u>					
Transport – requested new policy for infrastructure in the road corridor	Top Energy considers there should be a new policy to recognise and provide for the operation of, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor. This policy is necessary to give effect to the objective, but also sets up the direction within the applicable rule (see below) for ensuring these activities are permitted in the transport network.	Add new policy as follows: <u>Recognise and provide for other infrastructure by enabling the operation, maintenance, repair and upgrading of infrastructure in the transport network as a permitted activity.</u>					
Transport – requested new rule for infrastructure in the road corridor	Top Energy considers there should be a new rule to recognise and provide for the operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor. The transport network is an expected and logical location for electricity and telecommunications infrastructure to locate and should be enabled to do so without unnecessary constraints.	Add new rule as follows: <u>Operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure within the roading network.</u> <u>Activity status: Permitted.</u>					
Part 2 – District-Wide Matters (Hazards and risks) – Natural hazards							
Natural Hazards – New objective enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities	Top Energy considers the Natural Hazards Chapter should contain an acknowledgment through an objective for the operation, maintenance, repair and upgrade requirements of existing infrastructure within hazard mapped areas to specifically acknowledge the need to provide for existing infrastructure within hazard mapped areas. Top Energy also considers the inclusion of such a policy will align with and provide a direct link to NH-P10, assisting with the overall interpretation of the Natural Hazards chapter.	Add new objective as follows: <u>Enable operation, maintenance, repair and upgrade of existing infrastructure within areas subject to identified natural hazards to ensure a resilient and reliable network.</u>					
Natural Hazards – Standard NH-S1	Top Energy considers Standard NH-S1 should be amended further to refer to “an area of the site that is located within a mapped River Flood Hazard Area.” Standard NH-S1 references all areas “potentially affected by natural hazards” whereas the rules referencing NH-S16 only relate to River Flood Hazard Areas. Top Energy considers that confirmation that the restrictions only apply to the specific part of the relevant site that	Amend Standard NH-S1 as follows: <table><tr><td>All natural hazards</td><td>Any application for a resource consent in relation to an area <u>of the site</u> that is located within a mapped River Flood Hazard Area must be accompanied by a report prepared by a suitably</td><td>Activity status where compliance not achieved: Not applicable</td></tr></table>			All natural hazards	Any application for a resource consent in relation to an area <u>of the site</u> that is located within a mapped River Flood Hazard Area must be accompanied by a report prepared by a suitably	Activity status where compliance not achieved: Not applicable
All natural hazards	Any application for a resource consent in relation to an area <u>of the site</u> that is located within a mapped River Flood Hazard Area must be accompanied by a report prepared by a suitably	Activity status where compliance not achieved: Not applicable					

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	is within the River Flood Hazard Area will provide better clarity to plan users regarding the appropriate area to be assessed when this Standard is triggered.		qualified and experienced engineer that addresses the matters identified in the relevant performance standards and matters of discretion.	
Part 2 – District-Wide Matters (Historic and cultural values) – Heritage Area Overlays				
Heritage Area Overlay – Rule HA-R6 – Infrastructure not located within a site containing a scheduled Heritage Resource.	While Top Energy supports the increase in setbacks from scheduled Heritage Resources from 1m to 2m, it considers 3m to be more appropriate as more flexibility is typically required to accommodate the replacement assets.	Amend Rule HA-R6 as follows:		
		[...] Heritage Area Overlays: Kerikeri - Part A Kohukohu Kororāreka Russell - Part A - The Strand, Part B - Wellington Street and Part C - Christ Church Mangōnui and Rangitoto Peninsula - Part A Paihia - Part A Rangihoua	[...] Activity status: Permitted Where: PER-1 The infrastructure is: 1. Located underground; 2. Maintenance, repair or upgrading of any existing above ground infrastructure that is located within <u>23</u> m either side of the original location or where the alignment is wholly located within the road reserve; 3. Connections to buildings or structures for network utilities; or 4. New above ground infrastructure that is wholly located within the road reserve.	[...] Activity status where compliance with PER-1 is not achieved: Restricted discretionary a. [...]

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		Rāwene - Part A		
Part 2 – District-Wide Matters (Historical and cultural values) – Historic Heritage Chapter				
Historic Heritage – Rule HH-R5 – Infrastructure within a site containing a scheduled Heritage Resource.	While Top Energy supports the increase in setbacks from 1m to 2m, it considers 3m to be more appropriate as more flexibility is typically required to accommodate the replacement assets.	Amend Rule HH-R5 as follows:		
		All zones Outside of Heritage Area overlays	Activity status: Restricted discretionary This rule shall not apply to: 1. infrastructure located underground where it is set back 20m from a scheduled Heritage Resource; or 2. infrastructure within the Waitangi Estate zone located above ground where it is located outside of the Te Pitowhenua (Treaty Grounds) sub-zone; or 3. maintenance, repair or upgrading of any existing above ground infrastructure that is located within <u>23m</u> either side of the original location; or 4. connections to buildings or structures for network utilities. NOTE 1: When applying the exemption in (1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects. Matters of discretion are restricted to:	

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			a. whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area Overlay; b. whether the proposed infrastructure will adversely affect the heritage values of any adjacent Scheduled Heritage Resource; c. whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area Overlay; d. the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; e. any landscaping or fencing to maintain heritage boundary treatments and curtilage; f. the location and relationship of the infrastructure in relation to adjoining sites and the road; g. any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and h. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).
Part 2 – District-Wide Matters (Historical and cultural values) – Notable Trees			
Notable Trees – Objective NT-O1	In its current form, Objective NT-O1 only provides for the identification and protection of Notable Trees and, most relevantly, it does not reference infrastructure. It is important that the protection of notable trees is balanced with enabling the safe and	<i>Amend Objective NT-O1 as follows:</i> Notable trees and groups of trees which contribute to the botanical, ecological, historical, cultural or amenity value of the district are identified and protected, <u>while</u>	

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	efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities. Given that Policy NT-P4 enables the trimming, pruning of trees and groups of trees and activities within the root zone area of a notable tree for the purpose of operating, maintaining, repairing, upgrading or removing infrastructure, Top Energy also considers it important that there is a corresponding objective which this policy implements (to ensure consistency across the chapter). Top Energy seeks the inclusion of wording which confirms that the identification and protection of notable trees and groups of trees is balanced with enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities.	<u>enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities.</u>
Notable Trees – Policy NT-P2	In its current form, Policy NT-P2 does not reference infrastructure. Top Energy considers it important this policy enables the safe and efficient use and operation of infrastructure and network utilities. Policy NT-P2 as decided by the Council also now requires a suitably qualified and experienced arborist to supervise all pruning and trimming of branches on notable trees in all circumstances. Top Energy considers this is unrealistic and unreasonable, especially as it relates to pruning and trimming of branches to improve public safety, prevent damage to property or infrastructure, or to enable the safe and efficient use and operation of infrastructure or network utilities. Top Energy seeks amendments to enable the pruning and trimming of branches on notable trees where those works expressly enable the safe and efficient use and operation of infrastructure or network utilities, and to not require a suitably qualified and experienced arborist to supervise all pruning and trimming of branches on notable trees.	<i>Amend Policy NT-P2 as follows:</i> Enable the pruning and trimming of branches on notable trees where the works: a. will retain or improve the health, form and shape of the notable tree; <u>and</u> b. may improve public safety, or prevent damage to property or infrastructure; and or c. <u>enable the safe and efficient use and operation of infrastructure and network utilities.</u> d. will be supervised or undertaken by a suitably qualified and experienced arborist.
Notable Trees – Policy NT-P3	In its current form, Policy NT-P3 does not reference infrastructure. Top Energy seeks that the policy be amended to reference infrastructure to ensure it is specifically recognised and provided for within this overlay and to ensure consistency with the PDP.	<i>Amend Policy NT-P3 as follows:</i> Only allow activities, <u>infrastructure and or</u> development within the rootzone area of a notable tree or group of trees where:

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		a. it is demonstrated that the activities, infrastructure and or development will not be detrimental to the long-term health and significance of the tree or group of trees; and b. there is a functional or operational need for the <u>activities, infrastructure and or</u> development to occur within the rootzone area and there are no other practical alternative locations.
Notable Trees – Policy NT-P5	Top Energy considers the use of “possible” in clause (b) of NT-P5 to be impractical, given how easy it is to satisfy that requirement (i.e. the possibility of pruning or relocation could be established, no matter how small and feasible that is). Top Energy seeks clause (b) be amended to avoid destruction or removal where pruning is “not practicable.” Top Energy also considers that it is not practical nor reasonable in all scenarios to require an assessment from an arborist and seeks amendment to Policy NT-P5 accordingly.	<i>Amend Policy NT-P5 as follows:</i> Avoid the destruction or removal of a notable tree or trees unless: a. there is an imminent threat to the safety of people and property; b. it is necessary for the safe and efficient use, operation, maintenance and repair of infrastructure and pruning or relocation of the tree is not possible-practicable; c. the use and enjoyment of a property and surrounds is significantly compromised or diminished; or d. it is dead, or is in terminal decline; and e. for all scenarios described in a-c <u>and</u> d above, it has been assessed by a suitably qualified and experienced arborist as being suitable for destruction or removal.
Part 2 – District-Wide Matters (Historic and cultural values) – Sites and Areas of Significance to Māori		
Sites and Areas of Significance to Māori – New objective and policy relating to functional and operational need to establish new or upgrade existing infrastructure.	There are no objectives relating to new, or upgrades to existing, infrastructure in the Sites and Areas of Significance to Māori Chapter, despite there often being an operational and functional need for new infrastructure and upgrades to existing infrastructure to occur within Sites and Areas of Significance to Māori, including to support development within these areas. In that context, Top Energy considers there should be a pathway for consideration of those activities that accounts for that need, alongside careful consideration of the need to protect, and manage effects on, the Sites and Areas of Significance to Māori, via the introduction of a new objective linked to a policy which provides clear requirements for when the establishment of new infrastructure or upgrading of existing infrastructure may be acceptable.	<i>Add new objective and policy as follows:</i> <u>SASM-OX: Manage the adverse effects of the development of new infrastructure and upgrading of existing infrastructure within Sites and Areas of Significance to Māori.</u> <u>SASM-PX: Provide for the establishment of new infrastructure and upgrading of existing infrastructure within Sites and Areas of Significance to Māori, where the following apply:</u> a. <u>There is a functional need or operational need for its establishment;</u> b. <u>There is no practicable alternative;</u> c. <u>The infrastructure will provide a public benefit that could not otherwise be achieved;</u> <u>and</u> <u>The significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated on the cultural values of the Site and Area of Significance to Māori.</u>

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Sites and Areas of Significance to Māori – New policies relating to the safe and efficient use of infrastructure.	There are no objectives relating to the safe and efficient use, operation, maintenance and repair of existing infrastructure within the Sites and Areas of Significance to Māori Chapter. Top Energy considers that a new objective and policy is required to acknowledge that where there is existing infrastructure within a Site of Significance to Māori, it is important that is enabled to be operated, maintained and repaired.	<i>Add new objective and policy as follows:</i> <u>SASM-OX: Enable the safe and efficient use, operation, maintenance and repair of existing infrastructure within Sites and Areas of Significance to Māori.</u> <u>SASM-PX: Provide for the operation, maintenance, and repair of existing infrastructure within Sites and Areas of Significance to Māori in a manner that avoids, remedies or mitigates adverse effects on the cultural values of these sites and areas.</u>					
Sites and Areas of Significance to Māori – SASM-R1 – New buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures, earthworks or indigenous vegetation clearance	Top Energy seeks the inclusion of a new permitted activity rule in Rule SASM-R1 to enable the operation, maintenance or repair of existing above ground infrastructure within Sites and Areas of Significance to Māori.	<i>Amend Rule SASM-R1 as follows:</i> <table><tr><td>Scheduled sites and areas of significance to Māori</td><td> Activity status: Permitted Where: [...] PER-3 <u>The activity is undertaken by a network utility provider for the operation, maintenance or repair of existing above ground infrastructure.</u> </td><td> Activity status where compliance not achieved with PER 1, PER 2 or PER-3: Restricted discretionary [...] </td></tr></table>			Scheduled sites and areas of significance to Māori	Activity status: Permitted Where: [...] PER-3 <u>The activity is undertaken by a network utility provider for the operation, maintenance or repair of existing above ground infrastructure.</u>	Activity status where compliance not achieved with PER 1, PER 2 or PER-3: Restricted discretionary [...]
Scheduled sites and areas of significance to Māori	Activity status: Permitted Where: [...] PER-3 <u>The activity is undertaken by a network utility provider for the operation, maintenance or repair of existing above ground infrastructure.</u>	Activity status where compliance not achieved with PER 1, PER 2 or PER-3: Restricted discretionary [...]					
Part 2 – District-Wide Matters (Natural Environment Values) – Ecosystems and indigenous biodiversity							
Ecosystems and indigenous biodiversity – Rule IB-R1 – Indigenous vegetation pruning, trimming and clearance and associated land disturbance for specified activities	Top Energy seeks the deletion of the phrase “minimum necessary” at the start of PER-1. It is unclear how a plan user would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this permitted activity standard.	<i>Amend Rule IB-R1 as follows:</i> <table><tr><td>All zones</td><td> Activity status: Permitted Where: PER-1 It is the minimum necessary for any of the following: 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous </td><td> Activity status where compliance not achieved with PER-1: Not applicable - compliance assessed under IB-R2 and IB-R3 as applicable </td></tr></table>			All zones	Activity status: Permitted Where: PER-1 It is the minimum necessary for any of the following: 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous	Activity status where compliance not achieved with PER-1: Not applicable - compliance assessed under IB-R2 and IB-R3 as applicable
All zones	Activity status: Permitted Where: PER-1 It is the minimum necessary for any of the following: 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous	Activity status where compliance not achieved with PER-1: Not applicable - compliance assessed under IB-R2 and IB-R3 as applicable					

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			vegetation is cleared or trimmed than is necessary for safe removal; [...]				
Part 2 – District-Wide Matters (Natural Environment Values) – Natural character							
Natural character – Policy NATC-P3	Top Energy seeks the deletion of the phrase “minimum necessary” from Policy NATC-P3. Top Energy considers the phrase “minimum necessary” to be unworkable in a policy seeking to enable activities in specific circumstances. It is unclear how a plan user would be able to reasonably determine, without an element of discretion or judgement, that an activity is consistent with that policy.	Amend Policy NATC-P3 as follows: Provide for indigenous vegetation removal and/or earthworks within wetland, lake and river margins where it is the minimum necessary for: a. the repair or maintenance of lawfully established activities; b. safe and reasonable clearance for existing overhead powerlines; c. health and safety of the public; d. biosecurity reasons; or e. it is for the sustainable non-commercial harvest for rongoā Māori; f. the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.					
Natural character – Rule NATC-R1 – New buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures	Top Energy also seeks the deletion of “not replacing a pole with a pi pole” from NATC-R1. That provision has the effect of triggering restricted discretionary status when any existing pole is intended to be replaced with a pi-pole. Top Energy considers this to be unduly restrictive and that, as a result, this rule does not give effect to the directives in the NPS-Infrastructure and NPS-Electricity to enable the use of pi-poles where there is an operational and functional need to do so.	Amend Rule NATC-R1 as follows: <table><tr><td>Natural character</td><td>Activity status: Permitted Where: PER-1 The new building or structure, and relocated buildings or extension or alteration to an existing building or structure on wetland, lake and river margins where it is: [...] 10. an upgrade of an existing above ground network utility, provided:</td><td>Activity status where compliance not achieved with PER-1, PER-2 and PER-3: Restricted discretionary Matters of discretion are restricted to: a. effects on the characteristics, qualities and values of natural character b. the matters in NATC-P6; and</td></tr></table>			Natural character	Activity status: Permitted Where: PER-1 The new building or structure, and relocated buildings or extension or alteration to an existing building or structure on wetland, lake and river margins where it is: [...] 10. an upgrade of an existing above ground network utility, provided:	Activity status where compliance not achieved with PER-1, PER-2 and PER-3: Restricted discretionary Matters of discretion are restricted to: a. effects on the characteristics, qualities and values of natural character b. the matters in NATC-P6; and
Natural character	Activity status: Permitted Where: PER-1 The new building or structure, and relocated buildings or extension or alteration to an existing building or structure on wetland, lake and river margins where it is: [...] 10. an upgrade of an existing above ground network utility, provided:	Activity status where compliance not achieved with PER-1, PER-2 and PER-3: Restricted discretionary Matters of discretion are restricted to: a. effects on the characteristics, qualities and values of natural character b. the matters in NATC-P6; and					

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			a. it is no greater than 12.5m high; b. if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building; and c. it does not involve replacing a pole with a pi pole;	c. the positive effects of the activity.
Natural character – Rule NATC-R2 – Earthworks or indigenous vegetation clearance	Top Energy seeks the deletion of the phrase “minimum necessary” at the start of PER-1. It is unclear how a plan user would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this permitted activity standard.	Amend Rule NATC-R2 as follows:		
		Natural character	Activity status: Permitted Where: PER-1 It is the minimum necessary for any of the following: 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal; [...]	Activity status when compliance not achieved with PER-1 and PER-2: Restricted discretionary Matters of discretion are restricted to: a. effects on the characteristics and quality of natural character b. the matters in NATC-P6 c. the positive effects of the activity

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Part 2 – District-Wide Matters (Natural Environment Values) – Natural features and landscapes				
Natural features and landscapes – Rule NFL-R1 – New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures	Top Energy seeks the deletion of the phrase “minimum necessary” at the start of PER-1. It is unclear how a plan user would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this permitted activity standard. Top Energy also seeks the deletion of the non-complying activity status for new buildings or structures within an outstanding natural feature or landscape where compliance cannot be achieved. Top Energy considers such a rule is unduly restrictive of infrastructure and network utilities and will impose additional consenting requirements that fail to reflect that there will more than likely be an operational and functional need for the infrastructure or network utility to be in that location. It also inconsistent with the directives within the NPS-Infrastructure and NPS-REG to enable the development of this infrastructure within <i>all</i> locations and environments, and to recognise the technical, functional and operational needs of infrastructure. Top Energy also seeks the deletion of “not replacing a pole with a pi pole.” That rule has the effect of triggering restricted discretionary status when any existing pole is intended to be replaced with a pi-pole. Top Energy considers this to be unduly restrictive and, as a result, this rule does not give effect to the directives in the NPS-Infrastructure and NPS-Electricity to enable the use of pi-poles where there is an operational and functional need to do so.	Amend Rule NFL-R1 as follows:		
		Within ONL and ONF	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is <u>the minimum necessary and is:</u> 1. compliant with standard NFL-S3; 2. for the operation, repair and maintenance of existing lawfully established: a. fences; b. network utilities; c. tracks, driveways, roads and access ways; d. formed carparks; e. board walks; or f. boat ramps; [...] PER-3 Any new building or structure and relocated building and extension or alteration to an existing building or structure not provided for by PER-1 or PER-2 and is: 1. a stock fence; or 2. infrastructure no greater less than 12.5m high within a road corridor provided any pole: a. is a single pole (monopole); and	Activity status when compliance not achieved with PER-1 outside the coastal environment: Restricted discretionary [...] Activity status when compliance not achieved with PER-1 within the coastal environment: Non-complying

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			b. is not a pi-pole or a steel-lattice tower; or 3. an upgrade of existing above ground electricity network utilities: a. outside the coastal environment; b. in a ONL or category ‘A’ ONF; c. no greater than 12.5m high or the height of the existing structure; d. if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building; and e. not replacing a pole with a pi pole.				
Natural features and landscapes – Rule NFL-R2 – Earthworks or indigenous vegetation clearance	Top Energy seeks the deletion of the phrase “minimum necessary” at the start of PER-1. It is unclear how a plan user would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this permitted activity standard. Top Energy also seeks the deletion of the non-complying activity status for earthworks or indigenous vegetation clearance within an outstanding natural feature or landscape where compliance cannot be achieved. Top Energy considers such a rule is unduly restrictive of infrastructure and network utilities and will impose additional consenting requirements that fail to reflect that there will more than likely be an operational and functional need for the infrastructure or network utility to be in that location, and for earthworks or indigenous vegetation clearance to be required to facilitate that.	<i>Amend Rule NFL-R2 as follows:</i> <table><tr><td>Within ONL and ONF</td><td> Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is minimum necessary: 1. compliant with standard NFL-S3; 2. for the operation, repair and maintenance of existing lawfully established: a. fences; b. network utilities; c. tracks, driveways, roads and access ways; </td><td> Activity status when compliance not achieved with PER-1 outside the coastal environment: Restricted discretionary The matters of discretion are: a. effects on the characteristics, qualities and values that make ONL and ONF outstanding; b. the matters in NFL-P7; c. the positive effects of the activity. </td></tr></table>			Within ONL and ONF	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is minimum necessary: 1. compliant with standard NFL-S3; 2. for the operation, repair and maintenance of existing lawfully established: a. fences; b. network utilities; c. tracks, driveways, roads and access ways;	Activity status when compliance not achieved with PER-1 outside the coastal environment: Restricted discretionary The matters of discretion are: a. effects on the characteristics, qualities and values that make ONL and ONF outstanding; b. the matters in NFL-P7; c. the positive effects of the activity.
Within ONL and ONF	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is minimum necessary: 1. compliant with standard NFL-S3; 2. for the operation, repair and maintenance of existing lawfully established: a. fences; b. network utilities; c. tracks, driveways, roads and access ways;	Activity status when compliance not achieved with PER-1 outside the coastal environment: Restricted discretionary The matters of discretion are: a. effects on the characteristics, qualities and values that make ONL and ONF outstanding; b. the matters in NFL-P7; c. the positive effects of the activity.					

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			d. formed carparks; e. board walks; or f. boat ramps; [...]	Activity status when compliance not achieved with PER-1 within the coastal environment: Non-complying-Restricted <u>discretionary</u>
Part 2 – District-Wide Matters – Subdivision				
Subdivision – Objective SUB-O2	Top Energy seeks further amendment to ensure that existing electricity infrastructure is not compromised by subdivision activities. Given the regional significance of the electricity infrastructure network, protection of this infrastructure is required to achieve alignment with the Northland RPS and within the Subdivision chapter.	<i>Amend Objective SUB-O2 as follows:</i> Subdivision recognises and provides for the protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, wetland, lake and river margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, Sites and Areas of Significance to Māori, and Historic Heritage <u>and Electricity Infrastructure Network</u> .		
Subdivision – New Policy	Top Energy considers a new policy is required to direct the protection of electricity infrastructure from reverse sensitivity effects generated by inappropriate subdivision and future land use to achieve alignment with the Northland RPS and within the Subdivision chapter.	<i>Add new policy as follows:</i> <u>SUB-OX: Ensure that subdivision and future land uses do not generate reverse sensitivity effects on electricity network by ensuring suitable setbacks are achieved from all electricity infrastructure including by requiring setbacks at the time of subdivision from mapped Critical Electricity Lines.</u>		
Subdivision – Policy SUB-P11	Top Energy seeks a further matter of consideration is included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision. Including a matter of discretion will provide a trigger for processing planners to encourage consultation with Top Energy where any subdivision is proposed where not captured by SUB – R9 and SUB - R10.	<i>Amend Policy SUB-11 as follows:</i> Consider the following matters where relevant when assessing and managing the effects of subdivision: a. the potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate; b. consistency with the scale, density, design and character of the environment and purpose of the zone; c. the location, scale and design of buildings and structures; d. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity; e. managing natural hazards;		

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		f. any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and g. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6- 7 ; <u>and</u> <u>any potential for reverse sensitivity effects on electricity infrastructure.</u>		
Subdivision – Standard SUB-S6	Top Energy supports the requirement for connection to electricity supply at the boundary of the site area of the allotment for the zones specified but seeks that the requirement also apply to other zones, including the Rural Lifestyle and Quail Ridge zones, given it is most cost effective and efficient to provide easements at time of subdivision design and install infrastructure at time of physical site construction. Top Energy considers it should be made expressly clear that for other zones, an easement to facilitate future connection must be provided at the time of subdivision.	Amend Standard SUB-S6 as follows:		
		General Residential zone	Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to: [...]	[...]
		Medium Density Residential zone		
		Town Centre zone		
		Kororāreka Russell Township zone		
		Mixed Use zone		
		Light Industrial zone		
		Heavy Industrial zone		Matters of discretion are restricted to : a. alternative provision of telecommunication and electricity supply. [..]
		Settlement zone		
Horticulture Processing Facility zone				

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		All other zones	Easements shall be provided to the boundary of the site area of the allotment to facilitate future connection.				
Part 2 – District-Wide Matters (General District-Wide matters) – Coastal environment							
Coastal environment – Rule CE-R1 – New buildings or structures and relocated buildings and extensions or alterations to existing buildings and structures	Top Energy seeks the deletion of “not replacing a pole with a pi pole” in this rule as it would have the effect of triggering restricted discretionary status when any existing pole is intended to be replaced with a pi-pole. Top Energy considers this to be unduly restrictive and that, as a result, this rule does not give effect to the directives in the NPS-Infrastructure and NPS-Electricity to enable the use of pi-poles where there is an operational and functional need to do so.	Amend Rule CE-R1 as follows: <table><tr><td>Coastal environment</td><td>Activity status: Permitted Where: [...] 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: 1. fencing for the purposes of stock exclusion; 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</td><td>Activity status where compliance not achieved with PER-1 and PER-2: Controlled [...]</td></tr></table>			Coastal environment	Activity status: Permitted Where: [...] 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: 1. fencing for the purposes of stock exclusion; 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	Activity status where compliance not achieved with PER-1 and PER-2: Controlled [...]
Coastal environment	Activity status: Permitted Where: [...] 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: 1. fencing for the purposes of stock exclusion; 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	Activity status where compliance not achieved with PER-1 and PER-2: Controlled [...]					

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough					
			established building or structure; and e. not replacing a pole with a pi pole.				
Coastal environment – Rule CE-R2 – Earthworks or indigenous vegetation clearance	Top Energy seeks the deletion of the phrase “minimum necessary” at the start of PER-1. It is unclear how a plan user would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this permitted activity standard. Top Energy also seeks the deletion of the non-complying activity status for earthworks or indigenous vegetation clearance within an outstanding natural character area where compliance cannot be achieved. Top Energy considers such a rule is unduly restrictive and would impose additional consenting requirements that fail to reflect that there will more than likely be an operational and functional need for the infrastructure or network utility to be in that location, and for earthworks or indigenous vegetation clearance to be required to facilitate that. The NPS-Electricity and NPS-Infrastructure provide clear direction that infrastructure and electricity infrastructure is recognised and provided for in these environments and a non-complying activity status is incongruous with that national direction.	<i>Amend Rule CE-R2 as follows:</i> <table><tr><td>Coastal environment</td><td> PER-1 The earthworks or indigenous vegetation clearance is the minimum necessary: 1. required for the operation, repair or maintenance of existing lawfully established; a. fences; b. network utilities; c. tracks, driveways, roads and access ways; d. formed carparks; e. board walks; f. boat ramps; [...] </td><td> Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area): Restricted discretionary The matters of discretion are: a. the matters in CE-P9; and b. positive effects. [...] Activity status where compliance not achieved with PER-1 and PER-2 (within an outstanding natural character area): Non-complying </td></tr></table>			Coastal environment	PER-1 The earthworks or indigenous vegetation clearance is the minimum necessary: 1. required for the operation, repair or maintenance of existing lawfully established; a. fences; b. network utilities; c. tracks, driveways, roads and access ways; d. formed carparks; e. board walks; f. boat ramps; [...]	Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area): Restricted discretionary The matters of discretion are: a. the matters in CE-P9; and b. positive effects. [...] Activity status where compliance not achieved with PER-1 and PER-2 (within an outstanding natural character area): Non-complying
Coastal environment	PER-1 The earthworks or indigenous vegetation clearance is the minimum necessary: 1. required for the operation, repair or maintenance of existing lawfully established; a. fences; b. network utilities; c. tracks, driveways, roads and access ways; d. formed carparks; e. board walks; f. boat ramps; [...]	Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area): Restricted discretionary The matters of discretion are: a. the matters in CE-P9; and b. positive effects. [...] Activity status where compliance not achieved with PER-1 and PER-2 (within an outstanding natural character area): Non-complying					
Part 2 – District-Wide Matters (General District-Wide matters) – Earthworks							
Earthworks – Standard EW-S1 – Maximum earthworks thresholds in EW-R7 and EW-R8	Top Energy seeks an addition to EW-S1, which applies to EW-R7 (which relates to earthworks for new infrastructure or repair and upgrades) and EW-R8 (which relates to earthworks for new infrastructure or repair and upgrades of existing infrastructure owned by network utility providers or requiring authority).	<i>Amend Standard EW-S1 as follows:</i> This standard does not apply to: a. earthworks for septic tanks and associated drainage fields;					

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough
	Top Energy considers there is a strong policy basis for more enabling provisions for earthworks for infrastructure repair and upgrades in the Strategic Direction Chapter, namely SD-IE-O1 and within the proposed Infrastructure Chapter more broadly, and as such, further amendments are required to EW-S1. Top Energy considers that if there is no requirement for maximum earthworks thresholds in sensitive environments such as the Coastal Environment for the operation, repair or maintenance of existing lawfully established network utilities and for any upgrade of existing network utilities (outside of high natural character and outstanding natural character areas), then there should also be no requirement for maximum earthworks thresholds in other less sensitive areas elsewhere in the district. Top Energy seeks Standard EW-S1 be amended on that basis.	b. earthworks for the maintenance of existing walking tracks, farm tracks, driveways, roads and accessways; c. earthworks for the maintenance of drains; <u>and</u> <u>d. earthworks for the operation, repair, maintenance and upgrading of existing lawfully established network utilities.</u>
Part 2 – District-Wide Matters (General District-Wide matters) – Noise		
Noise – Objective NOISE-O2	Top Energy seeks an amendment to the objectives of the Noise chapter to ensure consistency with the Northland RPS. The absence of an avoid directive in the specific reverse sensitivity policy is inconsistent with the directive in Policy 5.1.1 of the Northland RPS to “avoid” the potential for reverse sensitivity effects. Top Energy considers this specific drafting approach is required to give effect to the provisions of the Northland RPS relating to reverse sensitivity.	<i>Amend Objective NOISE-O2 as follows:</i> New noise sensitive activities are designed and/or located to minimise conflict <u>with, and avoid</u> reverse sensitivity effects <u>on, existing lawfully established noise generating activities,</u> and to protect community health and wellbeing.
Noise – Policy NOISE-P2	Top Energy seeks further amendments to Policy Noise-P2 to reflect the relief sought in respect of NOISE-O2.	<i>Amend Policy NOISE-P2 as follows:</i> Ensure noise sensitive activities proposing to locate within the Mixed Use zone, Town Centre zone, Light Industrial zone, and Air Noise Boundary; or on land near state highways or railways; are located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to: a. reverse sensitivity risks to <u>any existing lawfully established</u> noise generating activities and the level of noise that will be received within any noise sensitive building; <u>b. the need to avoid any reverse sensitivity effects on lawfully established noise generating activities;</u> b. c. <u>c.</u> the primary purpose and the frequency of use of the activity; and

PDP PROVISION	REASONS FOR APPEAL	RELIEF SOUGHT (or alternative wording to the same effect) Proposed additions <u>underlined</u> , deletions shown as strikethrough
		and <u>d.</u> the ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night.

**APPENDIX B – COPY OF TOP ENERGY LIMITED’S ORIGINAL
SUBMISSION AND FURTHER SUBMISSION**

Top Energy PDP Submission

To: Far North District Council (**FNDC**)

Re: Submission on Proposed Far North District Plan (**PDP**) – Top Energy Limited (**Top Energy**)

Full Name of Submitter: Top Energy Limited Attn: Taryn Collins

Phone: (09) 407 0633

Address for Service: Taryn Collins, taryn.collins@topenergy.co.nz & David Badham
davidb@barker.co.nz

Date: 21 October 2022

Submission Information:

This is a submission on the Proposed Far North District Plan (**PDP**).

Top Energy could not gain an advantage in trade competition through this submission.

The specific provisions of the PDP that Top Energy's submission relates to are attached.

Top Energy opposes/supports/seeks amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that Top Energy wishes Far North District Council (**FNDC**) to make to ensure the issues raised by Top Energy are dealt with are also contained in the attached document.

Top Energy wishes to be heard in support of this submission.

If others make a similar submission, Top Energy will consider presenting a joint case with them at a hearing.

Taryn Collins

Top Energy Limited

1.0 Introduction

Top Energy owns and operates the electricity lines network within the Far North District, servicing an area of 6,822km² and serving over 32,000 customers. Top Energy's current electricity network has a total system length of 4,016km and includes seventeen substations that are subject to Designations. Top Energy's network exists both above and below ground and traverses a number of zones and sensitive areas.

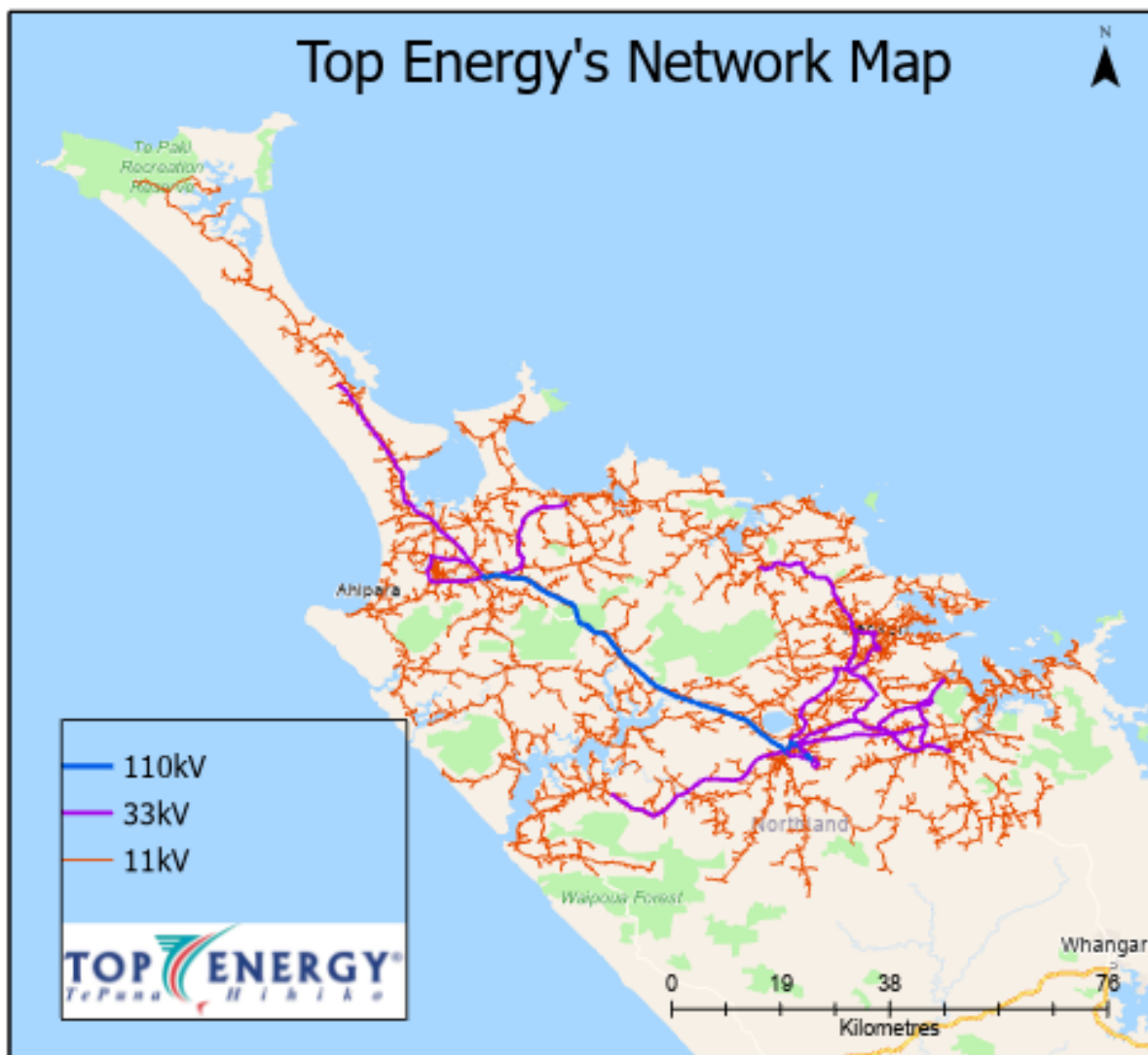


Figure 1 – Top Energy's electricity distribution network in the Far North District

Top Energy's network is considered by the Resource Management Act 1991 (**RMA**) as a physical resource and considered by the Regional Policy Statement (**RPS**) of Northland as regionally significant infrastructure.

The protection of existing infrastructure, and enabling the future growth of the network are vital in order to support growth and development in the Far North District, and must be provided for in the District Plan.

Reliable electricity supply is of critical importance to the growth of Northland's economy and to communities, and has a key role in opening up new economic and social opportunities. Electricity infrastructure also has a vital role to play in the decarbonisation of New Zealand's economy. It is critical for

local authorities to strike the right balance, and ensure that district plan provisions enable the critical infrastructure that underpins New Zealand's emissions reduction aspirations.

This submission addresses the implications of the PDP for Top Energy as a lifeline network utility operator, focussed on the operation and maintenance of associated infrastructure and assets within the Far North District.

Section 2.0 contains general comments on chapters of relevance to Top Energy, and identifies how/why relevant provisions could be improved to more efficiently and effectively achieve the proposed objectives of the Plan, and the purpose of the RMA. **Attachment 1** identifies the specific changes sought to provisions of relevance to Top Energy.

2.0 General Comments

2.1 Part 1 – Introduction and General Provisions

2.1.1 How the Plan Works

Under the National Planning Standards, the How the Plan works chapter is crucial for understanding the mechanics and functions of a district plan. Top Energy has noted a number of discrepancies in terms of integration between Part 2 District Wide Matters and Part 3 Area Specific Matters which will result in integrity issues if not rectified. This heavily contributed to by the lack of definitions, nesting tables and inconsistent use of terminology throughout making it unclear what activities are provided for where.

S483.001
& S483.003

Applications Subject to Multiple Provision

Top Energy has noted that the 'Applications Subject to Multiple Provision' section indicates that where a proposal is subject to different rules under different chapters, and a bundling approach applied, the most restrictive activity status applies. This section also provides some direction in terms of how some of the Overlays apply but does not specify which Overlays the commentary relates to. There is little further direction in terms of how the plan should be interpreted.

S483.023

The following provides examples of some of the integration issues Top Energy have identified:

- There is no specific direction as to which overlays treat activities as permitted unless otherwise specified and the activities rules in the underlying zone relied on (as is suggested to be the case in the How the Plan Works Chapter), or how activities that are managed District Wide Chapters are treated if not specified. As an example, in the Coastal Environment Overlay, where outside the coastal hazard areas, there is no discretionary default so it is assumed that activities that are not specified are permitted and managed through the zone and the built form managed through the more stringent building and structure thresholds but this is not specified.
- Further to the above, in the Coastal Environment Overlay, it is not clear what happens to activities provided for in standalone chapters such as the Infrastructure and Renewable Electricity Generation. It is assumed that the activity is permitted unless otherwise specified (and the built form managed through the more stringent rules in the Coastal Environment Chapter) but again, this is not specified.
- In the overlays where the default is not specified (and it assumed activities are permitted unless specified), due to the lack of definitions and nesting tables this could result in unintended consequences. As an example, in the Coastal Environment, outside the coastal hazard areas, farming is

only permitted outside high or outstanding natural character areas, and new mineral extraction activities prohibited. It is unclear if a farm quarry is a mineral extraction activity, and farm quarries are otherwise permitted in the Rural Production Zone which applies to most of the District's coastal extent. As another example, in the Heritage Area Overlay, a discretionary default is specified but this would mean residential activities would be a discretionary activity.

- For Infrastructure and Renewable Electricity Generation, it is assumed that the built form controls specified withing the activities supersede those within the zone but this is not specified.

As an activities-based plan with a discretionary default in most zones and permitted defaults in some sensitive environments, Council needs to make it clear what activities are provided for and ensure consistent use of definitions throughout the Plan to avoid perverse outcomes, and unnecessary consenting constraints due to unclear drafting. Top Energy seeks clear definitions for all activities mentioned in the Plan and inclusion of nesting tables which clearly shows how definitions interact would further provide the necessary clarity as well as providing certainty for Plan users as to what activities are captured in the rules. The introduction and explanation of nesting tables would need to be included within the How the Plan Works Chapter.

S483.001
& S483.003

Clarity around integration between chapter is also a critical component to usability. Top Energy seeks that it be made clear in the How the Plan Works Chapter which rules take precedence, or where users should be directed to refer to the relevant notes within the relevant Chapter.

S483.186

Further to the above, this Chapter should include direction regarding split zoning.

S483.185

General Approach

Top Energy supports planned growth as this helps ensure efficient and effective infrastructure and is encouraged to see the reference to 'Development Areas' and spatial planning processes in the 'General Approach' section of this Chapter. Top Energy is aware that there are spatial planning documents in development and is interested in being involved in the development of these documents as a key stakeholder. It will be critical for Top Energy to align its infrastructure planning with directed future development.

Definitions

As noted above Top Energy supports a clear and well written Plan to support ease of reading and implementation for Plan users. It generally supports the definitions contained within the PDP but seeks some changes and several new definitions which are set out in **Attachment 1** to this submission. The new definitions sought are necessary to achieve a safe, efficient and resilient electricity and telecommunication distribution network that can continue to serve the Far North community.

2.2 Part 2 District Wide Matters

2.2.1 Strategic Direction

The Strategic Direction Chapter is fundamental to the tone and direction of the PDP.

Top Energy notes that the Strategic Direction chapter only contains objectives for each topic, and not policies. In Top Energy's view, the objectives need supporting policies to demonstrate how the objectives are going to be achieved in the Plan. It is also important, at this strategic level of the PDP, that the policies provide clear direction for the consideration of resource consent applications where there is conflict

S483.026

between different areas of strategic direction (e.g., for instance between the necessary provision of infrastructure, alongside the protection of the natural environment, or balanced against the risk of natural hazards).

This is particularly relevant in the context of Top Energy's assets given the role electricity has in decarbonising our economy, ensuring resilient and prosperous (socially and economically) communities and ensuring efficient and affordable urban growth.

Top Energy seeks specific changes to the Strategic Direction chapter as set out in **Attachment 1**.

2.2.2 Infrastructure

The Infrastructure Chapter is one of the most important with regard to Top Energy's interests and assets in the Far North District. Therefore, **Attachment 1** addresses that chapter in some detail.

Top Energy is largely supportive of the Infrastructure Chapter, but has sought a number of amendments to provisions to ensure the efficient and necessary provision of infrastructure and regionally significant infrastructure.

2.2.3 Renewable Electricity Generation

Top Energy is largely supportive of the enabling framework provided in the Renewable Energy Generation Chapter, but seeks changes as set out in **Attachment 1** to ensure integration between the objectives, policies and rules, and to ensure an appropriate balance between the provision of renewable energy generation activities and the protection of sensitive environments.

2.2.4 Transport

The Transport Chapter is not of significant interest to Top Energy. However, it is important that appropriate provision is made for the installation, operation and maintenance of infrastructure (e.g., electricity and telecommunications) within the transport network, in particular the roading corridor, where this infrastructure is often located. Top Energy seeks that this matter is adequately addressed through the amendments it seeks to the objectives, policies and rules in this chapter. Further specific submission points on the Transport Chapter are included in **Attachment 1**.

2.2.5 Natural Hazards

Top Energy understands the importance of the management of natural hazards, but considers that this needs to be balanced by the necessary operation, maintenance, repair and upgrading of existing infrastructure, and the provision of new infrastructure in areas subject to natural hazards where there is an operational or functional need for it to locate there. Further specific submission points on the Natural Hazards Chapter are included in **Attachment 1**.

2.2.6 Hazardous Substances

Whangārei District Council (**WDC**) has recently notified Plan Change 91 to the Whangārei District Plan which proposes to retain objectives and policies relating to hazardous substances for consideration at resource consent stage, but deletes any rules relating to hazardous substances.

Top Energy supports the WDC approach, which is consistent with the 2017 RMA amendments which removed explicit function for local authorities to control the adverse effects of the storage, use, disposal,

and transportation of hazardous substances. Further specific submission points on the Hazardous Substances Chapter are included in **Attachment 1**.

2.2.7 Notable Trees

It is important that the protection of notable trees is balanced with enabling the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities. Top Energy's submission on the objectives, policies and rules within the Notable Trees Chapter (see **Attachment 1**) is focused on achieving this balance.

2.2.8 Sites and Areas of Significance to Māori

Top Energy supports and acknowledges the importance and significance of Sites and Areas of Significance to mana whenua. Top Energy acknowledges that the purpose of this Chapter is to protect these sites from inappropriate subdivision and development. However, in some instances there is an operational and functional need for infrastructure to be located within areas identified as being of significance to Māori, particularly given the extent that some of these areas cover. It is important that this balance is achieved, and Top Energy's specific submission on this chapter (see **Attachment 1**) focuses on this.

2.2.9 Coastal Environment and Natural Character Areas

Top Energy supports the recognition of and provision for the functional and operational need of national grid and regionally significant infrastructure in the coastal environment, but considers that this should be extended to electricity infrastructure in general. Top Energy highlights Policy 6 of the NZCPS which specifically directs Councils to recognise this as an activity in the coastal environment and specifically notes transmission of electricity as being of importance to social, economic and cultural wellbeing of people and communities. Top Energy's specific submission points on these Chapters (in **Attachment 1**) are focused on achieving an appropriate balance between protection and the provision of necessary infrastructure.

2.2.10 Natural Features and Landscapes

Top Energy's specific submission points on the Natural Features and Landscapes Chapter (**Attachment 1**) largely focuses on the same matters as the Coastal Environment and Natural Character Areas. In particular, it highlights the need to provide for regionally significant infrastructure and recognise that in some instances there will be a functional and operational need for other electricity infrastructure in these sensitive areas.

2.2.11 Subdivision

Top Energy's specific submission points on the Subdivision chapter (**Attachment 1**) focus on the efficient and orderly provision of services and infrastructure at the time of subdivision.

2.2.12 Earthworks

Top Energy's specific submission points on this chapter (**Attachment 1**) seek to ensure that earthworks associated with new network utilities and the maintenance and upgrade of existing are adequately provided for.

2.2.13 Noise

Top Energy's submission on the noise chapter (**Attachment 1**) focuses on the appropriate recognition of the RPS (see Policy 5.1.1) directive to "avoid" the potential for reverse sensitivity effects and seeks that noise

generated by emergency generators is excluded from compliance with noise limits to ensure the continued operation of network utilities during emergencies is a permitted activity.

2.3 Other Matters

2.3.1 Designations

As part of its feedback on the Draft Plan, Top Energy indicated the designations that it would require to be included, with or without modifications, in the PDP. On 11th January 2021, FNDC wrote to Requiring Authorities requesting that they formally advise whether existing designations were to be included in the PDP with or without modification, and called for any Notices of Requirement for new designations.

By notice dated 7 March 2022, Top Energy confirmed the designations it required to be included in the PDP, and the modifications it required to some of those designations. The reasons for the modifications included:

- To identify that a designation had been given effect to;
- To correct discrepancies in legal description references;
- To align with the National Planning Standards template; and
- In regards to TE 249 Oruru Road Substation, to seek an extension of the lapse date and amend the wording of some of the conditions.

The modifications sought by Top Energy are generally reflected in the PDP as notified. Top Energy requests that the designations remain as notified except for Oruru Road Designation TE249; the following modification are sought for this designation:

S483.187

- The lapse date in the PDP as notified states July 2032 (being 10 years from the month the Proposed Plan was notified). Top Energy sought that the lapse date for this designation be amended to “10 years after the date on which the designation is included in the District Plan”. This would be taken from the date that the District Plan becomes operative. Accordingly, Top Energy requests that this be amended to reflect 10 years from the date at which District Plan becomes operative;
- Condition 2 is a duplication of condition 1, Top Energy requests that it be deleted; and
- Top Energy request a condition 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.

2.3.2 Zoning of Ngāwhā

Top Energy acknowledge that Ngawha Generation Limited (**NGL**), a subsidiary of Top Energy, has made a separate submission on the PDP regarding its land at Ngāwhā Springs and the appropriate zoning and provisions applying to it. Top Energy supports that submission and the relief sought by NGL.

2.3.3 Critical Electricity Lines

Through feedback on the Draft Plan, Top Energy sought similar protections for its lines network from inappropriate subdivision and land development to those provided for the National Grid. After a discussion with the author of the Infrastructure Chapter, Top Energy prepared a separate memo dated 20 September

2021 (see **Attachment 2**) which provided further detail in support of this request. In summary, the memo sought that:

- Top Energy's 33kv and 110kv lines identified in **Figure 2** below be mapped in the PDP as 'Critical Electricity Lines' (CEL); and
- That rules be included in the PDP requiring setback from the CEL for earthworks, buildings and trees to protect the CEL from reverse sensitivity effects.

The memo provided justification as to why mapping this electricity infrastructure and including associated provisions would result in benefits that outweighed costs. This included that:

- It will give effect to the RPS which seeks to identify regionally significant infrastructure so that it can be protected from adverse effects including from new development, as well as ensuring that Northland's energy supplies are secure and reliable;
- Mapping CEL will provide certainty to Council and landowners as to the location of these lines. When undertaking subdivision and development, these lines will be clearly identifiable and the provisions will be consistently engaged with, unlike currently where ad hoc implementation of the Electricity (Hazards from Trees) Regulations 2003 and New Zealand Code of Practice for Electrical Safe Distance Regulations; and
- The provisions will achieve a degree of regional consistency with the Whangārei District which provides for CEL provisions for Northpower assets. While provisions are not yet within the Kaipara District Plan, Top Energy understands that Northpower are seeking a similar approach to that in Whangārei for the Kaipara District Plan Review which is scheduled for notification in 2022 (a draft in early – mid 2022 and a proposed plan in late 2022).

While the whole electricity network is 'critical' due to the interdependence on each element of the network on the other (including the 11kv lines), Top Energy acknowledged that mapping and identifying the entire lines network across the District as 'critical' would not be feasible.

Top Energy appreciates that Council has included a CEL overlay and corresponding rules in the PDP as notified, however notes that the overlay has only been applied to the 110kv lines and not the equally important 33kv lines. No justification for this has been provided in the s32 analysis.

As highlighted in the above, and in the referenced memo, protection of the 33kv lines as well as the 110kv lines is critical to ensuring the reliability and improved resilience of the network, and subsequently a prosperous district (socially and economically). Further, Top Energy seeks that the provisions pertaining to the CEL overlay be contained in a standalone chapter to provide clarity to Plan users. **S483.188**



Top Energy PDP Submission

Attachment 1: Specific Submission Points on PDP

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
DEFINITIONS CHAPTER				
1	Definitions - General	Seek amendment	While the PDP includes activity-based rules which manage the establishment and operation of activities within zones and sites, some of the rules include activities that do not have definitions. There are also various inconsistencies between the activities and terms utilised within the zone provisions and resource overlay chapters.	Review all definitions, address any overlaps, and/or create definitions for terms which are not currently defined (see submission points below). Review and amend rules as necessary to refer only to defined terms used in activity-based rules. Introduce nesting tables to clearly group activities into categories.
2	Definitions – Community Scale Renewable Electricity Generation Activities	Support	Top Energy supports this definition as worded.	Retain as notified.
3	Definitions – Functional Need	Support	Top Energy supports this definition as worded.	Retain as notified.
4	Definitions - Infrastructure	Support	Top Energy supports the definition of Infrastructure, in particular the inclusion of clause d which specifically provides for electricity infrastructure.	Retain as notified.
5	Definitions – Large Scale Renewable Electricity Generation Activities	Support	Top Energy supports this definition as worded.	Retain as notified.

Barker & Associates

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Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
6	Definitions – National Grid, National Grid Corridor and National Grid Yard	Support	Top Energy supports these definitions, noting that Transpower will be better placed to comment on suitability of exact wording.	Retain as notified.	S483.008 to S483.010
7	Definitions – Network Utility	Support	Top Energy supports this definition as worded.	Retain as notified.	S483.011
8	Definitions – Network Utility Operator	Support	Top Energy supports this definition as worded.	Retain as notified.	S483.012
9	Definitions – Regionally Significant Infrastructure	Support	Top Energy supports this definition as worded.	Retain as notified.	S483.013
10	Definitions – Renewable Electricity Generation	Support	Top Energy supports this definition as worded.	Retain as notified.	S483.014
11	Definitions – Renewable Electricity Generation Activities	Support	Top Energy supports this definition as worded.	Retain as notified.	S483.015
12	Definitions – Small Scale Renewable Electricity Generation	Support	Top Energy supports this definition as worded.	Retain as notified.	S483.016
13	Definitions – Substation	Support, amendment Seek	Top Energy largely supports this definition, but consider that the phrase “and having equipment rated over 22KV” is unnecessary from a technical perspective. In some instances, equipment in a substation will be rated under 22KV, and Top Energy consider that including this arbitrary limit will result in unnecessary	Amend the definition of ‘Substation’ as follows: <i>“means those parts of works or electrical installations, being a building, structure, or enclosure exceeding 10m2 in area and having equipment rated at over 22 kV, and incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity.”</i>	S483.017

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			confusion and issues in interpretation when considering the definition.	
14	Definitions – New definition for ‘customer connection’	Seek amendment	‘Customer connection’ is a term used in the Infrastructure Chapter (e.g. I-R2 New underground network utilities including customer connections) but is not defined. It is unclear to Top Energy what Council considers to comprise a ‘customer connection’ e.g., would it include a new transformer, and any new poles and cables required to connect to the grid? For certainty, Top Energy seeks that a definition for ‘customer connection’ be included in the Plan and suggests that the following components for connection are included: cabling, transformer and switch gear, poles, lines and pillars.	Include definition for ‘customer connection’ as follows (or wording to the same effect): <u>‘Means any electricity infrastructure required to connect customers including cabling, transformers and switch gear, poles lines and pillars’.</u>
15	Definitions – New definition for ‘footprint’	Seek amendment	‘GFA’ is a term used in a number of the sensitive environment overlays to manage the degree of change of building and structures. However, the definition only applies to buildings with floors (as suggested by the name) and does not specify how it relates to a structure. In general, Top Energy considers ‘footprint’ to be a better term to use where the rule relates to structures,	Include definition for ‘footprint’ as follows (or wording to the same effect): <u>‘Means the ground area occupied by a structure’</u> Where rules relate to structures and ‘footprint’ instead of GFA .

S483.018

S483.019

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			however 'footprint' (while used in some rules) is not defined in the Plan. For the purpose of consistency and clarity, Top Energy seeks that footprint be defined, and that all rules that include thresholds for structures utilise 'footprint' as a measurement instead of 'GFA', and that 'footprint' be defined.	
16	Definitions – new definition for Operational Need	Seek amendment	Top Energy considers that there should be a definition for 'operational need' given the use of that term (including via amendments outlined in further submission points below) in other chapters. It suggests inclusion of the definition used in the National Planning Standards.	Add a definition for 'operational need' as follows (or to the same effect): <i><u>"means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints."</u></i>
17	Definitions – New definition for Upgrading	Seek amendment	The term 'upgrading' is used throughout the PDP, in particular in the Infrastructure chapter. For the provision of Top Energy's infrastructure, this is a key term, and Top Energy would prefer the inclusion of a definition to avoid confusion and improve consistency in application, noting that the Whangārei District Plan and Draft Kaipara District Plan have definitions for 'Minor Upgrading'.	Include a definition for 'upgrading' as follows (or to the same effect): <i><u>"means an increase in the capacity, efficiency or security of existing infrastructure."</u></i>

S483.020

S483.021

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
18	Definitions – New definition for Emergency Tree Works	Seek amendment	In accordance with Top Energy’s feedback on the Notable Trees chapter (see below), Top Energy consider that a definition of “emergency tree works” should be included in the PDP consistent with the definition used in the Whangārei District Plan Notable Trees chapter.	Include a new definition for “emergency tree works” as follows: <i><u>“means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure.”</u></i>
HOW THE PLAN WORKS CHAPTER				
19	How the plan works	Seek amendment	As noted in Section 2.0 Top Energy considers that there is a lack of clarity throughout the PDP in terms of how the Chapters interact with each other, and some consistency. The How the Plan Works Chapter is key in terms of providing the necessary clarity for plan users. The Overlay chapters are one example and are inconsistent with respect to referencing rules for “activities not otherwise listed”. The How the Plan Works chapter includes a statement that indicates <u>some overlays</u> will automatically default to a permitted activity, however resource consent may still be required under other Part 2: District-wide Matters	- Amend the “Applications Subject to Multiple Provisions” section of the How the Plan Works Chapter to provide clarity in terms of how the chapters within the plan interact. - Amend all relevant overlay chapters as necessary to insert rules for <u>“Activities not otherwise listed in this chapter”</u>, consistent with zone chapters. S483.024 S483.189 - Review all implementation advice notes across the plan to ensure consistency S483.025

S483.022

S483.023

S483.190

S483.191

S483.192

S483.193

S483.194

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			chapters and/or Part 3: Area-Specific chapters (including the underlying zone). Some Chapters include notes which provide some clarity in this regard (e.g. Heritage Overlay) however this isn't consistently applied through the overlays or the District Wide Chapters generally. Some overlays include a catch all 'activities not otherwise specified' activity status (e.g. Treaty Settlement Land Overlay). Some overlays don't. This lack of consistency (coupled with inconsistent terminology) will cause confusion for Plan users and ultimately, impact the integrity of the plan. This is particularly relevant in the Overlay chapters where each Overlay chapter has a different approach to activity status default rules. With specific regard to the permitted activity default, it is noted that this could lead unintentional consequences, for example:	

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			The Coastal Environment is silent with respect to farm quarries. In the absence of a discretionary default for all activities not specified, it is assumed that this activity within this overlay defaults to a permitted activity under How the Plan Works. Rule RPROZ-R12 Farm Quarry provides for this activity as a permitted activity. The lack of clarity around integration between chapters is also apparent in the District Wide Chapters. As an example, in the Infrastructure Chapter: • The Notes indicates that the rules only relate to network utility operators, but the Chapter includes setbacks for land use activities; • The Chapter does not provide guidance around Part 3 Area Specific Matters.	
STRATEGIC DIRECTION				
20	Strategic Direction – Infrastructure and electricity – Policies	Seek amendment	Top Energy note that the Strategic Direction chapter only contains objectives for each topic, and not policies. In Top Energy's view, the objectives need policies to demonstrate how they are going to be achieved in the plan. It is also important at this strategic level of the PDP,	Add policies to the Strategic Direction Chapter for the objectives, noting Top Energy's submission below on specific objectives relating to the provision of infrastructure, electricity and renewable energy generation activities.

S483.026

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction (e.g., for instance between the necessary provision of infrastructure, alongside the protection of the natural environment).		
21	Strategic Direction – Urban form and Development – SD-UFD-O2	Support	Top Energy support a compact urban form consolidated around existing reticulated networks as this is more efficiently serviced by electricity and telecommunications infrastructure than sprawling development in rural areas.	Retain provision as notified.	S483.027
22	Strategic Direction – Urban form and Development – SD-UFD-O3	Support	Top Energy supports the requirement for adequate development infrastructure for future housing and business activities.	Retain provision as notified.	S483.028
23	Strategic Direction – Infrastructure and electricity – SD-IE O1	Support	Top Energy supports the acknowledgment of the benefits infrastructure and renewable energy generation activities provide across the District.	Retain provision as notified.	S483.029
24	Strategic Direction – Infrastructure and electricity – SD-IE O2	Support	Top Energy support the recognition of the necessity of protecting infrastructure and renewable electricity generation activities from incompatible land use, subdivision and development.	Retain provision as notified.	S483.030

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
25	Strategic Direction - New objectives and policies for Regionally Significant Infrastructure	Seek amendment	While Top Energy supports the inclusion of objectives referencing infrastructure broadly, it notes that the Strategic Direction Chapter is silent on objectives and policies for Regionally Significant Infrastructure. Top Energy consider that it is important that strategic direction is provided at this level for Regional Significant Infrastructure, and note that other District Plans in Northland ¹ have specifically included strategic direction in this regard. Such an approach is required to give effect to the provisions of the Northland RPS relating to Regionally Significant Infrastructure.	Add new objectives as follows for Regionally Significant Infrastructure. ² <u><i>“Regionally Significant Infrastructure is identified and protected. The benefits of Regionally Significant Infrastructure are recognised and provided for. Avoid, remedy, mitigate or offset adverse effects arising from the development, operation, maintenance, and upgrading of Regionally Significant Infrastructure.”</i></u>	S483.031
INFRASTRUCTURE CHAPTER					
26	Infrastructure – general	Seek amendment	Top Energy seeks clear direction within the infrastructure that the chapter supersedes		S483.032
27	Infrastructure – I-O1	Support	Top Energy supports this objective.	Retain provision as notified.	S483.033
28	Infrastructure – I-O2	Support, seek amendment	Top Energy support the acknowledgment of the benefits of infrastructure and regionally significant infrastructure but seek amendments to capture the full	Amend I-O2 as follows: <u><i>“The economic, cultural, environmental and community social benefits of infrastructure and regionally significant infrastructure are recognised</i></u>	S483.034

¹ District Growth and Development Objectives for Regionally Significant Infrastructure in the [Operative Whangārei District Plan](#).

² See Regionally Significant Infrastructure provisions in the Northland RPS (e.g., Objective 3.7 and Policy 5.3.1) and more general infrastructure provisions (e.g., Objectives 3.8 and 3.9).

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			range of benefits in alignment with the Strategic Direction Chapter.	and provided for, including the benefits of regionally significant infrastructure to enhance economic, cultural, environmental and social well-being in the district."
29	Infrastructure – I-O3	Support, seek amendment	This objective seeks to ensure that infrastructure is protected from incompatible land use and development. Top Energy supports this direction, but considers that the wording needs to capture operation, repair³, maintenance and upgrading. This objective also refers to upgrading which Top Energy have sought a definition for in an earlier submission point.	Amend I-O3 as follows: <i>"Infrastructure is protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects to ensure its effective operation, <u>repair</u>, maintenance and upgrading."</i>
30	Infrastructure – I-O4	Support, seek amendment	Top Energy supports the direction to manage adverse effects of infrastructure in areas with historical and cultural values, natural values and coastal values, but considers it is important that the operational and functional need of infrastructure to locate in these areas is recognised and provided for.	Amend I-O4 as follows: <i>"Adverse effects of infrastructure are managed through the design and location of infrastructure to minimise adverse effects on areas with historical and cultural values, natural values, and coastal values, <u>while recognising and providing for the operational and functional need of infrastructure to locate in these areas.</u>"</i>
31	Infrastructure – I-O5	Support	Top Energy supports this objective as proposed.	Retain provision as notified.

S483.035

S483.036

S483.037

³ Top Energy note that there is a definition for "repair" currently, but that this relates specifically to a heritage item. At this stage, Top Energy do not consider that a definition of repair specific to infrastructure is required.

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
32	Infrastructure – I-O6	Seek amendment	Top Energy supports the ability of tangata whenua to develop land in the Māori Purpose Zone or Treaty Settlement overlay. However, Top Energy considers that the bar of “does not constrain” is too high. The provision of infrastructure to support the development of that land may lead to some constraints (e.g., the provision of electricity lines to service development on that land may require building setbacks to comply with the necessary safe setback distances in NZECP 34:2001). There is also often an operational and functional need for infrastructure to be located in these areas that needs to be recognised and provided for.	Amend I-O5 as follows: <i>“The location of infrastructure does not <u>unduly</u> constrain the ability of tangata whenua to develop land in the Māori Purpose zone or the Treaty Settlement overlay, <u>while recognising and providing for the operational and functional need of infrastructure to locate in these areas.</u>”</i>
33	Infrastructure – I-P1	Support, seek amendment	Top Energy supports this policy, but considers that the wording needs to also capture repair of infrastructure. This policy also refers to upgrading which Top Energy has sought a definition for in an earlier submission point.	Amend I-P1 as follows: <i>“Provide for the continued operation, <u>repair</u>, maintenance, upgrading and replacement of existing infrastructure.”</i>
34	Infrastructure – I-P2	Support, seek amendment	Top Energy supports this policy, but considers that the wording needs to also capture repair. Top Energy also considers that I-P2c should be amended to “recognising <u>and providing for.</u> ”	Amend I-P2 as follows: <i>“In the coastal environment, manage the effects of the development, operation, <u>repair</u>, maintenance and upgrading of infrastructure activities by:</i>

S483.038

S483.039

S483.040

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			This policy also refers to upgrading which Top Energy has sought a definition for in an earlier submission point.	a. <i>avoiding adverse effects on the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character;</i> b. <i>avoiding significant adverse effects on other natural features and landscapes, and areas of natural character;</i> c. <i>recognising and providing for the technical, operational and functional needs and constraints of infrastructure activities; and</i> d. <i>having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated."</i>
35	Infrastructure – I-P3	Support, seek amendment	Top Energy supports this policy, but considers that the wording needs to also include repair. Top Energy considers that outside of the coastal environment, clause I-P3b should also refer to mitigation of adverse effects, as minimisation and remedying might not be readily achievable in every instance,	Amend I-P3 as follows: <i>"Outside the coastal environment, manage the effects of the development, operation, repair, maintenance and upgrading of infrastructure activities by:</i>

S483.041

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			and the consideration of mitigation needs to also be provided for. Top Energy also consider that I-P3c should be amended to “recognising <u>and providing for</u>.” This policy also refers to upgrading which Top Energy has sought a definition for in an earlier submission point.	a. <i>avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable;</i> b. <i>minimising or remedying <u>or mitigating</u> adverse effects on historical and cultural values, natural environment values that cannot be avoided;</i> c. <i>recognising <u>and providing for</u> the technical, operational and functional needs and constraints of infrastructure activities; and</i> d. <i>having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.”</i>
36	Infrastructure – I-P4	Support	Top Energy supports this policy which provides for the benefits of infrastructure.	Retain this policy as notified.
37	Infrastructure – I-P5	Support	Top Energy supports this policy which requires the coordination of infrastructure.	Retain this policy as notified.

S483.042

S483.043

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
38	Infrastructure – I-P6	Support	Top Energy supports this policy, in particular the qualifier at the start of “where practicable and appropriate for the type of infrastructure.” This is important in order to recognise and provide for the operational and functional needs of infrastructure which may not be able to minimise adverse visual effects in every instance.	Retain this policy as notified.	S483.044
39	Infrastructure – I-P7	Support, seek amendment	Top Energy supports policy I-P7, which seeks to protect regionally significant infrastructure from the effects of incompatible land uses and subdivision. In particular, Top Energy is interested in and supports the inclusion of clause I-P7e and I-P7g of this policy. In terms of the first sentence of the policy, Top Energy considers that it is important that this policy protects nationally and regionally significant infrastructure, and also local infrastructure. With regard to electricity distribution, the whole distribution network is important because the network operates as an electricity ecosystem, which is reliant on all components of the network to ensure the safe and efficient provision of electricity to customers and communities. This is already acknowledged in clause g, but it is	Amend I-P7 as follows: <i>“Protect <u>nationally and</u> regionally significant infrastructure and <u>local infrastructure</u> from the effects of incompatible land use and subdivision, including reverse sensitivity effects, which may compromise the operation and capacity of infrastructure by:</i> <i>a. locating and designing noise sensitive activities to avoid potential reverse sensitivity effects on airports and State Highways;</i> <i>b. avoiding physical obstructions in take-off, approach, landing and departure paths and runway end protections areas;</i> <i>c. managing new noise sensitive activities within a defined air noise contour;</i> <i>d. managing access to the railway corridor, and local, regional and national road network;</i>	S483.045

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			important that the leading sentence also acknowledges this. I-P7e addresses the management of landuse and subdivision activities near 'Critical Electricity Lines'. Top Energy provided feedback on the Draft FNDC seeking that some of the critical electricity distribution network be mapped. FNDC has included part of the area requested by Top Energy in the PDP as an Energy Infrastructure Overlay 'Critical Electricity Lines'. As addressed in earlier comments, the extent of mapping is more limited than that sought by Top Energy and only incorporates the 110kv line from Kaikohe to Kaitaia. Top Energy seeks that this be extended to also include the 33kv lines across the District. Top Energy also considers that I-P7e should be amended to include "the identification of critical electricity lines as a mapped overlay." Top Energy has suggested some minor grammatical changes to I-P7e.ii.	e. <u>Identifying Critical Electricity Lines as a mapped overlay and managing landuse and subdivision activities in proximity to Critical Electricity Lines</u> to: i. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the line; ii. ensure that future buildings and building alterations, earthworks, planting <u>of</u> trees <u>and</u> construction activities do not compromise the effective operation of the electricity distribution network and maintain safe electrical clearance distances under all electricity distribution line operating conditions. f. managing land disturbance and activities sensitive to gas transmission to avoid, or mitigate potential adverse effects on, gas transmission pipelines; and g. managing other activities, through setbacks and design controls where necessary, to achieve appropriate protection of local, regional and nationally significant infrastructure."

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
40	Infrastructure – I-P8	Support	Top Energy supports this policy which seeks to provide for resilient infrastructure.	Retain policy as notified.	S483.046
41	Infrastructure – I-P9	Support, seek amendment	Top Energy seeks amendment to this policy to ensure that the operational and functional needs of infrastructure are taken into account when encouraging new linear infrastructure to be located within roads.	Amend I-P9 as follows: <i><u>“Taking into account the operational and functional needs of infrastructure, Encourage new linear infrastructure to be located within roads and, where practicable, adjacent to the carriageway unless this would result in a risk to health and safety.”</u></i>	S483.047
42	Infrastructure – I-P10	Support	Top Energy supports recognition for the National Grid, which is fundamental to the electricity network, and assumes Transpower will address any issues with provisions relating to the National Grid.	Retain policy as notified.	S483.048
43	Infrastructure – I-P11	Seek amendment	Top Energy supports the ability of tangata whenua to develop land in the Māori Purpose Zone or Treaty Settlement overlay, however Top Energy opposes the avoidance directive in this policy. This is incongruous with the wording of objective I-O6 (including Top Energy’s suggested amendments above). Furthermore, Top Energy considers that the bar of “does not constrain” is too high. The provision of infrastructure to support the development of that land may lead to some constraints (e.g., the provision of	Amend policy I-P11 as follows: <i><u>“Avoid Manage new infrastructure where it will unduly compromise the ability to develop and use land in the Māori Purpose zone or in the Treaty Settlement overlay unless the owners of the land agree to the new infrastructure, while recognising and providing for the operational and functional need of infrastructure to locate in these areas.”</u></i>	S483.049

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			electricity lines to service development on that land may require building setbacks to comply with the necessary safe setback distances in NZECP 34:2001). There is also often an operational and functional need for infrastructure to be located in these areas that needs to be recognised and provided for.		
44	Infrastructure – I-P12	Support, seek amendment	Top Energy supports the recognition of the benefits of new infrastructure, but considers the wording should be “recognise <u>and provide for</u> .”	Amend I-P12 as follows: “Recognise <u>and provide for</u> the benefits of new technology in infrastructure that: a. improve access to, and efficient use of, networks and services; b. increases resilience or reliability of networks and services; c. protects the on-going safety of the community and the integrity of the network; or d. results in environmental benefits or enhancements.”	\$483.050
45	Infrastructure – I-P13	Support, seek amendment	Top Energy supports this policy, but considers that the wording of clause I-P13a should be amended to enable the full suite of effects management (e.g., including offsetting or compensating) for upgrades and new infrastructure. Top Energy also considers that clause I-P13b needs to reference the specific	Amend I-P13 as follows: “Manage the adverse effects of infrastructure on the environment by: a. avoiding, remedying, or mitigating, <u>offsetting or compensating</u> the adverse effects of substantial upgrades	\$483.051

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Top Energy PDP Submission

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			standards and guidelines for electric and magnetic emissions that are considered “recognised standards.” If not, Top Energy considers that this policy could be misused or misinterpreted to reference other standards or guidelines that are not actually the ones referenced in the Infrastructure rules. With regard to clause I-P13c, Top Energy has included three other factors that need to be considered in terms of determining whether undergrounding is the most appropriate method of installation of network utilities in the Urban Zones and Settlement zone.	to, or the development of new infrastructure, including effects on: - natural and physical resources; - amenity values; - sensitive activities; - the safe and efficient operation of other infrastructure; - the health, well-being and safety of people and communities. b. avoiding radio, electric and magnetic emissions that do not meet the recognised standards <u>in New Zealand Standards NZS2772.1: 1999 Radiofrequency fields</u> or guidelines in International Commission on <u>Non-Ionising Radiation Protection Guidelines</u>; c. requiring the undergrounding of network utilities in Urban zones and the Settlement zone where it: <u>it</u> is technically feasible; <u>and</u> <u>it</u> is justified by the extent of adverse visual effects; and <u>it</u> provides for the safety of the community; <u>or</u> <u>it will not result in adverse effects on the environment that are greater than placing the infrastructure above; or</u>

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				v. <u>there are not natural or physical features or structures that render underground placement impractical or undesirable; or</u> vi. <u>there are not significant operational, functional, technical, cultural, historic heritage or economic reasons that require the infrastructure to be above ground."</u>
46	Infrastructure – I-P14	Support	Top Energy supports this policy which provides clarity about some relevant matters to be considered in resource consent applications under the Infrastructure Chapter.	Retain I-P14 as notified.
47	Infrastructure - Note 1 & 5	Seek amendment	Clarity is needed within the Chapter in terms of what happens where there is overlap between chapters and how the chapter interacts with the Part 3 – Area Specific Matters. With regards to the sensitive environment overlays, the How the Plan Works Chapter indicates that if not specified, the activity is permitted unless otherwise stated. However, this is not made clear in the Chapter, and given the importance of this (and for consistency), to assist Plan users,	Specify that this chapter supersedes/takes precedence over Part 3 – Area Specific Matters. Specify that overlays only manage infrastructure building and structures and that the activities in the Infrastructure Chapter are permitted in the overlays except where more stringent building and structure controls apply subject to amendments sought in the overlays.

S483.052

S483.053

S483.054

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			Note 1 should be extended to re-iterate this (see sub# 19 also). Top Energy also highlight that Note 5 means that I-R11, I-R12, and I-R13 would only apply to network utility operators, and have commented on this in the submission points below.	
48	Infrastructure – I-S1 Radio Frequency Fields and I-S2 Electric Magnetic Fields	Oppose	Top Energy seeks a discretionary activity status where compliance isn't achieved with I-S1 and I-S2. While non-compliance with these standards is unlikely, in the event that they are breached, it will more likely than not be a operational or functional requirement necessary to ensure distribution of electricity and telecommunications to the District which are lifeline utilities. Given that this rule only applies to network utilities, Top Energy considers discretionary activity status for non-compliance with I-S1 and I-S2 to be appropriate and enable adequate assessment of adverse effects.	Amend activity status for non-compliance with I-S1 and I-S2 throughout the Infrastructure Chapter from non-complying to discretionary.
49	Infrastructure – I -R1 Operation, maintenance, repair and removal of existing above ground network utilities	Support	Top Energy supports the permitted activity status for operation, maintenance, repair and removal of existing above ground network utilities in all zones noting the amendments sought in above for non-compliance with I-S1 and I-S2	Retain as notified.

S438.055 &
S483.056

S483.057

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
50	Infrastructure I -R2 New underground network utilities (including customer connections) or upgrading of existing underground network utilities	Support, seek amendment	Top Energy supports the permitted activity status for new underground network utilities, and upgrade to existing underground network utilities in all zones noting the previous submission point seeking a definition of customer connection be included and above for non-compliance with I-S1 and I-S2 . Top Energy also supports retaining rules pertaining to Notable Trees in the Notable trees section noting comments made as part of this submission on the Notable Trees Chapter. Top Energy also support providing a clear link to relevant provisions within other chapters and considers that this is a useful inclusion for plan users, and helpful in terms of understanding integration of the Plan. Top Energy suggest that this approach be taken consistently throughout the plan.	Retain as notified.	S483.058
51	Infrastructure I -R3 Upgrading of existing above ground network utilities	Seek amendment	Permitted activity status for the upgrade of existing above ground network utilities in all zones is supported by Top Energy. However, the rule contains a number of arbitrary numbers in performance standards making this rule of limited use in terms of enabling upgrades to existing above ground network utilities which are required to ensure this lifeline service to	Delete I-R3 and include new rules as follows: <i>Upgrading of existing above ground network utilities</i> <i>Activity status: Permitted</i> <i>Where:</i> <u>General</u> <u>PER-1</u>	S483.059 & S483.060

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			the communities is functional and resilient. On review of the s32 analysis for the Infrastructure Chapter, there is no assessment of the proposed rule framework or any justification for the thresholds, making it difficult to understand what has informed them, and what actual effect they are intended to manage. Top Energy provided similar comments on the Draft Infrastructure Chapter provisions. While it appears some changes may have been made to try and make this provision clearer, it is still cumbersome, non-sensical and unnecessarily restrictive. All of Top Energy's network utility infrastructure would either be captured as a structure or building under this rule as notified. To avoid confusion and unnecessary technical terminology, Top Energy considers that performance standards should be simplified and has suggested wording primarily based on baseline thresholds for 'structures' and 'building' bottom lines in terms of overall degree of change noting that this rule	<u><i>The upgrade of network utility structures or buildings :</i></u> <u><i>1. is within 5m of the existing alignment location of the original structure or building;</i></u> <u><i>2. does not increase the gross floor area by more than 30 percent in a 10 year period if it is a building;</i></u> <u><i>3. complies with the zone's permitted setback standards if it is a building; and</i></u> <u><i>4. does not result in an increase to the diameter of a replacement pipe by more than 300mm.</i></u> <u><i>PER-2</i></u> <u><i>The activity complies with standards:</i></u> <u><i>1. I-S1 Radio frequency fields; and</i></u> <u><i>2. I-S2 Electric and magnetic fields.</i></u> <u><i>Electricity</i></u> <u><i>PER-3</i></u> <u><i>In addition to PER 1 and PER 2, the upgrade of electricity network utilities structures or buildings must not result in:</i></u> <u><i>1. Pole or tower height that exceeds 25m above ground level;</i></u>

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			relates to upgrades of existing infrastructure present on the landscape. Top Energy considers that the amendments sought remove some of the cross over between provisions (e.g. PER- 1, noting that all infrastructure referenced is manmade and fixed to land in some way) and streamlines the provisions to make it clearer to the user what is provided for.). For the same reasons as noted above, Top Energy considers the appropriate activity status for non-compliance with performance standards should be restricted discretionary as any adverse effects resulting from upgrades to existing infrastructure can readily be managed by well-considered matters of discretion, given that in the case of this rule, the activity already exists and given the threshold, upgrades will be minor in nature and largely relate to visual amenity. Top Energy considers that this amendment sought results in a more sensible approach (and better alignment) when considering that <u>new</u> overhead lines are provided for in some zones as a permitted activity (e.g., I-R6) and as a	<u>2. More than two additional poles; and</u> <u>3. Additional towers.</u> <u>PER -4</u> <u>1. Additional cross arms must not exceed a length of more than 4m;</u> <u>Gas</u> <u>PER - 5</u> <u>In addition to PER 1 and PER 2, the realignment, relocation or replacement of a gas transmission line is within:</u> <u>1. an existing easement in favour of the pipeline;</u> <u>2. 12m of the existing alignment or location</u> <u>Telecommunications</u> <u>PER 6</u> <u>In addition to PER 1 and PER 2</u> <u>1. A replacement panel antenna does not increase the face area by more than 20 percent in a 10 year period.</u>

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			restricted discretionary activity in others (e.g., I-R15). See sub# 48 re activity status for non-compliance with I-S1 and I-S2.	2. <u>A replacement dish antenna does not increase in diameter by more than 20 percent in a 10 year period.</u> <u>Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary</u>	
52	Infrastructure – I-R4 Electricity generators or self-contained power units for the supply of network utility	Support	Top Energy supports this rule, noting sub# 48 regarding activity status for non-compliance with I-S1 and I-S2	Retain as notified.	S483.061
53	Infrastructure – I-R5 New above ground customer connections		As noted earlier, Top Energy seeks that a definition of what comprises a ‘customer connection’ be included. In general, Top Energy continues to support the permitted activity status in the Rural Production, Māori Purpose, Rural Lifestyle, Horticulture and Kauri Cliffs Zone, and understands the rationale behind encouraging underground connections in the residential and industrial zones. However, Top Energy seeks that rule be extended to Ngawha Innovation and Enterprise Park and Rural Settlement Zones which are rural in nature. For all of these zones, given their isolation from urban areas,	Amend 1-R5 as follows (or to same effect): • Include Ngawha Innovation Zone and Rural Settlement Zone; • Amend PER -1 to read as follows: “The poles don't exceed a maximum of 25m in height <u>above ground level</u>”; • Amend activity status for non-compliance with PER – 1 to restricted discretionary activity; and • Amend activity status for non-compliance with PER – 2 to discretionary.	S483.062

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			undergrounding electricity infrastructure would be cost prohibitive and unnecessary. Top Energy also seeks a restricted discretionary activity for non-compliance with PER -1, this results in better alignment with I-R15 which treats new overhead lines outside of these zones as a restricted discretionary activity with no height restrictions. Top Energy also seeks that PER – 1 be amended to specify above ground level, and that non-compliance with PER -2 be a discretionary activity as opposed to non-complying.	
54	Infrastructure – I-R6 new network utilities in existing buildings	Support, seek amendment	Top Energy supports this rule, but seeks that non-compliance with I-S1 and I -S2 be a discretionary activity for reasons identified in sub# 48.	Amend activity status for non-compliance with I - S1 and I -S2 to discretionary.
55	Infrastructure – I-R7 new overhead lines and associated poles, telecommunication and attached antennas, or towers	Support, seek amendment	This rule applies to the Rural Production, Rural Lifestyle and Māori Purpose Zones. For the same reasons as noted above in sub# 53 Top Energy seeks that this be extended to Ngawha Innovation and Enterprise Park and Rural Settlement Zones. Top Energy seeks that PER 1 and PER 2 specify 'above ground'.	Amend I-R7 as follows: • Include Ngawha Innovation Zone and Rural Settlement Zone. • Amend PER -1 to read as follows: "The poles don't exceed a maximum of 25m in height <u>above ground level.</u>"

S483.063

S483.064

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
				- Amend PER – 2 to read as follows: “Towers do not exceed a height of 15m <u>above ground level.</u>” - Amend activity status for non-compliance with PER – 1 & 2 to restricted discretionary activity.	
56	Infrastructure – I-R8 new telecommunication kiosk	Support, seek amendment	In general, telecommunication kiosks aren’t of particular interest to Top Energy. However, it is noted that kiosks often co-locate on other infrastructure such as electricity poles or towers. Accordingly, the height limit of 3.5m might be an issue and an exemption is sought where the kiosk is located on an existing pole or tower.	Amend I-R8 to expressly enable the co-location of telecommunication kiosks on existing infrastructure.	S483.065
57	Infrastructure - I-R10 substations	Support, seek amendment	Top Energy supports the provision for substations in the Rural Production and Rural Lifestyle Zones as a permitted activity, but suggests the inclusion of an additional rule which provides for subdivisions in the Rural Production and Rural Lifestyle, where contained within a building that complies with the building and structure performance standards of the underlying zone. The reasoning for this is that where intensification is promoted, additional substations may be required in urban	Retain R-10 as notified , and include an additional rule for substations in zones other than Rural Production and Rural Lifestyle as a permitted activity where located within a building that complies with the relevant performance standards of the underlying zone, I-S1 and I-S2 and the thresholds contained within I-R10 PER-1.	S483.066 & S483.067

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			settings. The main concerns associated with substations relate to visual amenity, noise, radio frequency and electric and magnetic field. These days, it is common for modern substations to be fully housed in buildings that can be designed to be appropriate for an urban setting from a visual perspective. Noise would be managed through the District Wide Chapter, and compliance with I-S1 and I-S2 can be relied on to address any remaining potential effects. Given that these matters can be readily managed, an additional Rule providing for such an activity in zones other than Rural Production and Rural Lifestyle is considered to more appropriate than the discretionary status that would otherwise apply by default.	
58	Infrastructure – I-R11 New buildings or structures, and extensions to existing buildings or structures, in the National Grid Yard	Support	Top Energy considers that Transpower are best placed to comment of provisions relating to the national grid, but given the electricity distribution and transmission networks in the Far North are interdependent, Top Energy supports the protection of these assets. Top Energy also supports the explicit exemption from this rule for any part of electricity infrastructure that connects to the national grid.	Amend I-R11 to exempt work undertaken by the electricity network utility provided Review Plan and amend as necessary to ensure that the rule applies to all plan users, not just network utility providers.

S483.068

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			However, Top Energy notes that as per its comment above in regards to Note 5, these provisions would only apply to work undertaken to by network utility operators and consider that this rule also needs to be replicated within the Zones.	
59	Infrastructure I-R12 New buildings or structures, and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Line	Support, seek amendment	Top Energy generally supports the inclusion of provisions relating to the Critical Electricity Lines Overlay (noting earlier comments re extent) but seeks that: • wording is Included to exempt works with the CEL undertaken by the electricity network utility provider; • as per the above comments re Note 5, that this rule should be applied to all plan users, not just network utility providers (the preference is that provisions that relate to CELS are contained within an overlay chapter for ease of reference); and • 10m either side of the CEL is specified, or a figure is included (similar to Whangārei District	Amend I-R12 to exempt works with the CEL undertaken by the electricity network utility provider. Review Plan and amend as necessary to ensure the rule applies to all plan users, not just network utility providers.

S483.069

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			Council's approach which specified the corridor width of 10m either side.	
60	Infrastructure – I-R13 Tree Planting within 20m of a Critical Electricity Line	Support, seek amendment	Top Energy supports the inclusion of provisions relating to the Critical Electricity Lines Overlay (noting early comments regarding extent) but seek that: • wording is Included to exempt works with the CEL undertaken by the electricity network utility provider, • as per the above comments re Note 5, this rule should be applied to all plan users, not just network utility providers. The preference is that provisions that relate to CELs are contained within an overlay chapter for ease of reference), • wording is Included to exempt works with the CEL undertaken by the network utility provider. • 10m either side of the CEL is specified, or a figure is included (similar to Whangārei District Councils approach which specified the corridor width of 10m either side. Top Energy also notes that the Electricity (Hazard from Trees) Regulation 2003 is not linked. As per the above comments in	Amend I-R13 to exempt work undertaken by the electricity network utility provider. Review Plan and amend as necessary to ensure the rule applies to all Plan users, not just network utility providers. Include reference to Electricity (Hazard from Trees) Regulations 2003.

\$483.070

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			regards to Note 5, seek that this rule be replicated in the Zones.	
61	Infrastructure I-R12 New buildings or structures, and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Line	Support, seek amendment	Top Energy supports the inclusion of provisions relating to the Critical Electricity Lines Overlay. While Top Energy understands Council exemption for buildings or structures that do not require building consent to avoid unnecessary consenting requirements for smaller buildings and structures, Top Energy is concerned that this is too broad reaching. As an example, in the Rural Production Zone a pole shed of up to 100m² can be built without triggering building consent. While it is acknowledged that the shed must be single story to be exempt, this could still result in a considerably sized structure that could still cause issues in terms of the associated regulations and standards. Accordingly, Top Energy seek that a height restriction be incorporated into PER 1. Top Energy also: Seeks that wording is Included to exempt works with the CEL undertaken by the network utility provider;	Amend I-R12-PER-1 as follows: “1.The building or structure <u>is less than 3m in height and</u> does not require a building consent; or 2.The extension of the building or structure does not exceed the envelope or footprint of the existing building or structure” Top Energy also seeks that: - I-R12 be amended to exempt work undertaken by the electricity network utility provider - I-R12 is replicated in Zones so the rule applies to all development. - Reference to Electricity (Hazard from Trees) Regulations 2003 be included.

S483.071

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			- Notes that the Electricity (Hazard from Trees) Regulation 2003 is not linked; and - As per the above comments in regards to Note 5, seeks that this rule be replicated in the Zones.	
62	Infrastructure – I-R13 Tree planting within 20m of a Critical Electricity Lines Overlay	Seek amendment	Top Energy considers that clause PER-1 of this rule is confusing and ultimately unnecessary. Any tree planting should be captured by the Electricity Act and associated regulations. Whether it is for the purpose of a shelterbelt, plantation forestry or commercial horticultural operations is irrelevant. This rule should be redrafted to require that confirmation is provided of accordance with the Electricity Act and associated regulations.	Amend I-R13 as follows: “PER-1 The planting of trees is not for the purpose of providing a shelterbelt, plantation forestry or commercial horticultural operations. PER-2: Activities that do not comply with PER-1 provided that: 1. prior to works notification <u>being undertaken</u> <u>confirmation</u> is provided to Council and that the proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010).”

S483.072

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
63	Infrastructure – I-R15 New overhead lines and associated poles, telecommunication poles and attached antennas, or towers	Seek amendment	Top Energy acknowledges that restricted discretionary activity status is appropriate for this type of new overhead infrastructure outside of the Rural Production and Māori Purpose Zone but considers that Rural Lifestyle should also be included for consistency with I-R7 (as well as the additional zones noted in sub# 58).	Amend I-R15 to exclude Rural Lifestyle, Ngawha Innovation Zone and Rural Settlement Zone.
64	Infrastructure I-R16 Telecommunications lines, cabinets, poles antennas regulated by the NES-TF that do not meet the Permitted Activity standards in Regulations 20,21,22,27,29,31,33,35 or 37 of the NES-TF and are not provided for as a controlled activity in Part 3 of the NES-TF Regulations	Support	Top Energy generally supports the provision for telecommunications infrastructure not permitted by the NES – TF as a restricted discretionary activity.	Retain as notified.
65	Infrastructure – New Rule	Seek amendment	Top Energy seeks a restricted discretionary activity status for new above ground customer connections outside of those provided for as a permitted activity by I-R5 (as well as the additional zones noted in sub# 58).	Include additional restricted discretionary activity for new above ground customer connections in all zones other than those covered in I-R5.

S483.073

S483.074

S483.075

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			There is no provision for this activity otherwise and assumedly, this results in a default to discretionary activity which does not align I-R15 which provides for new overhead lines in all zones other than Rural Production and Māori Purpose zone as a permitted threshold with no height limits.	
RENEWABLE ENERGY GENERATION				
66	Renewable Energy – REG – General Comment	Support	In general, Top Energy supports the outcomes sought within this chapter. The nature of this chapter is unique to others in that it seeks to manage a specific activity on a district wide basis. It is not clear how this Chapter interacts with Part 3 - Area Specific Matters. It is assumed that the standards within Part 3 would apply (except where more permissive standards are provided in the REG chapter). However, without specific direction within the chapter confirming that this is the case, this could generate confusion for plan users. The How the Plan works Chapter gives specific direction as to how Part 2: District - Wide Matters interacts with the Sensitive Environment Overlays, but not how this chapter should be treated.	Amend the Plan to provide clarity around integration of this chapter with other Chapters in the Plan so that the provisions of the REG chapter have precedence.

S483.076

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
67	Renewable Energy – REG-O1	Support	Top Energy supports acknowledgement of the significance of the local regional and national benefits of renewable energy and recognition in the Plan of its inclusion as a matter of national significance in the RMA. Further the acknowledgment of the operation, functional, technical needs and constrains.	Retain as notified.
68	Renewable Energy – REG-O2	Seek amendment	It is unclear whether this objective seeks to direct minimum requirements, or recognise the benefits of renewable energy. On review of the policies, Top Energy considers it is likely the latter, and if this is the case the objective is unnecessary given that REG O1 recognises and provides for the benefits and REG – P4 establishes what the benefits include.	Delete objective REG-O2 OR amend to avoid the objective being interpreted as a list of minimum requirements.
69	Renewable Energy – REG-O3	Seek amendment	The current wording is unclear whether adverse effects on values should be avoided or minimised. Managing adverse effects is more aligned with the Regional Policy Statement (Policy 5.3.3) noting that renewable energy generation is considered regionally significant infrastructure. Further, the reference to values should align with what is mapped in the Plan.	Amend REG-O3 as follows: <u><i>“Adverse effects from renewable energy generation activities on values mapped in the Plan are managed.”</i></u> <i>Renewable electricity generation activities are located and designed to avoid and minimise adverse effects on areas with historical, cultural, environmental and coastal values.</i>

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S483.078

S483.079

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
70	Renewable Energy – REG-04	Support, seek amendment	Top Energy supports the enablement of operation, maintenance, and upgrade of these activities, and the protection from reverse sensitivity effects, but consider that repair should also be included. Top Energy also highlights that the use of “or otherwise mitigating” reverse sensitivity effects is inconsistent with and does not give effect to the Northland Regional Policy Statement, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that “should not result in incompatible land uses in close proximity <u>and avoids</u> the potential for reverse sensitivity” [our emphasis added].	Amend REG-04 as follows: <i>“The ongoing efficient operation, maintenance, <u>repair</u> and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, or otherwise mitigating, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities.</i>	S483.080
71	Renewable Energy – REG – P1	Support	Top Energy supports this recognition and provision for renewable energy generation activities as Regionally Significant Infrastructure, including where the electricity is directed to a high energy user.	Retain as notified.	S483.081
72	Renewable Energy – REG – P2	Support, seek amendment	Top Energy supports the provision for ongoing maintenance, operation and upgrade but considers that this should be enabled and seeks wording to reflect this in the policy and amendments to	Amend REG-P2 as follows: <i>“Provide for <u>Enable</u> the continued operation, maintenance, <u>repair</u>, upgrading and replacement</i>	S483.082

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			associated rules to reflect this (see submission points below).	<i>of renewable electricity generation activities to maintain and increase generation capacity."</i>	
73	Renewable Energy - REG – P3	Support	Top Energy supports this policy.	Retain as notified.	S483.083
74	Renewable Energy - REG – P4	Support, seek amendment	Top Energy support the intent of this policy but seek amendments to: • Recognise and provide for the benefits in alignment with RPS and NPS-REG; • Specifically acknowledge improved resilience (through a variety of energy sources) as a benefit; • Remove REG-P4(g) as it is not a 'benefit' and does not fit in this policy.	Amend REG-P4 as follows: <i>"<u>Recognise and</u> provide for the benefits of new community scale and new large-scale renewable electricity generation activities, which include:</i> <i>a. security of electricity supply;</i> <i>b. increased energy independence <u>and</u> <u>improvements in resilience of supply resulting</u> from local generation;</i> <i>c. economic benefits to the local, regional or national economy;</i> <i>d. helping to meet local, regional or central government renewable electricity and emission reduction targets;</i> <i>e. improved quality of life and standard of living;</i> <i><u>and</u></i> <i>f. public health;;<u>and</u></i>	S483.084

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				g. adverse effects are managed in accordance with REE-P5 and P6."
75	Renewable Energy - REG – P5	Seek amendment	Top Energy consider that more balance needs to be provided for in terms of the avoidance directive in this policy. Renewable energy activities (e.g., wind in particular) are inevitably located within the coastal environment. An outright 'avoid' directive for any adverse effects is not realistic and will unduly constrain renewable energy generation activities. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Amend REG-P5 as follows: <i>"In the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:</i> <i>a. avoiding adverse effects <u>that are more than minor</u> on the characteristics of significant natural areas, and <u>mapped</u> outstanding natural features or landscapes, areas of outstanding natural character;</i> <i>b. avoiding significant adverse effects <u>that are more than minor</u> on other <u>mapped</u> natural features and landscapes, and areas of natural character;</i> <i>c. recognising the technical, operational and functional needs and constraints of renewable electricity generation activities;</i> <i>d. having regard to offsetting and environmental compensation measures <u>including measures or compensation which benefit the local environment and community affected</u> where there are more</i>

S483.085

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<i>than minor residual adverse effects that cannot be avoided, remedied or mitigated."</i>
76	Renewable Energy - REG – P6	Seek amendment	For the same reasons as noted in sub# 75, Top Energy seeks amendments to better align with the NPS-REG and the RPS.	Amend REG-P6 as follows: <i>"Outside the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:</i> <i>a. avoiding <u>significant effects that are more than minor on significant natural areas, and mapped</u> historical and cultural values, significant natural areas,—and outstanding natural features or landscapes to the extent practicable;</i> <i>b. minimising or remedying adverse effects on <u>mapped</u> historical and cultural values, natural environment values that cannot be avoided;</i> <i>c. recognising the technical, operational and functional needs and constraints of renewable electricity generation activities; and</i> <i>d. having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated."</i>

S483.086

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
77	Renewable Energy - REG – P7	Support	Top Energy supports separate policy direction for solar electricity generation that recognises the discrete nature of the adverse effects associated with the activity.	Retain as notified.	S483.087
78	Renewable Energy - REG – P8	Support, seek amendment	Top Energy supports protecting large scale renewable electricity generation activities. However, Top Energy is concerned that the use of “to the extent possible, or otherwise mitigate” reverse sensitivity effects is inconsistent with, and does not give effect to the Northland Regional Policy Statement, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that “should not result in incompatible land uses in close proximity <i>and avoids</i> the potential for reverse sensitivity” [our emphasis added].	Amend REG-P8 as follows: <i>“Require sensitive activities to be designed and located to avoid to the extent possible, or otherwise mitigate, reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities.”</i>	S483.088
79	Renewable Energy - REG – P9	Oppose	As per earlier comments, given that renewable energy resources are located throughout the district and not just within the Rural Production Zone, Top Energy notes that in some instances there will be technical, operation and functional needs for such an activity to be located outside of the Rural Production Zone.	Delete REG-P9.	S483.089

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			It is acknowledged that the opportunity for this will generally be limited due to the area of land required for such an activity, none the less Top Energy seeks that this provision be deleted.	
80	Renewable Energy - REG – P10	Support, seek amendment	While Top Energy has no problem with this policy in principle, it would be better placed as a matter under REG -P11 for consideration at resource consent stage.	Move REG-P10 to a matter for consideration as part of REG-P11.
81	Renewable Energy - REG – P11	Support, seek amendment	Top Energy considers that this policy gives useful direction for plan users but seek some amendments to provide additional direction.	Amend REG-P11 as follows (or to the same effect): <i>“Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</i> <i>1. ...</i> <i><u>12.plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas.”</u></i>
82	Renewable Energy - REG – New Policy	New policy	Method 5.4.3 of the RPS directs Council to Encourage and Provide for activities associated with investigation for the identification renewable energy sources. In the context of Top Energy’s interests,	Include a new policy as follows (or to the same effect): <i><u>“REG – PX</u></i>

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			this is of particular relevance to geothermal energy where sub surface investigation is often required to understand the availability of the resource to inform feasibility. The inclusion of such a policy also supports REG – 3 and REG – 4 which provide for investigation activities associated with hydro and wind.	<u><i>Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.</i></u>
83	REG - Notes	Seek Amendment	As noted in sub# 19 it is not clear how this Chapter interacts with Part – 3 Area Specific Matters. An additional Note is one way this clarity could be provided.	Provide clarity in the Plan around how renewable electricity generation interacts with Part – 3 Area Specific Chapters.
84	Renewable energy - REG-R1 Operation, maintenance, repair and removal of an existing renewable electricity generation activity.	Support, seek amendment	Top Energy seeks amendment to this rule, or addition of a new one to enable minor upgrades to an appropriate scale and increased power generation. As an example, in the case of geothermal, there may be a need to increase pipe size as technologies improve. Or for solar, the panels themselves may require upgrade of a slightly different footprint (but may not change the overall activity footprint) that would not otherwise be considered maintenance or repair would not be noticeable. These minor upgrades may also be required to improve power generation.	Include a new permitted activity rule as follows (or to the same effect): <u><i>'REG – RX - Upgrading or repowering existing renewable electricity generation activities</i></u> <u><i>Permitted</i></u> <u><i>Where:</i></u> <u><i>1. The upgrade or repowering does not result in an overall increase to the footprint or envelope of the renewable electricity generation activity.</i></u> <u><i>2. For wind farms, compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise.</i></u>

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S483.095

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			Enabling such upgrades as a permitted activity without triggering the need for a discretionary resource consent (as would otherwise be required pursuant to REG – R7 for large scale projects) is critical to ensuring the viability and resilience of this critical infrastructure, noting that this is consistent with how it is addressed in the Infrastructure Chapter.	
85	Renewable Energy – REG R2 – R6	Support, seek amendment	Top Energy supports the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the availability and feasibility of the resource, and should not be constrained by artificial zoning lines on a map. The Overlays will still apply, and can address any particular sensitivities in sensitive environments.	Amend these rules to apply to all zones consistently.
86	Renewable energy - REG-R7 – Large scale renewable electricity generation activity (new and upgrading)	Seek amendment	As per previous feedback provided, Top Energy considers that adverse effects associated with solar renewable electricity generation are readily understandable and therefore this activity should be enabled as a restricted discretionary activity with clear matters of discretion. This rule could be applied to specific zones only e.g. Rural Production where the Chapter encourages	Include new restricted discretionary rule as follows (or to the same effect): <u>REG – RX Large scale solar renewable electricity generation activity</u> <u>Activity status: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u>

S483.096
to S483.100

S483.101

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			renewable electricity generation activities to locate.	a. <u>adverse visual amenity effects resulting from the scale of the buildings or structures and whether landscaping can effectively manage any such effects</u> b. <u>adverse effects on the natural character of the site or surrounding area</u> c. <u>adverse noise effects on adjoining properties</u> d. <u>adverse effects on transportation network resulting from construction traffic</u> e. <u>adverse effects on adjoining properties or the wider catchment resulting from stormwater runoff</u>
87	Renewable Energy - New Rule	Seek amendment	As noted earlier, Method 5.4.3 of the RPS directs Council to 'Encourage and Provide' for activities associated with investigation for the identification renewable energy sources, this is of particular relevance for geothermal renewable electricity generation. Top Energy seeks a new rule to provide for investigation activities other than those currently provided in REG – 3 and REG – 4. Without such a rule, these activities would default to discretionary	Amend REG – R3 as follows (or to the same effect): <u>REG-RX Renewable energy generation investigation activity.</u> <u>Permitted</u> <u>Where:</u> <u>PER 1</u> <u>Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m²</u>

S483.102

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<u>PER 2</u> <u>Any building or structure can comply with the height, setback, height in relation to boundary performance standards of the underlying zone."</u>
TRANSPORT				
88	Transport Chapter – Overall	Seek amendment	The Transport Chapter is not of significant interest to Top Energy. However, it is important that recognition is made for the appropriate provision of infrastructure (e.g., electricity and telecommunications) in the transport network, in particular the roading corridor, as often this infrastructure is located within it. Rather than making detailed submissions on the chapter, Top Energy seek that this is adequately addressed across the objectives, policies and rules in this chapter.	Review the transport provisions to provide for objectives, policies and rules that enable the operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor.
89	Transport Chapter – New Objective	Seek amendment	Include a new objective to recognise and provide for the operation of operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor.	Insert a new objective in the Transport Chapter (or wording to the same effect): <u>"Recognise and provide for the operation, maintenance, repair and upgrading of other infrastructure including electricity and telecommunications infrastructure within the</u>

S487.103 to
S483.105

S487.106

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<u>transport network, in particular the roading corridor</u>
90	Transport Chapter – New Policy	Seek amendment	Include a new policy to recognise and provide for the operation of operation, maintenance, repair and upgrading the appropriate provision of infrastructure within the transport network, in particular the roading corridor by enabling these activities as a permitted activity.	Include a new policy in the Transport Chapter as follows (or wording to the same effect): <u>“Recognise and provide for other infrastructure by enabling the operation, maintenance, repair and upgrading of infrastructure in the transport network as a permitted activity”</u>
91	Transport Chapter – New Rule	Seek amendment	Include a new rule providing for the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure as a permitted activity	Include a new rule in the Transport Chapter making the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure a permitted activity.
NATURAL HAZARDS				
92	Natural Hazards – General	Support, seek amendment	Top Energy supports the creation of resilient communities, responding to and managing risk from natural hazards to ensure the health, safety and wellbeing of Northland residents, and highlights the critical contribution which connection to electricity provides in terms of enabling this. Top Energy seeks a number of amendments to provisions in this chapter to facilitate this.	Amend wording to ensure adequate enablement of electricity infrastructure as set out below.

S483.107

S483.108

S483.109

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
93	Natural hazards – NH-O3	Support, seek amendment	Top Energy supports the acknowledgement of the functional and operational need for infrastructure to be located in areas subject to natural hazards. However, Top Energy also seeks acknowledgment through an objective for the operation, maintenance, repair and upgrade requirements on existing infrastructure within hazard mapped areas to specifically acknowledge the need to provide for existing infrastructure within hazard mapped areas. Inclusion of such a policy will align with/provide a direct link to NH-P10	Include new objective as follows (or to the same effect): <u><i>“Operation, maintenance, repair and upgrade of existing infrastructure is enabled to ensure a resilient and reliable network.”</i></u>	S483.110
94	Natural hazard – NH – P10	Support, seek amendment	Top Energy supports this policy but notes that ‘minor upgrade’ is not a term defined in the Proposed Plan, and considers that this term should be removed from the policy and the threshold in the chapter relied on instead to establish what scale is deemed appropriate.	Amend NH-P10 as follows: <i>“Provide for the operation, maintenance, and minor upgrading of existing infrastructure in identified natural hazard areas.”</i>	S483.111
95	Natural hazard – NH – P11	Support, seek amendment	Top Energy supports this policy.	Retain as notified.	S483.112
96	Natural hazards – NH - Rules	Seek amendment	It is unclear to Top Energy how maintenance, repair or upgrade of infrastructure in a 1 in 10 year River Flood Hazard and it assumed that this would default to discretionary activity. For	Amend NH-R1 as indicated below to provide for maintenance, repair of upgrading of infrastructure in 1 in 10 year floods as indicated in sub# 97 below.	S483.113

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			reasons noted above, Top Energy seek that this be provided for as a permitted activity where there is not increase to footprint.	
97	Natural Hazard – NH – R1 Maintenance, Repair or upgrading of infrastructure, including structural mitigation assets		While Top Energy appreciates the risk caused by natural hazards, it is considered that PER -1 (which requires no increase in above ground footprint) is overly restrictive for the 1 in 100 year River Flood Hazard Areas and will require unnecessary resource consent applications. As currently written, the rule does not adequately 'provide for' upgrades (even to a minor degree) as is rightfully directed in NH-P10. Further, for above ground infrastructure, it is more restrictive than NH-R2 and NH-R3 (2) which relate to buildings and structures generally e.g. no enablement in acknowledgment of the importance of infrastructure.	Amend NH-R1 as follows (or the same effect): <i>"NH-R1 Maintenance repair, or upgrading of infrastructure, including structural mitigation assets</i> <i>1 in 100 Year River Flood Hazard Areas</i> <u>1 in 10 year River Flood Hazard Areas</u> <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <u>The works are located in a 1 in 10 Year River Flood hazard area</u> <i>1. There is no increase to the footprint of any above ground infrastructure; and</i> <u>2. Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path; and</u> <u>3. Ground is reinstated to the equivalent state that existed prior to the works</u> <i>PER-2</i>

S483.114

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<u>The works are located in a 1 in 100 Year River Flood hazard area</u> <u>Any works to maintain, repair or upgrade infrastructure do not result in an increase of footprint or GFA by more than 10m²; and</u> - Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path; <u>and</u> <u>Ground is reinstated to the same ground level that existed prior to the works.</u> PER—3 Ground is reinstated to the equivalent state that existed prior to the works”
98	Natural Hazard – NH-R3 New buildings or structures	Oppose, seek amendment	This rule should include a provision for new network utilities that is more enabling than PER-1, noting that infrastructure is not habitable. Top Energy seeks that all new underground structures be permitted, and that above ground infrastructure of an appropriate scale is provided for in acknowledgment of the critical importance of this infrastructure and that it is not habitable. Top Energy highlight that NH-R4 provides for structures ancillary to farming of up to 100m² in area with no height threshold	Include a new permitted rule for new infrastructure in the 1 in 100 Year Flood hazard zone as follows (or to the same effect): <u>“NH-RX New network utilities</u> <u>1 in 100 Year River Flood hazard areas</u> <u>Activity status permitted</u> <u>Where:</u> <u>PER-1</u>

S483.115

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			and seek similar enablement for new network utilities.	<u>Any building or structure associated with the new network utility is one of the following:</u> <u>1.Underground; or</u> <u>2.Has a footprint that is less than 100m²:</u> <u>PER -2</u> <u>Any building or structure associated with the new network utility is not located within or does not alter or divert an overland flow path.</u> <u>Activity status where compliance with PER -1 and PER 2 is not achieved: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>a. the effects of flood hazards on the integrity of the building or structure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</u> <u>b. the effects of the building or structure on overland flow paths and flooding on surrounding sites; and</u> <u>c. the extent to which the risk to people and property from the flood hazard is avoided or managed.”</u>

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
99	Natural Hazard – NH-R5 and NH-R6 Wildfires	Support	Top Energy supports that this rule only relates to non-habitable structures.	Retain as notified.	S483.116 & S384.117
100	Natural hazards – NH-S1	Seek amendment	The information standard is not linked in the table and located at the end of the page making it easy to miss. The standard should be linked in the second column of the rules table to make it clear that where resource consent is required, compliance must be achieved with NH-S1.	Include requirement to comply with NH-S1 where resource consent is required in the activities table.	S483.118
HAZARDOUS SUBSTANCES					
101	Hazardous Substances – Overall Approach	Oppose	Whangārei District Council has recently notified Plan Change 91 to the Whangārei District Plan which proposes to retain objectives and policies relating to hazardous substances for the consideration at resource consent stage, but deletes any rules relating to hazardous substances. Top Energy supports the WDC approach which is consistent with the 2017 RMA amendments which removed explicit function for local authorities to control the adverse effects of the storage, use, disposal, and transportation of hazardous substances.	Delete rules for hazardous substances in the PDP.	S483.119
HERITAGE OVERLAYS					

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
102	Heritage Area Overlays – General	Support, amendments seek	On review of the Notes provided in the Chapter, it appears that both the District Wide and PART – 3 Area Specific Chapters also apply, and that the more stringent rule takes precedence. Top Energy appreciates this clear direction, noting earlier submissions seeking such clarity.	Amend the Historical Heritage provisions so that they enable the appropriate provision of infrastructure (e.g., electricity and telecommunications) for the maintenance, repair and upgrading of scheduled heritage buildings in all of the Heritage Overlays as set out below.	S483.120
103	Heritage Area Overlays - HA-R5 Earthworks	Seek amendment	Top Energy seeks amendments to PER-2 and PER-3 to exempt earthworks associated with the undergrounding of cables from the volume and area thresholds. Undergrounding of cables should be encouraged in these visually sensitive environments, and the thresholds proposed in the PDP as notified will not facilitate this. Given that the earthworks themselves (as underground) will not have any visual or character impact, and the setback is required, exclusion is considered appropriate.	Amend HA-R5 PER -2 and PER-3 as follows (or to the same effect) PER-2 <u><i>1.The earthworks are associated with new underground network utilities and:</i></u> <u><i>a. are not within 20m of a scheduled Heritage Resource; and</i></u> <u><i>b. comply with standard HA-S3 Accidental Discovery Protocol.</i></u> <u><i>2. For all other earthworks:</i></u> 1.a<u><i>do not exceed 2m³ in volume over an area of 5m²</i></u> 2.b<u><i>is not within 20m of a scheduled Heritage Resource;</i></u>	S483.121

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				3-c complies with standard HA-S3 Accidental Discovery Protocol.
104	Heritage Area Overlays - HA-R6 Infrastructure And renewable electricity generation infrastructure	Seek amendment	Top Energy supports enablement of infrastructure and renewable energy generation activities, and associated buildings and structures in all Heritage Overlays but find this rule confusing as the rules in this chapter otherwise relate to buildings and structures, or earthworks, suggesting this overlay only manages effects, not activities. However R6 states 'activity' in the rule, and R-11 results in a discretionary activity status for all activities not otherwise listed in the Chapter, meaning that even residential activities would be discretionary in all Heritage Overlays. Accordingly, Top Energy seeks clarification and certainty that existing and new network utility building and structures are appropriately provided for. This would provide clear alignment with RPS direction.	- Review approach taken in Heritage Area Overlay in regards to infrastructure and renewable energy infrastructure as an 'activity'. - Include a new permitted activity rule for the maintenance, upgrade, repair of existing network utilities building and structures in all Heritage Area Overlays. - Include a new permitted activity rule for new network utilities in all Heritage Area Overlays.

S483.122

S483.123

S483.124

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
105	Heritage Area Overlays - HA-R6 Infrastructure And renewable electricity generation infrastructure	Oppose	For similar reasons to that stated above (sub#100) Top Energy seeks that this rule be deleted, or amended to exclude network utilities.	Delete HA-R6.	S483.125
HISTORIC HERITAGE					
106	Historic Heritage - General	Support, seek amendment	The historic heritage chapter is not of significant relevance to Top Energy. However, it is important that recognition is made within the chapter for the appropriate provision of infrastructure (e.g., electricity and telecommunications) for the maintenance, repair and upgrading of scheduled heritage buildings.	Review Historic Heritage provisions to enable the provision of infrastructure (e.g., electricity and telecommunications) for the maintenance, repair and upgrading of scheduled heritage buildings as a permitted.	S483.126
107	Historic Heritage -HH R6 Infrastructure and renewable electricity generation infrastructure within a site containing a Scheduled Heritage Resource	Oppose	Top Energy opposes a discretionary activity status for infrastructure related activities within a site containing a Heritage Resource. As noted earlier, ensuring electricity connection to this resource is critical to ensuring they are looked after, are functional and safe. Top Energy considers that it is better to manage the effects of activities on sensitive resources through performance standards relating to earthworks and buildings and structures. Accordingly, Top Energy seek that HH-R10 be deleted, or amended to exclude	Delete HH-6.	S483.127

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			network utilities and that HH-R4 and HH-R5 be relied on instead to manage any adverse effects associated with the built form of network utilities.	
NOTABLE TREES				
108	Notable Trees – NT-O1	Seek amendment	It is important that the protection of notable trees is balanced with enabling the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities. Top Energy considers that NT-O1 should be amended to include wording to this effect.	Amend NT-O1 as follows: <i>“Notable Trees and groups of trees which contribute to the botanical, ecological, historical, cultural or amenity value of the District are identified and protected, <u>while enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities.</u></i>
109	Notable Trees – NT-P2	Seek amendment	It is important that this policy refers to notable trees specifically, and enables safe and efficient use and operation of infrastructure or network utilities.	Enable the pruning and trimming of branches <u>on Notable Trees</u> where the works will: a. retain or improve the health of the notable tree; and b. allow the regular pruning of the notable tree; or c. will improve public safety, or prevent damage to property or infrastructure; or d. <u>Enable the safe and efficient use and operation of infrastructure or network utilities.</u>

S483.128

S483.129

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
				e. control any other maintenance works to ensure that the works will: i. maintain the health, form and shape of the tree; and ii. be supervised or undertaken by a suitably qualified and experienced arborist."	
110	Notable Trees – NT-P3	Seek amendment	Top Energy considers that this policy needs to expressly refer to infrastructure and that it should be 'or' between a and b, not 'and.'	Amend NT-P3 as follows: <i>"Only allow activity, <u>infrastructure</u> and <u>or</u> development within the root zone area of a notable tree or group of trees where:</i> a. <i>it is demonstrated that the activity, <u>infrastructure</u> and <u>or</u> development will not be detrimental to the long-term health and significance of the tree or group of trees; and <u>or</u></i> b. <i>there is a functional or operational need for the <u>activity, infrastructure or</u> development to occur within the root protection area and there are no other practical alternative locations."</i>	S483.130
111	Notable Trees – NT-P4	Support	Top Energy support this policy as proposed.	Retain this provision as notified.	S483.131
112	Notable Trees – NT-P5	Seek amendment	The wording of this policy needs to be updated to include direction on	Amend NT-P5 as follows:	S483.132

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			infrastructure for the removal of trees. In Top Energy's opinion, it is important that tree removal is provided for where it poses a serious threat to not just public safety, but also the safe and efficient use and operation of infrastructure or network utilities.	<i>"Avoid the destruction or removal of a notable tree or trees unless:</i> <i>a. there is an imminent threat to the safety of people and property, <u>or to the safe and efficient use and operation of infrastructure or network utilities</u>; or</i> <i>b. it is necessary to maintain infrastructure and pruning or relocation of the tree is not possible; or</i> <i>c. the use and enjoyment of a property and surrounds is significantly compromised or diminished; or</i> <i>d. it is dead, or is in terminal decline; and</i> <i>e. it has been assessed by a suitably qualified and experienced arborist as being suitable for destruction or removal."</i>
113	Notable Trees – NT-P6	Support	Top Energy generally support the inclusion of this policy regarding potentially relevant matters for the consideration of resource consents under this chapter.	Retain the provision as notified. S483.133
114	Notable Trees – NT-R1	Support	Top Energy supports this provision as notified.	Retain provision as notified. S483.134

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
115	Notable Trees – NT-R2	Seek amendment	Top Energy notes there are issues with the wording of this rule that need to be addressed including: - That the restriction on branch diameter to 50mm is unnecessarily restrictive, and inconsistent with other recent district plans in Northland. Top Energy considers that 200mm is a more reasonable branch diameter. Essentially, to maintain a notable tree adjacent to Top Energy assets at 50mm diameter, we would need to prune it annually, which is chargeable to FNDC (after the first trim) or FNDC need to employ someone to prune it annually. Trimming allowances need to be increased to provide for this. - Provision should be made for emergency tree works with no limit on root or branch diameter, in accordance with the definition sought by Top Energy above in the Definitions Section.	Amend NR-R2 as follows (or to the same effect): <i>“Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>The maximum branch diameter must not exceed 5200mm at severance.</i> <i>PER-2</i> <i>No more than 10% of live growth of the tree may be removed in any one calendar year.</i> <i>PER-3</i> <i>The works must be undertaken by a person that is a suitably qualified person as per NT-S1 Qualified Arborist - Level 4</i> <i>PER-4</i> <i>Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising work confirming that they have the qualifications required by NT-S1 Qualified Arborist - Level 4.</i>

S483.135

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				PER-5 <i>All trimming or alteration must retain the natural shape, form and branch habit of the tree.</i> PER-6 <i>All pruning and trimming shall adhere to the Minimum Industry Standards: MIS308- Tree Pruning, as per the Arboriculture Australia and New Zealand Arboriculture standards.</i> <u>PER-X</u> <u><i>If the pruning or trimming is required as emergency tree works, PER-1-6 above do not apply."</i></u>
116	Notable Trees – NT-R3	Support	Top Energy supports this provision as notified.	Retain provision as notified.
117	Notable Trees – NT-R4	Support, seek amendment	Top Energy supports the permitted activity status for pruning of notable trees close to existing electricity lines however considers that clauses PER-2 and PER-3 should be deleted. The works are administered by Top Energy and other parties in accordance with the regulations, and imposing a separate requirement on the qualification level of the arborist is unnecessary. Furthermore, such tree	Amend NT-R4 to delete PER-2 and PER-3.

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S483.137

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			works can be many, and requiring a notification to FNDC for these works is unnecessary and will flood FNDC with information that is ultimately not required.	
118	Notable Trees – NT-R5	Support, seek amendment	Top Energy supports this provision as notified, apart from clause PER-1 which requires the infrastructure to be greater than 1m below ground level. This is inconsistent with the 800mm for directional drilling provided for in NT-R6, and also inconsistent with the 650mm provided for in TREE-R2 of the Whangārei District Plan Notable Tree Chapter.	Amend NT-R6 as follows: <i>“Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>In the rootzone area of notable tree or groups of trees, the infrastructure:</i> <i>1. is at least 1m 650mm below ground level;</i> <i>2. is installed by hand-digging or thrusting;</i> <i>3. has an entry point that is located outside of the rootzone area.”</i>
119	Notable Trees – NT-R8	Seek amendment	Top Energy considers that provision needs to be made for the removal of a notable tree that constitutes emergency tree works in accordance with the definition sought earlier.	Amend NT-R8 as follows (or to the same effect): <i>“Removal or relocation of a notable tree</i> <u>Permitted</u> <u>Where:</u> <u>PER-1</u>

S483.138

S483.139

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<u>The removal is required as emergency tree works.</u> <u>Activity status where compliance not achieved: Discretionary"</u>
SITES AND AREAS OF SIGNIFICANCE TO MĀORI				
120	Sites of Significance to Māori – Objectives, Policies and Rules	Seek amendment	Top Energy support the acknowledgement. importance and significance of these sites to tangata whenua/mana whenua. Top Energy acknowledge that the purpose of this Chapter is to protect these sites from inappropriate subdivision and development. However, in some instances there is an operational and functional need for infrastructure to be located within areas identified as being of significance to Māori, particularly given the extent that some of these areas cover.	Include additional objectives and policies that recognises the need for the location of new infrastructure, within Sites and Areas of Significance to Māori where there is an operational and functional need and any adverse effects are adequately managed. Include additional objective and policy that provides for the operation, maintenance repair and upgrading of infrastructure within sites and areas of significance to Māori. Amend rules to allow the suitable provision of new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and upgrading of infrastructure within sites and areas of significance to Māori.
ECOSYSTEMS AND INDIGENOUS BIODIVERSITY				
121	Ecosystems and indigenous biodiversity – Objectives and policies	Seek amendment	Top Energy acknowledges that objectives and policies for infrastructure within SNAs are located within the Infrastructure Chapter but seek to ensure that	Include additional objectives and policies that recognise the need for the location of new infrastructure within areas containing indigenous biodiversity where there is an

S483.140 &
S483.141

S483.142 &
S483.143

S483.144

S483.145 &
S483.146

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			appropriate provision for operation, repair, maintenance and upgrade of electricity infrastructure (in particular) is made in the objectives and policies of this Chapter in alignment with method 4.6.3, Policies 5.1.2 and 5.1.3 given that it also relates to indigenous vegetation clearance not captured as significant.	operational and functional need, and any adverse effects are adequately managed. • Include additional objective and policy that provides for the operation, maintenance repair and upgrading of infrastructure within areas of indigenous biodiversity. S483.145 & S483.146 • Amend rules to allow the suitable provision of new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and upgrading of infrastructure within areas of indigenous biodiversity. S483.147
122	Ecosystems and indigenous biodiversity - Notes	Support	Noting the concerns raised in sub# 19, as a general comment, Top Energy supports the clear direction provided in the notes of this Chapter regarding how the chapter interacts with others.	Retain as notified, noting sub# 19. S483.148
123	Ecosystems and indigenous biodiversity - Rules	Oppose	The rules as currently proposed, reference activities 'within' and 'outside of a Significant Natural Area (SNA). However, SNA's have not been included as a mapped value in the PDP. Accordingly, for a Plan user to understand whether or not the provisions relate to indigenous biodiversity, it is assumed they will be required to obtain an ecological assessment (as is indicated in IB-R4) given that the mapping undertaken by Council is	Amend rules to remove reference to 'Significant Natural Areas' in the absence of these being mapped as part of the PDP, and enable appropriate indigenous vegetation clearance for the operation, maintenance, repair and upgrade of infrastructure. S483.149

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			no longer publicly available, and as it has not been included in the Plan will not be subject to a Schedule 1 process and cannot be relied on by Council as a statutory layer. This is not considered to be a fair or reasonable approach, and does not provide any certainty for Plan users. This is of particular concern given that these rules have been identified as having immediate 'legal effect'. Further, while it is not necessarily of concern to Top Energy, it is noted that this approach, as well as generating issues for Plan users, will create monitoring and compliance issues for Council. With the above in mind, Top Energy seeks that the reference to SNAs be removed from the rules, and that the clearance of indigenous vegetation is what is managed through these rules. Further, that adequate provision is made for upgrades to existing legally established infrastructure to enable future proofing of the infrastructure so as to meet the reasonably foreseeable needs of the community as is directed by RPS Policy 5.2.2.	
NATURAL CHARACTER				

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
124	Natural Character General	- Seek amendment	Top Energy understands that this Chapter seeks to manage the natural character associated with the margins of waterbodies (wetlands, lakes and rivers). It is unclear how this Chapter interacts with the National Environmental Standard for Freshwater Management (NES:FW) in regards to natural wetlands (including coastal wetlands), and whether consideration has been given to the potential for duplication of consenting requirements under these frameworks.	Clarify the relationship between this Chapter and the NES:FW. S483.150
125	Natural Character Objectives and policies	- Seek amendment	It is critical that operation, maintenance, repair and upgrading of the electricity distribution network is appropriately provided for to ensure the continued resilience of this lifeline service throughout the District. Top Energy seeks amendments to this chapter to make sure that this is provided for all electricity infrastructure noting the potential for overlap with NES:FW	• Include additional objectives and policies that recognise the need for the location of new infrastructure within the margins of waterbodies where there is an operational and functional need, and any adverse effects are adequately managed. S483.151 & S483.152 • Include additional objective and policy that provides for and enables the operation, maintenance, repair and upgrading of infrastructure within the margins of waterbodies. S483.151 & S483.152 • Amend rules to permit the suitable provision of new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and S483.153

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				upgrading of infrastructure within within the margins of waterbodies.
126	Natural Character – NATC - R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Seek amendment	It is unclear why PER 1 is required where buildings or structures with ONL and ONF will be managed through the Natural features and landscape chapter. As noted throughout, electricity infrastructure is a critical component to ensuring a resilient, well-connected community. Top Energy seeks the following amendments in the right hand column to better provide for this within the margins of water bodies noting sub# 124 and 125 re the potential for overlap with NES FW.	Amend NATC – R1 as follows: “PER-1 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF. PER-2 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for: 1. restoration and enhancement purposes; or 2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or 3. park management activity in the Open Space or Sport and active recreation zone; or

S483.154

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				4. <i>a post and wire fence for the purpose of protection from farm stock, <u>or</u></i> 5. <i>river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings, <u>or</u></i> 6. <i>activities related to the construction of river crossings, <u>or</u></i> 7. <i>pumphouses utilised for the drawing of water provided they cover less than 25m² in area, <u>or</u></i> 8. <i><u>maintenance, repair, operation or upgrading of network utilities where the works are permitted by the Infrastructure Chapter I-R3.</u></i>
127	Natural Character – NATC - R2 Repair or maintenance	Support	Top Energy support the enablement of repair and maintenance of network utilities within the margins of waterbodies noting sub# 124 and 125 re the potential for overlay with NES FW.	Retain as notified.
128	Natural Character – NATC - R3 Earthwork and indigenous vegetation clearance	Seek amendment	Top Energy supports NATC-R3, in particular PER 1 (1) and (2) but seeks that it be amended to provide for works associated with upgrading as sought	Amend PER 1 as follows (or to the same effect): “PER-1

S483.155

S483.156

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			through the inclusion of a new rule (see previous submission point).	<i>The earthworks or indigenous vegetation clearance within wetland, lake and river margins is:</i> <i>1.required for the repair or maintenance permitted under NATC-R2;or; <u>or</u></i> <i>2.required to provide for safe and reasonable clearance for existing overhead power lines;<u>or</u></i> <i>3.necessary to address a risk to public health and safety;<u>or</u></i> <i>4.for biosecurity reasons;<u>or</u></i> <i>5.for the sustainable non-commercial harvest of plant material for rongoā Māori;<u>or</u></i> <u>6.Required for the upgrade of network utilities where the works are permitted by the NATC-R1"</u>
NATURAL FEATURES AND LANDSCAPES				
129	Natural features and landscapes – General	Seek amendment	As noted in sub# 19 regarding How the Plan Works, it is unclear how this Chapter interacts with other District Wide Chapters. Based on the exclusion of a catch all discretionary activity status for rules not otherwise specified it is assumed that, for any activity not specified, the default activity status is permitted. As	Provide clarity around interrelationship between chapters.

S483.157

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			noted in the earlier submission, this should be clarified in the Chapter itself.	
130	Natural features and landscapes – objectives and policies	Seek amendment	Top Energy acknowledges that objectives and policies for infrastructure within the coastal environment, and natural features and landscapes, are contained within the Infrastructure Chapter, and note the comments made in this section regarding ensuring that the provision of electricity infrastructure is appropriately provided for.	See earlier submission points numbered 26-47 regarding amendments to the objectives and policies in the Infrastructure Chapter.
131	Natural features and landscapes – NFL R1 New buildings or structure, and extensions or alterations to existing buildings or structures	Oppose	No provision has been made to allow for new network utilities of an appropriate scale within these environments. Top Energy generally supports a preference to underground infrastructure where possible in ONL and ONFs, but this needs to be enabled and may require additional network utility buildings and structures (e.g., transformers and pillars) above ground to facilitate this which would otherwise comply with the 25m² and 5m height limit afforded to buildings and structures ancillary to farming. On review of the s32 analysis for the Coastal Environment, it is understood that	Amend NFL-R1 as a follows(or to the same effect): <i>“PER-1</i> <i>If a new building or structure is located outside <u>or inside</u> the coastal environment it is:</i> <i>1. ancillary to farming (excluding a residential unit) <u>or a network utility</u>;</i> <i>2. no greater than 25m2.</i> <i>PER-2</i> <i>If a new building or structure is located within the coastal environment it is:</i> <i>1. ancillary to farming (excluding a residential unit);</i>

S483.032 to
S483.054

S483.158

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			structures associated with primary production are enabled; this analysis does not expressly identify why. However, it is assumed it is because farming activities are a common fixture within this environment and that farming is a dominant primary sector industry within the District as is highlighted in the s32 Overview). Given that connection to electricity infrastructure is critical to such operations, Top Energy seeks that the same permitted activity threshold applies to network utilities. Further Top Energy notes that PER-2 thresholds duplicate that in PER-1.	2. no greater than 25m2."	
132	Natural features and landscapes - NFL – R2 Repair or maintenance	Support	Top Energy supports the repair or maintenance of network utilities as a permitted activity.	Retain as notified.	S483.159
133	Natural features and landscapes – New rule	Seek amendment	Top Energy seeks inclusion as a permitted activity for upgrades to existing electricity infrastructure that cannot comply with NFL – R1 PER (3) relating to 20% GFA and PER 4 relating to NFL-31 maximum height.	Include a new rule as follows (or to the same effect)): <u>"NFL-RX Upgrade of electricity network utilities</u> <u>Activity Status: Permitted</u>	S483.160

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			Given that these network utilities are already present on the landscape, Top Energy seeks to ensure that they can be appropriately upgraded to meet the demands of technology, and ensure continued resilient, flexible and adaptable supply throughout the District. Top Energy also notes, that given the interdependencies of Top Energy's networks, some of the lower voltage lines within these rural coastal communities meet the criteria of Regionally Significant Infrastructure. Top Energy considers that the amendments sought result in better alignment with RPS policies (5.2.2 and 5.3.2 in particular).	<u>Where:</u> <u>PER - 1</u> <u>The upgrade of electricity network utility structures or buildings:</u> <u>1. is within 5m of the existing alignment location of the original structure or building;</u> <u>2.does not increase the gross floor area by more than 30 percent in a 10-year period if it is a building;</u> <u>3.complies with the zones permitted setback standards if it is a building;</u> <u>4.does not result in pole or tower height that exceeds 25m above ground level;</u> <u>5.does not result in more than two additional poles;</u> <u>6.does not result in additional towers; and</u> <u>7.any additional cross arms do not exceed a length of more than 4m."</u>
134	Natural features and landscapes – NFL – R3 Earthworks and	Seek amendment	Top Energy supports NFL-R3 in particular PER- 1 (2) but seeks that this be extended to provide for upgrading as provided for in the new rule sought (see sub# 133).	Amend PER 1 as follows (or to the same effect): "Activity status: Permitted

S483.161

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
	indigenous vegetation clearance		Further, Top Energy suggests that PER-3 is deleted and PER-2 relied on for both inside and outside of the coastal environment noting that in both instances NFL-S3 is referenced.	<i>Where:</i> <i>PER-1</i> <i>The earthworks or indigenous vegetation clearance is:</i> <i>1.required for the repair or maintenance permitted under NFL-R2 Repair or maintenance; or</i> <i>2.required to provide for safe and reasonable clearance for existing overhead power lines; or</i> <i>3.necessary to address a risk to public health and safety; or.</i> <i>4.for biosecurity reasons; or</i> <i>5.for the sustainable non-commercial harvest of plant material for rongoā Māori; or.</i> <u>6.Required for the upgrade of network utilities where the works are permitted under NF-RX</u> <i>PER-2</i> <i>The earthworks or indigenous vegetation clearance is inside or outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</i>

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				PER 3 The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL R3 PER 1 but it complies with standard NFL S3 Earthworks or indigenous vegetation clearance to provide for earthworks and vegetation clearance associated with upgrading of infrastructure."
SUBDIVISION				
135	Subdivision – General	Seek amendment	In general, Top Energy seeks to ensure that adequate provision for electricity and telecommunications infrastructure is provided at the time of subdivision to ensure planned and coordinated development, and that existing infrastructure is protected from inappropriate development and future land use.	Amend subdivision chapter to ensure that electricity and telecommunications infrastructure is adequately provided for at the time of subdivision as sought below.
136	Subdivision – SUB – O2	Seek amendment	Top Energy seeks to ensure that existing electricity infrastructure is not compromised. As noted in the memo provided to Council dated 20 th September 2021, given the regional significance of most of the electricity infrastructure network, protection of this infrastructure	Amend the SUB – O2 as follows (or to the same effect): <i>"Subdivision provides for the:</i> <i>a. Protection of highly productive land; and</i> <i>b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding</i>

S483.162

S483.163

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
			is required to achieve alignment with the RPS and with SUB – R10 and SUB-R9.	<i>Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage; <u>and</u> c. Electricity infrastructure network.”</i>	
137	Subdivision – SUB – O3	Seek amendment	Top Energy supports the requirement for infrastructure as part of subdivision.	Retain as notified.	S483.164
138	Subdivision – SUB – New Policy	Seek amendment	A new policy is required to direct the protection of electricity infrastructure from reverse sensitivity effects generated by in appropriate subdivision and future land use to achieve alignment with the RPS and to SUB – R10 and SUB-R9.	Include a new policy as follows (or to the same effect). <u>“SUB-PX</u> <u>Ensure that subdivision and future land uses do not generate reverse sensitivity effects on electricity network by:</u> <u>ensuring suitable setbacks are achieved from all electricity infrastructure including by requiring setbacks at the time of subdivision from mapped Critical Electricity Lines.”</u>	S483.165
139	Subdivision – SUB – P11	Seek amendment	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. To	Amend SUB – P11 to include the follow additional matter of discretion: <u>“any potential for reverse sensitivity effects on electricity infrastructure”.</u>	S483.166

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			achieve this, Top Energy seeks that a further matter of consideration to be included that required consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision. This will provide a trigger for processing planners to encourage consultation with Top Energy where any subdivision is proposed where not captured by SUB – R9 & 10. While there is no overlay to trigger this, above ground infrastructure will be visible when site visits are undertaken.	
140	Subdivision – SUB R9 Subdivision of a site within the National Grid Corridor and	Support	Top Energy supports the protection of the National Grid from inappropriate development and considers that ensuring this at the time of subdivision is critical to the resilience of the wider network.	Retain as notified.
141	Subdivision - SUB R10 Subdivision within 32m of the centreline of a Critical Electricity Line	Support, seek amendment	Top Energy supports the inclusion of a provision requiring the protection of the CELS (noting earlier submissions regarding the mapped extent). However Top Energy consider that the rule needs to be amended to be effective. Where compliance with this cannot be achieved, the activity should become non-complying as is the case for SUB-R9.	Amend the wording of SUB – R10 to: <i>“SUB -R10 Subdivision of a site within 32m of the centre line of Critical Electricity Line</i> <i>Activity status: Restricted Discretionary</i> <u>Where:</u> <u>PER -1</u> <u>The proposed building platforms are identified outside of a 32m setback from the centre line of a CEL</u>

S483.167

S483.168

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<u>Activity Status where not achieved: Non complying</u>
142	Subdivision – SUB S6 Telecommunication and power supply	Support, seek amendment	Top Energy supports the requirement for connection to electricity supply at the boundary of the site area of the allotment for the zones specified, but seeks that the requirement also apply to Rural Lifestyle and Quail Ridge given it is most cost effective and efficient to provide easements at time of subdivision design and install infrastructure at time of physical site construction. It should be made expressly clear that for other Zones, an easement to facilitate future connection must be provided at the time of subdivision. Such a requirement should be included as part of this rule.	Amend SUB – S6 to include the following (or to same effect) applicable to all zones not specified in SUB – S6 <u>“Easements shall be provided to the boundary of the site area of the allotment to facilitate future connection.”</u>
COASTAL ENVIRONMENT CHAPTER				
143	Coastal Environment – General	Seek amendment	As noted in sub# 19 regarding How the Plan Works, it is unclear how this Chapter interacts with other District Wide Chapters. Based on the exclusion of a catch all discretionary activity status for	Provide clarity around interrelationship between chapters. Confirm permitted activity status for activities not otherwise specified including where the activities

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S483.170

S483.171

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			rules not otherwise specified, it appears that for any activity not specified, the default activity status is permitted. As noted in the earlier submission points, this should be clarified in the Chapter itself. Top Energy seeks a permitted activity default where not otherwise specified in clarified through notes and/or rule; and That it be clarified that this includes activities managed District Wide Chapter (e.g., Infrastructure and Renewable Electricity Generation). that for activities default to permitted activity unless otherwise specified, and that this includes .	are managed by District Wide Chapter (e.g. Infrastructure and Renewable Electricity Generation).
144	Coastal Environment – Objectives and policies	Seek amendment	Top Energy acknowledges that objectives and policies for infrastructure within the coastal environment, and natural features and landscapes, are contained within the Infrastructure Chapter, and note the comments made in this section regarding ensuring that the provision of electricity	See earlier submission points 26 - 46 regarding amendments to the objectives and policies in the Infrastructure Chapter.

**S483.032 to
S483.052**

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			infrastructure is appropriately provided for.	
145	Coastal Environment – CE R1 new buildings or structures, and extensions or alterations	Oppose	No provision has been made to allow for new network utilities of an appropriate scale within these environments. CE-R1 provides limited ability for new structures within the Coastal Environment. Of concern to Top Energy are the rules that apply to sites not located within an Urban zone; outside that zone, new buildings are limited to 25m² and only permitted where they are associated with structures that are ancillary to farming activities. No provision has been made to allow for new network utilities of an appropriate scale within this environment. Top Energy generally supports a preference to underground new customer connections in the Coastal Environment where possible, but this needs to be enabled and may require additional small scale network utility buildings and structures (e.g., transformers and pillars)	Amend CE-R1 as follows: “PER-1 <i>If a new building or structure is located in an urban zone it is:</i> <i>1.no greater than 300m².</i> <i>2.located outside high or outstanding natural character areas.</i> PER-2 <i>If a new building or structure is not located within an urban zone it is:</i> <i>1.ancillary to farming activities (excluding a residential unit) <u>or a network utility</u>.</i> <i>2.no greater than 25m².</i> <i>3.located outside outstanding natural character areas.</i> PER-3

S483.172

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			above ground to facilitate this which would otherwise comply with the 25m² and 5m height limit afforded to buildings and structures ancillary to farming. On review of the s32 analysis for the Coastal Environment chapter, it is understood that structures associated with primary production are enabled; this analysis does not expressly identify why. However, it is assumed it is because farming activities are a common fixture within this environment and that farming is a dominant primary sector industry within the District as is highlighted in the s32 Overview). Given that connection to electricity infrastructure is critical to such operations, Top Energy seeks that the same permitted activity threshold applies to network utilities.	<i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</i> PER-4 <i>The building or structure, or extension or addition to an existing building or structure, complies with standards:</i> <i>CE-S1 Maximum height.</i> <i>CE-S2 Colours and materials."</i>
146	Coastal Environment - CE – R2 Repair or maintenance	Support	Top Energy supports the repair or maintenance of network utilities as a permitted activity.	Retain as notified.

S483.173

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
147	Coastal Environment - CE New Rule	Seek amendment	Top Energy notes that most of the provisions included in the draft Plan relating to network utilities and regionally significant infrastructure have been removed, as have some provisions relating to existing power lines and other infrastructure within the coastal environment. Given that these network utilities are already present in the landscape, Top Energy seeks to ensure that they can be appropriately upgraded to meet the demands of technology, and ensure continued resilient supply to the rural coastal communities. Top Energy also notes that, given the interdependencies of Top Energy's networks, some of the lower voltage lines within these rural coastal communities meet the criteria of Regionally Significant. Currently there is no provision for minor upgrade to network utilities where compliance cannot be achieved with CE-R1 PER.3 and PER 4. Accordingly Top Energy seeks that a rule be added that specifically provides for upgrades to network utilities as a permitted activity.	Include a new rule as follows: <u><i>"CE-RX Upgrade of electricity network utilities</i></u> <u><i>Activity Status: Permitted</i></u> <u><i>Where:</i></u> <u><i>PER - 1</i></u> <u><i>The upgrade of electricity network utility structures or buildings:</i></u> <u><i>1. is within 5m of the existing alignment location of the original structure or building;</i></u> <u><i>3. does not increase the gross floor area by more than 30 percent in a 10-year period if it is a building;</i></u> <u><i>4. complies with the zones permitted setback standards if it is a building;</i></u> <u><i>5. does not result in pole or tower height that exceeds 25m above ground level;</i></u> <u><i>6. does not result in more than two additional poles;</i></u> <u><i>7. does not result in additional towers;</i></u> <u><i>8. any additional cross arms do not exceed a length of more than 4m."</i></u>	\$483.174

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			The inclusion of this rule results in better alignment with the NZCPS specifically policy 6.1.a, as well as the RPS policies 5.2.2 and 5.3.2 in particular.	
148	Coastal Environment – CE – R3 Earthworks and indigenous vegetation clearance	Seek amendment	Top Energy supports-R3 in particular PER-1 (2) but seeks that this be extended to provide for upgrades as provided for in the new rule sought (see sub# 147)	Amend PER 1 as follows (or to the same effect) to provide for earthworks and vegetation clearance associated with upgrades of infrastructure as a permitted activity. <i>PER-1</i> <i>The earthworks or indigenous vegetation clearance is:</i> <i>1.required for repair or maintenance permitted under CE-R2 Repair or Maintenance;<u>or</u></i> <i>2.required to provide for safe and reasonable clearance for existing overhead power lines;<u>or</u></i> <i>3.necessary to ensure the health and safety of the public;<u>or</u></i> <i>f.for biosecurity reasons;<u>or</u></i> <i>5.for the sustainable non-commercial harvest of plant material for rongoā Māori;<u>or</u></i> <u>6.Required for the upgrade of network utilities where the works are permitted by CE-RX”</u>
149	Coastal Environment – R11 - Maintenance repair	Support	Top Energy supports the permitted activity status for this activity where there is no	Retain as notified.

S483.175

S483.176

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
	or upgrading of infrastructure, including structural mitigation assets (in coastal hazard areas)		increase in footprint for above ground infrastructure and does not direct coastal inundation. Top Energy also supports the restricted discretionary activity status for non-compliance with this rule.	
EARTHWORKS				
150	Earthworks – General	Support	Top Energy supports the enablement provided throughout this Chapter for earthworks associated with the installation, upgrade and maintenance of infrastructure.	Retain provisions that enable earthworks associated with the installation, upgrade and maintenance of infrastructure.
151	Earthworks – EW R7 Earthworks for new infrastructure or repair and upgrades	Seek amendment	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Delete EW-S1 from EW-R7.
152	Earthworks – EW R8 Earthworks for new	Seek amendment	Top Energy notes that no particular benefit is provided by this rule when	Delete EW-S1 from EW-R8.

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Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
	infrastructure or repair and upgrades of existing infrastructure owned by network utility providers or requiring authorities.		compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volumes will otherwise be managed by Regional Council, an amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	
153	Earthworks -EW R15 110kv Transmission lines and National Grid Yard	Support	Top Energy supports the inclusion of reference to Top Energy in the wording of the rule but notes that as notified, the wording of the rule doesn't work as a non-complying activity and needs to be redrafted so that the activities identified are a permitted activity with a non-complying default, and notes potential overlap with I-R12 given it also applies to Top Energy's 110kv lines, however as currently drafted the Infrastructure Chapter only applies to network utility operators.	Review provisions relating to earthworks within proximity to Top Energy's 110kv lines.
NOISE				

S483.180

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
154	Noise – NOISE-O2	Oppose	The wording of this objective is inconsistent with the approach required in the RPS (see Policy 5.1.1, RPS) which is to “avoid” the potential for reverse sensitivity effects. The District Plan is required to give effect to the RPS and use of the word “manage” does not give effect to the “avoid” directive in the RPS.	Amend NOISE – O2 as follows: <i>“New noise sensitive activities are designed and/or located to minimise conflict <u>with (and avoid reverse sensitivity effects on) existing lawfully established noise generating activities.</u>”</i>
155	Noise – NOISE – P2	Oppose	For the same reasons as noted in sub# 154 above, Top Energy seeks amendments to this policy to achieve better alignment with the RPS.	Amend NOISE – P2 as follows, to achieve better alignment with the RPS objective 3.6 and policy 5.1.1: <i>“Ensure noise sensitive activities proposing to locate within the Mixed Use, Light Industrial and Air Noise Boundary are located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to:</i> <i>a. any existing <u>lawfully established</u> noise generating activities and the level of noise that will be received within any noise sensitive building;</i>

S483.181

S483.182

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				b. <u>the need to avoid any reverse sensitivity effects on lawfully established noise generating activities.</u> c. the primary purpose and the frequency of use of the activity; and d. the ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night.”
156	Noise – Notes - Seek amendment	Seek Amendment	Top Energy seeks to ensure that an exemption from the noise rules is provided in all zones for emergency use of generators required to ensure continued supply of electricity and that the exemption for use of generators for this purpose is not limited to operation by emergency services or lifeline utilities. Note 8 provides an exemption, but the 48 hour restriction is arbitrary and unnecessary. There is no guarantee that the requirement to utilise generators in an emergency will be less than 48 hours, and	Amend Note 8 as follows: “8. the use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities;”

S483.183

Top Energy PDP Submission

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			having to apply the rules of the Noise Chapter and potentially apply for consents in emergency is impractical and inefficient.	
ZONES				
157	Mapping	Seek Amendment	As a general comment, the range of grey colours and symbols used to identify a number of zones (e.g., Horticulture, Rural Residential, Māori Purpose, and Hospital Zone) are difficult to differentiate between.	Utilise different colours to assist with differentiating between the different zones.

S483.184

Attachment 2: Top Energy Critical Electricity Lines Provisions – Memo to FNDC dated 20 September 2021

20 September 2021

Far North District Council
C/O Jerome Wyeth 4Sight
Via email: jeromew@4sight.co.nz

Kia Ora Jerome,

Re: Far North District Plan Review – Top Energy Critical Electricity Lines Provisions

1.0 BACKGROUND

As highlighted in Top Energy Limited's (**Top Energy**) feedback on the Draft Far North District Plan dated 4 May 2021, Top Energy owns and operates the electricity lines network within the Far North District stretching from Hukerenui in the south to Te Pahi in the north with over 32,500 customers connection points. Top Energy's network distributes electricity from the National Grid which finishes at Kaikohe Substation (TE 245), as well as electricity sourced from Ngawha geothermal power station and some small-scale solar farms. The regulatory asset value of the network was recorded as being more than \$280 million as at 31 March 2020.¹

Top Energy's network is considered by the Resource Management Act 1991 (**RMA**) as a physical resource and considered by the Regional Policy Statement (**RPS**) of Northland as regionally significant infrastructure. Subsequently, Top Energy has requested acknowledgment of its status as regionally significant infrastructure as part of their feedback, and improved protection through district plan provisions akin to that applied to the that the National Grid and critical electricity lines (**CEL**) in the Whangārei District to ensure a resilient electricity network for the remainder of the Far North District.

Further to Top Energy's written feedback and a meeting with you and Far North District Council (**FNDC**) staff on 1 September 2021, this letter provides further information and justification for the request for CEL provisions in the Proposed Far North District Plan (**PDP**). It is anticipated that this information will be used within the s32 evaluation for Infrastructure to conclude whether FNDC support Top Energy's request.

¹ Top Energy 2021 Asset Management Plan

<https://topenergy.co.nz/tell-me-about/top-energy-group/publications-and-disclosures>

2.0 CONTEXT/ISSUES

The population of the Far North District is dispersed with over 60 identified 'urban areas' as well as a number of rural communities. To service these communities, Top Energy's electricity network covers an area of 6,822km² comprising:

- 64km of Transmission Lines (110kv);
- 21km of sub-transmission cables (33kv);
- 321km of sub-transmission cables (33kv);
- 2,900km of 22, 11 and 6.35kv distribution cables and lines; and
- 17 designated substations.

The dispersed nature of these communities poses a number of challenges to the reliability of the network and affordability of the infrastructure, as does the fringe location on the transmission grid network. Top Energy have invested significantly in upgrades to address these issues which have resulted in improvements to reliability over recent years. However, land use activities, and in particular establishment of buildings and vegetation within proximity to infrastructure remains a significant cause of supply unreliability. This is despite the obligations under the Electricity (Hazards from Trees) Regulations 2003 and New Zealand Code of Practice for Electrical Safe Distance Regulation which prescribe minimum setback for buildings and vegetation from power lines. For context, Top Energy's forecast for total maintenance expenditure over a 10-year period is \$62 million; 30% of that is allocated to vegetation management, with 21% allocated to service interruptions and emergencies some of which result to damage caused to lines by falling vegetation.²

With regard to land use and subdivision, the key factor in terms of impacting resilience and reliability of supply comes from impediment to access to undertake maintenance and repair of lines across the network, as well as potential reverse sensitivity issues generated by residential development within close proximity to critical lines infrastructure and substations. Top Energy have provided a record of 'Line Issues' resulting from land use, provided as **Attachment 1**. We note that this record is not complete but rather provides a snap shot of some of the issues faced by Top Energy as a result of inappropriate land use activities, and highlight that there are likely to be a number of situations that Top Energy are unaware of. Based on the record of lines issues provided and conversations with Top Energy Staff, we note the following:

- New buildings, and extensions to existing buildings within close proximity to overhead lines is the most common land use issue for Top Energy; this not only causes a risk to the network

² Top Energy 2021 Asset Management Plan.

<https://topenergy.co.nz/tell-me-about/top-energy-group/publications-and-disclosures>

during the construction phase, but long term it affects reliability of the network by restricting access for maintenance and repair.

- While not as common in occurrence, new builds over top of underground cables results in a more significant issues in terms of access for maintenance, as well as increased health and safety risk during works given that cables are not visible like overhead lines.

Top Energy have advised that in addition to the risk to network reliability and health and safety, inappropriate land uses like the above can result in legal issues and associated costs on both sides, and have in the past required the removal of buildings and relocation of infrastructure to address the risk raised.

3.0 REQUESTED APPROACH

We consider that mapping both the 110Kv as well as the 33Kv lines as in the PDP and applying corresponding setback rules to the lines and substations similar to those provided in the CEL Chapter of the Operative Whangarei District Plan (provided as **Attachment 2**) will help to address reliability issues, and improve the resilience of the network. **Attachment 3** provides a visual indication of these lines (both underground and overhead), a shapefile has also been provided. We note that these lines and Top Energy's substations meet the definition of regionally significant infrastructure, abbreviated version provided in **Figure 1** below, and full version in **Appendix 3** of the RPS:

Regionally significant infrastructure includes:
1) Energy, water, communication
(a) Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities;
(b) Key facilities required for communication (including telecommunication, broadband, wireless networks and radio);
(c) The 'national grid' as defined by the Electricity Industry Act 2010 including facilities for the transmission of electricity from the 'national grid' (such as substations, grid injection points etc.) to the 'network';
(d) Network electricity lines and associated infrastructure that constitute the sub-transmission ²⁵ network;
(e) Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised";
(f) Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local distribution network;
(g) Regional and district council water storage, trunk lines and treatment plants;
(h) Regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network including treatment devices;
(i) Marsden Point oil refinery and truck loading facility.

Figure 1 Exert of relevant criteria for regionally significant infrastructure from RPS Appendix 3.

With this context in mind, we consider that the requested approach will have the following key benefits which will outweigh any associated costs:

- It will give effect to the RPS which seeks to identify regionally significant infrastructure so that it can be protected from adverse effects including from new development, as well as ensuring that Northland's energy supplies are secure and reliable.
- Mapping CEL will provide certainty to Council and landowners as to the location of these lines. When undertaking subdivision and development, they will be clearly identifiable and the provisions will be consistently engaged with, unlike currently where ad hoc implementation of the Electricity (Hazards from Trees) Regulations 2003 and New Zealand Code of Practice for Electrical Safe Distance Regulations.
- The provisions will achieve a degree of regional consistency with the Whangārei District which provides for CEL provisions for Northpower assets. While provisions are not yet within the Kaipara District Plan, Top Energy understands that Northpower are seeking a similar approach to that in Whangārei for the Kaipara District Plan Review which is scheduled for notification in 2022 (a draft in early – mid 2022 and a proposed plan in late 2022).

4.0 OTHER RELEVANT REGULATIONS

During the meeting on 1 September 2021, questions were raised about the usefulness of the suggested approach given the management approach provided by other regulations. The below provides some commentary on relevant regulations.

4.1 ELECTRICITY (HAZARDS FROM TREES) REGULATIONS 2003

This regulation seeks to protect the security of the supply of electricity and the safety of public by specifying setbacks (Growth Limit Zones, Schedule 1), setting rules and responsibilities for trimming trees that encroach, and provides a disputes resolution framework. As has been raised earlier, this regulation does not effectively address the significant issues faced by Top Energy in terms of vegetation establishment within proximity to lines, possibly due to the lack of awareness of this legislation, the location of relevant power lines and that there is no process established to notify developers of these setback requirements or network utility providers when activities are being undertaken that may result in a non-compliance. This regulation does provide useful liability and arbitration processes for dealing with the issue once it has arisen. The provisions suggested are more restrictive than that proposed in Schedule 1 Growth Zone Limits of this regulation and as such are not considered to result in a conflict.

4.2 NEW ZEALAND CODE OF PRACTICE FOR ELECTRICAL SAFE DISTANCE REGULATIONS

Section 2 and 3 of this regulation cover the safe distance requirements for building works and excavations near overhead lines and support structures to manage the potential for damage to overhead electric lines. This regulation does not address resilience and reliability issues resulting from physical obstructions for maintenance caused by inappropriate land use, or the risk building works and excavations pose for underground cables. Similarly, while Council should consider this regulation when processing building and resource consents, in Top Energy's experience this is not effectively implemented. Mapping the 110Kv and 33Kv lines and requiring setbacks from the lines and substations through district plan provisions would help to address this to some extent. These regulations will provide the management approach to all other overhead lines in the District, and as per the Whangārei approach, we would request a note highlighting this. As above, the provisions suggested are more restrictive than those referenced in this regulation that would otherwise apply to the 110kv and 33kv lines, and as such are not considered to result in a conflict.

5.0 SUMMARY

Top Energy's local distribution network is integral infrastructure to the social and economic wellbeing of the Far North District. The proposed approach is considered an effective and efficient way to ensure the resilience of this critical electricity lines that contribute to this network over and above what is provided for through existing regulations, as well as give effect to the direction given for regionally significant infrastructure in the RPS.

Ultimately, mapping CEL in the District Plan is a key way of providing clarity to Council and landowners as to where these assets are located so that the proper consideration can be given to them at the time of subdivision and development. This is a gap in the current regime which was acknowledged and addressed in the Whangārei District. Top Energy are seeking a similar approach to avoid issues in the future.



Alice Hosted
Senior Planner



David Badham
Senior Associate/Whangarei Office
Manager

Barker & Associates Ltd

Line Consenting Issues

<i>Date</i>	<i>Address</i>	<i>Description</i>
Aug-19	Moana Ave, Paihia	Renovation under existing powerline
Mar-19	SH10, Oromahoe	Existing Low Line
Jan-20	SH10, Awanui	New Building too close to lines
Sep-18	Russell Heights Rd, Russell	Building retaining wall over lines
Jan-19	English Bay Road, Opuia	Renovation near existing powerline
Mar-18	Williams Rd, Paihia	Renovation near existing powerline
Feb-20	Old Hospital Rd, Whangaroa	New Building too close to lines
Jul-21	Pomare Rd, Russell	New Building too close to lines
Nov-18	Titoki Place, Kerikeri	Existing Low Line too close to building
Mar-16	Tapuaetahi Beach Road, Tapuaetahi	New Building close to lines
Sep-18	SH10, Cable Bay	Existing Low Line too close to building
Jan-21	Titore Way, Russell	New Building close to lines
Aug-16	Davis Crescent, Paihia	Renovation near existing powerlines
Feb-18	West Coast Road, Kohukohu	Renovation near existing powerlines
Oct-16	Waimate North Road, Waimate North	New build over cables
Feb-17	Quinces Landing, Kerikeri	New build over cables
Mar-17	Far North Rd, Houhora	New build over cables
Sep-16	Pungaere Road, Kerikeri	New build over cables
Nov-20	MacFarlane Street, Kawakawa	Erected scaffolding too close to lines
Mar-21	Otatara Marae	New Building under lines
Jul-21	Panguru Transfer Station	Container under the lines
Mar-16	Puketona Road, Kerikeri	New Building too close to lines
Sep-20	Conifer Lane, Kerikeri	New Building too close to lines
Nov-18	SH1, Awanui	New Building too close to lines
Feb-20	Pungaere Rd, Kerikeri	New Building too close to lines
Mar-20	Kapiro Rd, Kerikeri	New Building too close to lines
Feb-19	Ruaapekapeka Rd, Towai	New Building too close to lines
Nov-18	Chapel Street Russell	Erected scaffolding too close to lines
Jan-19	Rawhiti Road	House built directly under line less than 1m clearance
Nov-20	Taikirau Road, Maromaku	Roadway installed under line, breaching compliance clearances
Feb-21	Fern Flat Road	New Building directly beneath lines - too close to lines

Critical Electricity Lines (CELs) and Substations

Index

CEL.1 Critical Electricity Lines (CELs) & Substations

CEL.1.1	Description & Expectations
CEL.1.2	Permitted Activity Land Use
CEL.1.3	Restricted Discretionary Activities – Land Use
CEL.1.4	Restricted Discretionary Activities – Subdivision
CEL.1.5	Assessment Criteria
CEL.1.6	Notification

CEL.1.1 Descriptions and Expectations

NOTE: The following provisions apply district wide in addition to any other provisions in this Plan applicable to the same areas or site.

Critical Electricity Lines (CEL's) and substations are the key components of the electricity network in the Whangarei District. To provide a resilient electricity network the use and development of CEL's and substations must be sustainable, secure and efficient. CEL's and substations can be vulnerable to inappropriate subdivision or building location to the extent that they can restrict access and affect the ability to maintain the CEL's (lines, cables and support structures). Trees planted too close to lines or cables can disrupt supply.

CEL's are, or have the potential to be, critical to the quality, reliability and security of electricity supply throughout the district or region. These lines contribute to the social and economic wellbeing and health and safety of the district or region and are lines that:

- Supply essential public services such as the hospital, civil defence facilities or Lifeline sites; or
- Supply large (1MW or more) industrial or commercial electricity consumers; or
- Supply 1000 or more consumers; or
- Are difficult to replace with an alternative electricity supply if they are compromised.

The locations of CEL's and designated substations are identified in the planning maps of the District Plan.

CEL.1.2 Permitted Activity Land Use

The following activities are permitted activities:

1. Within 10m of a CEL or the designation boundary of a substation:
 - i. Any building or structure that does not require building consent; or
 - ii. Alteration of any building that does not exceed outside the envelope or footprint of the existing building; or
 - iii. Earthworks that:
 - a. Are not directly above an underground cable(s); and
 - b. Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and

Critical Electricity Lines (CELs) and Substations

- c. Are in accordance with NZECP 34:2001.
- 2. Within 20m of a CEL or the designated boundary of a substation:
 - i. Planting of trees other than shelterbelts, plantation forestry or commercial horticultural operations.
- 3. Activities described in CEL.1.2.1 and CEL.1.2.2 that do not meet the requirements for permitted activities under CEL.1.2.1 and CEL.1.2.2 provided that:

EITHER

3.1 Prior to the commencement of any works:

- i. Written notification has been provided to the Council; and
- ii. The proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010);

OR

3.2 The proposed activity is being carried out by a network utility operator or territorial authority in accordance with NZECP 34:2001.

Note:

- 1. Specified distances from CEL's are to be measured from a point directly below the centreline of the line or cluster of lines, as shown in Fig 1.



- 2. While only critical electricity lines are identified on the planning maps, works in close proximity to all electric lines can be dangerous. Compliance with NZECP 34:2001 as amended from time to time is mandatory for buildings, earthworks, and when using machinery or equipment within close proximity to any electric lines.

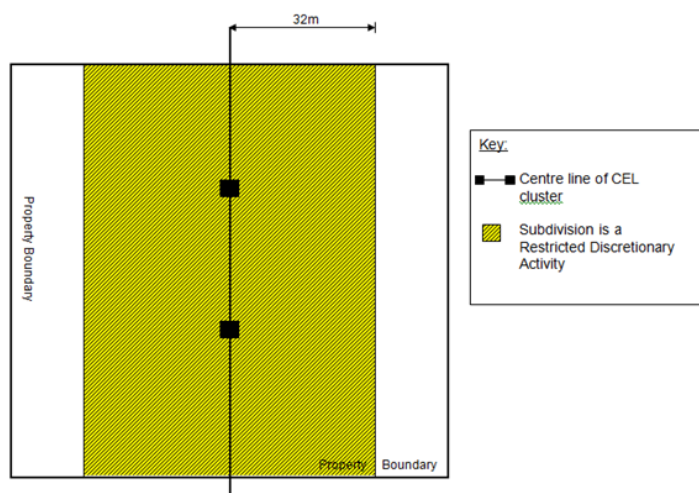
Critical Electricity Lines (CELs) and Substations

CEL.1.3 Restricted Discretionary Activities – Land Use

1. Activities described in CEL.1.2 that do not meet the requirements for permitted activities are restricted discretionary activities.

CEL.1.4 Restricted Discretionary Activities - Subdivision

1. Subdivision within 32m of the centre line of a CEL, or within 32m from the designation boundary of a substation shall be a restricted discretionary activity.



CEL.1.5 Assessment Criteria

1. When considering any restricted discretionary activity under CEL.1.3 and CEL.1.4, discretion will be restricted to:
 - i. the safe and efficient operation and maintenance of the electricity supply network, including:
 - a. The use, design and location of buildings; and
 - b. The mature size, growth rate, location, and fall zone of any associated tree planting, including landscape planting and shelterbelts; and
 - c. Compliance with NZECP 34:2001; and
 - d. Effects on public health and safety; and
 - e. Effects on access to CEL's, designated substations and associated infrastructure for maintenance purposes.

CEL.1.6 Notification

For restricted discretionary activities under CEL.1.3 and CEL.1.4 the relevant network utility operator will be considered an affected party under s 95E of the Resource Management Act, 1991.

Critical Electricity Lines (CELs) and Substations

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
12 June 2013	MD	New Chapter	Plan Change 117 – addition of new chapter to the District Plan.	Operative Date 25 June 2013 TRIM 13/44408	MM
10 May 2016	TB	Whole Chapter	Re-formatting of Chapter to ensure consistency.	Clause 20A Memo TRIM 16/55469	MM
6 March 2019	AM	Amendments throughout	Plan Changes 85 A-D, 86A, &102	Operative Date 6 March 2019	

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Approved By **Melissa McGrath (MM)**
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Top Energy - PDP Further Submission

To: Far North District Council

Re: Further Submission on Proposed Far North District Plan – Top Energy Limited

Full Name: Top Energy Attn: Taryn Collins

Phone: (09) 4070633

Address for Service: Email is the preferred contact method – Taryn Collins,
taryn.collins@topenergy.co.nz & David Badham, Barker and Associates –
davidb@barker.co.nz

Date: 4 September 2023

Further Submissions Information:

These are further submissions on the Far North District Council's (FNDC) Proposed Far North District Plan (PDP).

Top Energy Limited (**Top Energy**) has an interest greater than the interest the general public as the submission points identified within this further submission specifically affect Top Energy interests in the Far North District.

Top Energy also made an original submission on the PDP (S438).

Top Energy could not gain an advantage in trade competition through this further submission.

The specific original submission points of the PDP that Top Energy further submission relates to are attached.

Top Energy supports or opposes the specific submission points as listed in the attached document. The reasons are provided in the attached document.

The decisions that Top Energy wishes FNDC to make with respect to each submission point are also detailed in the attached document.

Top Energy wishes to be heard in support of these further submissions.

Taryn Collins

Top Energy Limited

Top Energy Specific Further Submission Points on the PDP

point #	Submitter Name	Plan Section & Provision	Oppose	Reasons	Relief Sought
General					
S432 (all submission points)	Ngāwhā Generation Limited	All	Support	Ngāwhā Generation Limited is a subsidiary of Top Energy. Top Energy supports all submission points made by Ngāwhā Generation Limited. FS369.521-565	Adopt all of the relief sought from Ngāwhā Generation Limited in its submission (S432).
S178.018	Reuben Wright	General/Plan Content/Miscellaneous	Support in Part	Top Energy agrees that the proposed referencing to Engineering Standards should be amended and the relationship between the Plan and the Engineering Standards be reviewed similar to how it is in the Whangārei District Plan, with the Standards being referred to as a matter of control or discretion or means of compliance.	Accept in Part FS369.001
S250.002	Willowridge Developments Limited	General/Plan Content/Miscellaneous	Support in Part	Top Energy supports the inclusion of policies to give effect to objectives in the Strategic Development Chapters.	Accept in Part FS369.002
S339.001	Te Aupōuri Commercial Development Ltd	General/Plan Content/Miscellaneous	Support	Top Energy agrees that the How the Plan Works Chapter should be amended to provide clear direction with respect to Overlays and provisions which prevail over underlying zones.	Accept FS369.003
S339.002	Te Aupōuri Commercial Development Ltd	General/Plan Content/Miscellaneous	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.004

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S339.016	Te Aupōuri Commercial Development Ltd	General/Plan Content/Miscellaneous	Support in Part	Top Energy supports the amendment of the Strategic Direction Chapter to provide clear direction and include policies.	Accept in Part FS369.005
S340.007	Rosemorn Industries Limited	General/Plan Content/Miscellaneous	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.006
S359.033	Northland Regional Council	General/Plan Content/Miscellaneous	Support	Top Energy agrees that the renewable energy provisions should recognise the geographical limitations associated with some forms of renewable energy. Top Energy sought amendments to REG-O3 to this effect.	Accept FS369.007
S359.034	Northland Regional Council	General/Plan Content/Miscellaneous	Support	Top Energy agrees that access to renewable energy sources should be enhanced.	Accept FS369.008
S386.001	Sarah Ballantyne and Dean Agnew	General/Plan Content/Miscellaneous	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.009
S454.001	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy agrees that definitions should be taken from the National Planning Standards.	Accept FS369.010
S454.032	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports appropriate cross-referencing between the Infrastructure Chapter and other District Wide Chapters and that provisions are consistently applied across topics.	Accept FS369.011
S454.033	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports appropriate cross-referencing between the Energy Chapter and other District Wide Chapters and that provisions are consistently applied across topics.	Accept FS369.012
S454.034	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports appropriate cross-referencing between the Transport Chapter and other District	Accept FS369.013

Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				Wide Chapters and that provisions are consistently applied across topics.	
S454.130	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Airport Zone.	Accept FS369.014
S454.131	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Carrington Estate Special Purposes Zone.	Accept FS369.015
S454.132	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Horticulture Zone.	Accept FS369.016
S454.132	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Horticulture Processing Special Purpose Zone.	Accept
S454.133	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Kauri Cliffs Special Purpose Zone.	Accept FS369.017
S454.136	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Kororareka Russell Township Zone.	Accept FS369.018
S454.137	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy supports the provision of critical infrastructure (including electricity) within the Moturoa Island Zone.	Accept FS369.019
S454.138	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy support the provision of critical infrastructure (including electricity) within the Ngāwhā Innovation and Enterprise Park Special Purpose Zone.	Accept FS369.020

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.139	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy support the provision of critical infrastructure (including electricity) within the Orongo Bay Special Purpose Zone.	Accept FS369.021
S454.140	Transpower New Zealand Limited	General/Plan Content/Miscellaneous	Support	Top Energy support the provision of critical infrastructure (including electricity) within the Quail Ridge Special Purpose Zone.	Accept FS369.022
S371.003	Bunnings Limited	General/Plan Content/Miscellaneous	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.023
S371.028	Bunnings Limited	General/Plan Content/Miscellaneous	Support in Part	Top Energy agrees that the proposed referencing to Engineering Standards should be amended and the relationship between the Plan and the Engineering Standards be reviewed similar to how it is in the Whangārei District Plan, with the Standards being referred to as a matter of control or discretion or means of compliance.	Accept in Part FS369.024
S446.040	Kapiro Conservation Trust	General Approach	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.025
S511.018	Royal Forest and Bird Protection Society of New Zealand	General Approach	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.026
S167.001	Bentzen Farm Limited	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.027

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S168.001	Setar Thirty Six Limited	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.028
S187.001	The Shooting Box Limited	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.029
S243.001	Matauri Trustee Limited	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.030
S344.003	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.031
S363.002	Foodstuffs North Island Limited	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Accept in Part FS369.032
S516.008	Ngā Tai Ora – Public Health Northland	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Support in Part FS369.033
S425.001	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust	Applications Subject to Multiple Provisions	Support in Part	Top Energy agrees that the relationship between provisions and rules in zone/district wide chapters should be clarified to improve effectiveness of the plan for plan users.	Support in Part FS369.034

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
Definitions					
S454.014	Transpower New Zealand Ltd	Definitions – Best Practical Option	Support	Top Energy also supports the retention of this definition.	Accept FS369.035
S442.027	Kapiro Conservation Trust	Definitions – Functional Need	Support	Top Energy also supports the retention of this definition.	Accept FS369.036
S454.004	Transpower New Zealand Limited	Definitions – Functional Need	Support	Top Energy also supports the retention of this definition.	Accept FS369.037
S511.007	Royal Forest and Bird Protection Society of New Zealand	Definitions – Functional Need	Support	Top Energy also supports the retention of this definition.	Accept FS369.038
S271.002	Our Kerikeri Community Charitable Trust	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.039
S416.001	KiwiRail Holdings Limited	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.040
S446.002	Kapiro Conservation Trust	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.041
S454.005	Transpower New Zealand Limited	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.042
S489.001	Radio New Zealand	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.043
S524.002	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.044
S529.067	Carbon Neutral NZ Trust	Definitions – Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.045

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.008	Transpower New Zealand Limited	Definitions – National Grid	Support	Top Energy also supports the retention of this definition.	Accept FS369.046
S159.015	Horticulture New Zealand	Definitions – National Grid Corridor	Oppose	Top Energy also supports the retention of this definition.	Reject FS369.047
S421.008	Northland Federated Farmers of New Zealand	Definitions – National Grid Corridor	Support	Top Energy also supports the retention of this definition.	Accept FS369.048
S159.016	Horticulture New Zealand	Definitions – National Grid Yard	Oppose	Top Energy opposes the submission point in relation to this definition as it supports the definition as notified.	Reject FS369.049
S421.009	Northland Federated Farmers of New Zealand	Definitions – National Grid Yard	Oppose	Top Energy opposes the submission point in relation to this definition as it supports the definition as notified.	Reject FS369.050
S454.010	Transpower New Zealand Limited	Definitions – National Grid Yard	Support	Top Energy also supports the amendment of this definition.	Accept FS369.051
S271.003	Our Kerikeri Community Charitable Trust	Definitions – Development Infrastructure	Support	Top Energy also supports the amendment of this definition.	Accept FS369.052
S446.003	Kapiro Conservation Trust	Definitions – Development Infrastructure	Support	Top Energy also supports the amendment of this definition.	Accept FS369.053
S454.018	Transpower New Zealand Limited	Definitions – Development Infrastructure	Support	Top Energy also supports the amendment of this definition.	Accept FS369.054
S524.003	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Definitions – Development Infrastructure	Support	Top Energy also supports the amendment of this definition.	Accept FS369.055

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S529.068	Carbon Neutral NZ Trust	Definitions – Development Infrastructure	Support	Top Energy also supports the amendment of this definition.	Accept FS369.056
S489.002	Radio New Zealand	Definitions – Network Utility	Support	Top Energy also supports the amendment of this definition.	Accept FS369.057
S416.004	KiwiRail Holdings Limited	Definitions – Network Utility Operator	Support	Top Energy also supports the amendment of this definition.	Accept FS369.058
S454.044	Transpower New Zealand Limited	Definitions – Network Utility Operator	Support	Top Energy also supports the amendment of this definition.	Accept FS369.059
S331.006	Ministry of Education Te Tāhuhu o Te Mātauranga	Definitions – Operational Need	Oppose in part	Top Energy considers that a new definition of operational need is required.	Reject in part FS369.060
S416.006	KiwiRail Holdings Limited	Definitions – Operational Need	Oppose in part	Top Energy considers that a new definition of operational need is required.	Reject in part FS369.061
S442.030	Kapiro Conservation Trust	Definitions – Operational Need	Oppose in part	Top Energy considers that a new definition of operational need is required.	Reject in part FS369.062
S454.006	Transpower New Zealand Limited	Definitions – Operational Need	Oppose in part	Top Energy considers that a new definition of operational need is required.	Reject in part FS369.063
S511.010	Royal Forest and Bird Protection Society of New Zealand	Definitions – Operational Need	Oppose in part	Top Energy considers that a new definition of operational need is required.	Reject in part FS369.064
S512.006	Fire and Emergency New Zealand	Definitions – Operational Need	Oppose in part	Top Energy considers that a new definition of operational need is required.	Reject in part FS369.065

Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S158.004	Ara Poutama Aotearoa the Department of Corrections	Definitions – Regionally Significant Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.066
S416.007	KiwiRail Holdings Limited	Definitions – Regionally Significant Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.067
S454.007	Transpower New Zealand Ltd	Definitions – Regionally Significant Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.068
S489.005	Radio New Zealand	Definitions – Regionally Significant Infrastructure	Support	Top Energy also supports the retention of this definition.	Accept FS369.069
S442.034	Kapiro Conservation Trust	Definitions – Renewable Electricity Generation Activities	Oppose	Top Energy opposes the submission point in relation to this definition as it supports the definition as notified.	Reject FS369.071
S511.014	Royal Forest and Bird Protection Society of New Zealand	Definitions – Renewable Electricity Generation Activities	Oppose	Top Energy opposes the submission point in relation to this definition as it supports the definition as notified.	Reject FS369.072
S454.020	Transpower New Zealand Ltd	Definitions – Substation	Oppose in Part	Top Energy supports amendment to the definition to remove the equipment rating.	Reject in part FS369.073
S159.033	Horticulture New Zealand	Definitions – Critical Electricity Lines	Support in Part	Top Energy supports the inclusion of mapping and provisions with respect to Critical Electricity Lines.	Accept in part FS369.074
S159.034	Horticulture New Zealand	Definitions – Electricity Distribution Lines	Support in Part	Top Energy supports provision for electricity distribution lines including clear definition.	Accept in part FS369.075

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S250.001	Willowridge Developments Limited	Definitions – New Definition	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.076
S344.004	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	Definitions – New Definition	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.077
S363.004	Foodstuffs North Island Limited	Definitions – New Definition	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.078
S371.006	Bunnings Limited	Definitions – New Definition	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.079
S385.001	McDonalds Restaurants NZ Limited	Definitions – New Definition	Support	Top Energy agrees that nesting tables in the definitions chapter will provide certainty and clarity for plan users.	Accept FS369.080
S421.040	Northland Federated Farmers of New Zealand	Definitions – Critical Electricity Lines	Support in Part	Top Energy support the inclusion of mapping and provisions with respect to Critical Electricity Lines.	Accept in part FS369.081
S421.042	Northland Federated Farmers of New Zealand	Definitions – Critical Electricity Lines	Support in Part	Top Energy support the inclusion of mapping and provisions with respect to Critical Electricity Lines.	Accept in part FS369.082
S582.001	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark	Definitions – Root Zone Area	Support in Part	Top Energy support the refinement of the definition to remove reference to an Australian Standard.	Accept in part ?????

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Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
	Limited, Vodafone New Zealand				
S454.017	Transpower New Zealand Limited	Definitions – Emergency Service	Support in Part	Top Energy support the provision for the National Grid in this definition.	Accept in part FS369.083
S512.001	Fire and Emergency New Zealand	Definitions – Emergency Service	Support in Part	Top Energy support the provision for the National Grid in this definition.	Accept in part FS369.084
Strategic Direction					
S425.006	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust	Economic and Social Wellbeing	Support in part	Top Energy seek to ensure that the plan provisions provide for and enable regionally significant infrastructure.	Accept in part FS369.085
S356.006	Waka Kotahi NZ Transport Agency	Urban Form and Development – SD-UFD-O2	Support	Top Energy seek to retain this objective as notified.	Accept FS369.086
S463.005	Waiaua Bay Farm Limited	Urban Form and Development – SD-UFD-O2	Oppose	Top Energy opposes the amendments sought in this submission point as it seeks to retain this objective as notified.	Reject FS369.087
S512.009	Fire and Emergency New Zealand	Urban Form and Development – SD-UFD-O2	Support	Top Energy's submission also seeks to retain this objective as notified.	Accept FS369.088
S516.019	Ngā Tai Ora – Public Health Northland	Urban Form and Development – SD-UFD-O2	Support	Top Energy's submission also seeks to retain this objective as notified.	Accept FS369.089

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S561.015	Kāinga Ora Homes and Communities	Urban Form and Development – SD-UFD-O2	Support	Top Energy’s submission also seeks to retain this objective as notified.	Accept FS369.090
S331.009	Ministry of Education Te Tāhuhu o Te Mātauranga	Urban Form and Development – SD-UFD-O3	Oppose	Top Energy opposes the amendments sought in this submission point as it seeks to retain this objective as notified.	Reject FS369.091
S356.007	Waka Kotahi NZ Transport Agency	Urban Form and Development – SD-UFD-O3	Oppose	Top Energy opposes the amendments sought in this submission point as it seeks to retain this objective as notified.	Reject FS369.092
S512.010	Fire and Emergency New Zealand	Urban Form and Development – SD-UFD-O3	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.093
S561.016	Kāinga Ora Homes and Communities	Urban Form and Development – SD-UFD-O3	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.094
S160.009	Manulife Forest Management (NZ) Ltd	Infrastructure and Electricity – SD-IE-O1	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.095
S331.010	Ministry of Education Te Tāhuhu o Te Mātauranga	Infrastructure and Electricity – SD-IE-O1	Support in part	Top Energy sought to retain this objective as notified but do not have any particular concern with this objective being expanded to include “additional infrastructure” such as educational facilities. However, it is concerned about the potential issues this will create in terms of interpretation given the existing definition of “infrastructure.”	Accept in part FS369.096
S356.010	Waka Kotahi NZ Transport Agency	Infrastructure and Electricity – SD-IE-O1	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.097

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S489.009	Radio New Zealand	Infrastructure and Electricity – SD-IE-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.098
S159.028	Horticulture New Zealand	Infrastructure and Electricity – SD-IE-O2	Oppose	Top Energy seeks to retain this objective as notified, noting that it supports the amendments sought by KiwiRail (see S416.010 below) and Radio New Zealand (S489.010) below.	Reject FS369.099
S356.011	Waka Kotahi NZ Transport Agency	Infrastructure and Electricity – SD-IE-O2	Support in part	Top Energy seeks to retain this objective as notified, noting that it supports the amendments sought by KiwiRail (see S416.010 below) and Radio New Zealand (S489.010) below.	Accept in part FS369.100
S416.010	KiwiRail Holdings Limited	Infrastructure and Electricity – SD-IE-O2	Support in part	Top Energy supports the addition of “repair” to this objective, noting that Top Energy also supports further amendments outlined by Radio New Zealand (S489.010) below.	Accept in part FS369.101
S421.016	Northland Federated Farmers of New Zealand	Infrastructure and Electricity – SD-IE-O2	Oppose	Top Energy opposes the amendments sought in this submission point as it seeks to retain this objective as notified, noting that it supports the amendment sought by KiwiRail (see S416.010 above) and Radio New Zealand (S489.010) below. The requested amendments from Northland Federated Farmers dilute the strength of this objective, and make it inconsistent with the direction that must be given effect to in higher order planning documents such as the Northland Regional Policy Statement (RPS).	Reject FS369.102
S489.010	Radio New Zealand	Infrastructure and Electricity – SD-IE-O2	Support in part	Top Energy supports the additions to this objective which make specific reference to “regionally significant infrastructure” and “avoiding reverse sensitivity effects.” This is more consistent with the direction in the RPS.	Accept in part FS369.103

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.031	Transpower New Zealand Limited	Rural Environment – SD-RE-O2	Support	Top Energy supports the amendment to allow for infrastructure.	Accept FS369.104
Infrastructure					
S454.035	Transpower New Zealand Limited	Infrastructure Overview	Support	Top Energy supports the recognition of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and that National Grid or electricity distribution lines must comply with the Electricity (Hazards from Trees) Regulations 2003.	Accept FS369.105
S442.057	Kapiro Conservation Trust	Infrastructure Objectives	Support in part	Top Energy supports provision for Regionally Significant Infrastructure.	Accept in part FS369.106
S511.037	Royal Forest and Bird Protection Society of New Zealand	Infrastructure Objectives	Support in part	Top Energy supports provision for Regionally Significant Infrastructure.	Accept in part FS369.107
S165.005	Arvida Group Limited	Infrastructure – I-O1	Support in part	Top Energy supports provision of infrastructure in a timely manner.	Accept in part FS369.108
S331.012	Ministry of Education Te Tāhuhu o Te Mātauranga	Infrastructure – I-O1	Oppose	Top Energy sought to retain this objective as notified but do not have any particular concern with this objective being expanded to include “additional infrastructure” such as educational facilities. However, it is concerned about the potential issues this will create in terms of interpretation given the existing definition of “infrastructure.”	Reject FS369.109
S416.011	KiwiRail Holdings Limited	Infrastructure – I-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.110

Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.020	Northland Federated Farmers of New Zealand	Infrastructure – I-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.111
S454.036	Transpower New Zealand Limited	Infrastructure – I-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.112
S463.011	Waiaua Bay Farm Limited	Infrastructure – I-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.113
S489.011	Radio New Zealand	Infrastructure – I-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.114
S561.019	Kāinga Ora Homes and Communities	Infrastructure – I-O1	Support	Top Energy seek to retain this objective as notified.	Accept FS369.115
S158.007	Ara Poutama Aotearoa the Department of Corrections	Infrastructure – I-O2	Oppose in part	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter.	Reject in part FS369.116
S165.006	Arvida Group Limited	Infrastructure – I-O2	Oppose in part	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter.	Reject in part FS369.117
S331.013	Ministry of Education Te Tāhuhu o Te Mātauranga	Infrastructure – I-O2	Oppose	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter. Top Energy do not have any particular concern with this objective being expanded to include "additional infrastructure" such as educational facilities. However, it is concerned about the potential issues this will create in terms of interpretation given the existing definition of "infrastructure."	Reject FS369.118

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S416.012	KiwiRail Holdings Limited	Infrastructure – I-02	Oppose in part	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter.	Reject in part FS369.119
S421.021	Northland Federated Farmers of New Zealand	Infrastructure – I-02	Oppose in part	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter.	Reject in part FS369.120
S454.037	Transpower New Zealand Ltd	Infrastructure – I-02	Oppose in part	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter.	Reject in part FS369.121
S489.012	Radio New Zealand	Infrastructure – I-02	Oppose in part	Top Energy's submission seeks to amend this objective to capture the full range of benefits in alignment with the Strategic Direction Chapter.	Reject in part FS369.122
S159.031	Horticulture New Zealand	Infrastructure – I-03	Oppose in part	Top Energy seeks to amend this objective to include repair.	Reject in part FS369.123
S416.013	KiwiRail Holdings Limited	Infrastructure – I-03	Oppose in part	Top Energy seeks to amend this objective to include repair.	Reject in part FS369.124
S421.024	Northland Federated Farmers of New Zealand	Infrastructure – I-03	Oppose in part	Top Energy seeks to amend this objective to include repair.	Reject in part FS369.125
S454.038	Transpower New Zealand Ltd	Infrastructure – I-03	Oppose in part	Top Energy seeks to amend this objective to include repair.	Reject in part FS369.126
S489.013	Radio New Zealand	Infrastructure – I-03	Oppose in part	Top Energy seeks to amend this objective to include repair.	Reject in part FS369.127
S394.013	Haititaimarangai Marae Kaitiaki Trust	Infrastructure – I-04	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need of infrastructure to locate in these areas.	Reject in part FS369.128

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.025	Northland Federated Farmers of New Zealand	Infrastructure – I-04	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need of infrastructure to locate in these areas.	Reject in part FS369.129
S442.059	Kapiro Conservation Trust	Infrastructure – I-04	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need of infrastructure to locate in these areas.	Reject in part FS369.130
S454.039	Transpower New Zealand Ltd	Infrastructure – I-04	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need to locate in these areas.	Reject in part FS369.131
S463.012	Waiaua Bay Farm Limited	Infrastructure – I-04	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need to locate in these areas.	Reject in part FS369.132
S511.039	Royal Forest and Bird Protection Society of New Zealand	Infrastructure – I-04	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need to locate in these areas.	Reject in part FS369.133
S138.005	Kairos Connection Trust and Habitat for Humanity Northern Region Ltd	Infrastructure – I-05	Oppose	Top Energy seeks to retain this objective as notified, and does not support the amendments sought by this submission.	Reject FS369.134
S421.022	Northland Federated Farmers of New Zealand	Infrastructure – I-05	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.135
S454.022	Transpower New Zealand Ltd	Infrastructure – I-05	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.136
S421.022	Northland Federated Farmers of New Zealand	Infrastructure – I-06	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need to locate in these areas.	Reject in part FS369.137

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.041	Transpower New Zealand Ltd	Infrastructure – I-06	Support in part	Top Energy seeks to amend this objective to recognise the operational and functional need to locate in these areas.	Accept in part FS369.138
S561.016	Kāinga Ora Homes and Communities	Infrastructure – I-06	Oppose in part	Top Energy seeks to amend this objective to recognise the operational and functional need to locate in these areas.	Reject in part FS369.139
S442.058	Kapiro Conservation Trust	Infrastructure Policies –	Support in part	Top Energy seeks appropriate provision and enablement of Regionally Significant Infrastructure.	Accept in part FS369.140
S454.044	Transpower New Zealand Ltd	Infrastructure Policies –	Support in part	Top Energy supports specific provisions to give effect to NPSET.	Accept in part FS369.141
S454.050	Transpower New Zealand Ltd	Infrastructure Policies –	Support in part	Top Energy supports specific provisions to give effect to NPSET.	Accept in part FS369.142
S454.050	Transpower New Zealand Ltd	Infrastructure Policies (New) –	Support in part	Top Energy supports specific provisions to give effect to NZECP 34:2001.	Accept in part ???
S511.038	Royal Forest and Bird Protection Society of New Zealand	Infrastructure Policies –	Support in part	Top Energy seeks appropriate provision and enablement of Regionally Significant Infrastructure.	Accept in part FS369.143
S511.042	Royal Forest and Bird Protection Society of New Zealand	Infrastructure – Policies	Support in part	Top Energy seeks appropriate provision and enablement of Regionally Significant Infrastructure.	Accept in part FS369.144
S511.043	Royal Forest and Bird Protection Society of New Zealand	Infrastructure – Policies	Support in part	Top Energy seek appropriate provision and enablement of Regionally Significant Infrastructure.	Accept in part FS369.145

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S512.013	Fire and Emergency New Zealand	Infrastructure Policies –	Support in part	Top Energy seeks amendments to the policies.	Accept in part FS369.146
S282.02	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-P1	Support in part	Top Energy seeks to amend this policy to include ‘repair’.	Accept in part FS369.147
S165.007	Arvida Group Limited	Infrastructure –I-P1	Support in part	Top Energy seeks to amend this policy to include ‘repair’.	Accept in part FS369.148
S331.014	Ministry of Education Te Tāhuhu o Te Mātauranga	Infrastructure –I-P1	Oppose	Top Energy seeks to amend this policy to include ‘repair’. Top Energy do not have any particular concern with this objective being expanded to include “additional infrastructure” such as educational facilities. However, it is concerned about the potential issues this will create in terms of interpretation given the existing definition of “infrastructure.”	Oppose FS369.149
S356.021	Waka Kotahi NZ Transport Agency	Infrastructure –I-P1	Support in part	Top Energy seeks to amend this policy to include ‘repair’.	Accept in part FS369.150
S416.014	KiwiRail Holdings Limited	Infrastructure –I-P1	Support	Top Energy also seeks to amend this policy to include ‘repair’.	Accept FS369.151
S421.026	Northland Federated Farmers of New Zealand	Infrastructure –I-P1	Support in part	Top Energy seek to amend this policy to include ‘repair’.	Accept in part FS369.152
S454.042	Transpower New Zealand Ltd	Infrastructure –I-P1	Support in part	Top Energy seek to amend this policy to include ‘repair’.	Accept in part FS369.153

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
489.014	Radio New Zealand	Infrastructure –I-P1	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.154
S356.022	Waka Kotahi NZ Transport Agency	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.155
S356.030	Waka Kotahi NZ Transport Agency	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.156
S364.023	Director -General of Conservation (Department of Conservation)	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.157
S394.014	Haititaimarangai Marae Kaitiaki Trust	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.158
S399.026	Te Hiku Iwi Development Trust	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.159
S416.015	KiwiRail Holdings Limited	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.160
S421.027	Northland Federated Farmers of New Zealand	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.161
S442.060	Kapiro Conservation Trust	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.162
S454.043	Transpower New Zealand Ltd	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.163
S463.013	Waiaua Bay Farm Limited	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.164
S511.040	Royal Forest and Bird Protection	Infrastructure –I-P2	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.165

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
	Society of New Zealand				
S282.16	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.166
S356.031	Waka Kotahi NZ Transport Agency	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.167
S364.024	Director -General of Conservation (Department of Conservation)	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.168
S399.027	Te Hiku Iwi Development Trust	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.169
S416.016	KiwiRail Holdings Limited	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.170
S421.028	Northland Federated Farmers of New Zealand	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.171
S442.061	Kapiro Conservation Trust	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.172
S442.062	Kapiro Conservation Trust	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.173
S454.045	Transpower New Zealand Ltd	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include 'repair'.	Accept in part FS369.174

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S463.014	Waiaua Bay Farm Limited	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include ‘repair’.	Accept in part FS369.175
489.015	Radio New Zealand	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include ‘repair’.	Accept in part FS369.176
S511.040	Royal Forest and Bird Protection Society of New Zealand	Infrastructure –I-P3	Support in part	Top Energy seek to amend this policy to include ‘repair’.	Accept in part FS369.177
S282.021	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.178
S331.014	Ministry of Education Te Tāhuhu o Te Mātauranga	Infrastructure –I-P4	Oppose	Top Energy sought to retain this policy as notified but do not have any particular concern with this policy being expanded to include “additional infrastructure” such as educational facilities. However, it is concerned about the potential issues this will create in terms of interpretation given the existing definition of “infrastructure.”	Reject FS369.179
S356.023	Waka Kotahi NZ Transport Agency	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.180
S416.017	KiwiRail Holdings Limited	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.181

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.029	Northland Federated Farmers of New Zealand	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.182
S454.046	Transpower New Zealand Ltd	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.183
S463.015	Waiaua Bay Farm Limited	Infrastructure –I-P4	Oppose	Top Energy opposes the amendments proposed as it seeks to retain this policy as notified.	Reject FS369.184
489.015	Radio New Zealand	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.185
S138.006	Kairos Connection Trust and Habitat for Humanity Northern Region Ltd	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.186
S511.040	Royal Forest and Bird Protection Society of New Zealand	Infrastructure –I-P4	Support	Top Energy seek to retain this policy as notified.	Accept FS369.187
S282.022	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-P5	Support	Top Energy seek to retain this policy as notified.	Accept FS369.188
S331.016	Ministry of Education Te Tāhuhu o Te Mātauranga	Infrastructure –I-P5	Support in part	Top Energy seek to retain this policy as notified.	Accept in part FS369.189

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S356.024	Waka Kotahi NZ Transport Agency	Infrastructure –I-P5	Support	Top Energy seek to retain this policy as notified.	Accept FS369.190
S421.030	Northland Federated Farmers of New Zealand	Infrastructure –I-P5	Support	Top Energy seek to retain this policy as notified.	Accept FS369.191
S454.047	Transpower New Zealand Ltd	Infrastructure –I-P5	Support in part	Top Energy sought to retain this policy as notified, however it supports the changes sought by Transpower (see S454.048).	Accept FS369.192
S561.021	Kāinga Ora Homes and Communities	Infrastructure –I-P5	Support in part	Top Energy sought to retain this policy as notified, however it supports the changes sought by Transpower (see S454.048).	Accept FS369.193
S356.025	Waka Kotahi NZ Transport Agency	Infrastructure –I-P6	Support in part	Top Energy sought to retain this policy as notified, however it supports the changes sought by Transpower (see S454.048).	Accept FS369.194
S399.028	Te Hiku Iwi Development Trust	Infrastructure –I-P6	Oppose	Top Energy sought to retain this policy as notified, however it supports the changes sought by Transpower (see S454.048).	Reject FS369.195
S421.031	Northland Federated Farmers of New Zealand	Infrastructure –I-P6	Support in part	Top Energy sought to retain this policy as notified, however it supports the changes sought by Transpower (see S454.048).	Accept FS369.196
S454.048	Transpower New Zealand Ltd	Infrastructure –I-P6	Support	Top Energy support the changes sought by Transpower	Accept FS369.197
S282.023	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited,	Infrastructure –I-P7	Support in part	Top Energy seeks to amend this policy to clearly differentiate between national, regional and local infrastructure and to provide for Critical Electricity Mapping.	Accept in part FS369.198

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
	Vodafone New Zealand				
S356.026	Waka Kotahi NZ Transport Agency	Infrastructure –I-P7	Support in part	Top Energy seeks to amend this policy to clearly differentiate between national, regional and local infrastructure and to provide for Critical Electricity Mapping.	Accept in part FS369.199
S416.018	KiwiRail Holdings Limited	Infrastructure –I-P7	Support in part	Top Energy seeks to amend this policy to clearly differentiate between national, regional and local infrastructure and to provide for Critical Electricity Mapping.	Accept in part FS369.200
S421.039	Northland Federated Farmers of New Zealand	Infrastructure –I-P7	Support in part	Top Energy seeks to amend this policy to clearly differentiate between national, regional and local infrastructure and to provide for Critical Electricity Mapping.	Accept in part FS369.201
S454.049	Transpower New Zealand Ltd	Infrastructure –I-P7	Support in part	Top Energy seeks to amend this policy to clearly differentiate between national, regional and local infrastructure and to provide for Critical Electricity Mapping.	Accept in part FS369.202
489.015	Radio New Zealand	Infrastructure –I-P7	Support in part	Top Energy seeks to amend this policy to clearly differentiate between national, regional and local infrastructure and to provide for Critical Electricity Mapping.	Accept in part FS369.203
S282.024	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.204

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S356.027	Waka Kotahi NZ Transport Agency	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.205
S416.019	KiwiRail Holdings Limited	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.206
S421.032	Northland Federated Farmers of New Zealand	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.207
S454.051	Transpower New Zealand Ltd	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.208
489.018	Radio New Zealand	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.209
S561.021	Kāinga Ora Homes and Communities	Infrastructure –I-P8	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.210
S356.028	Waka Kotahi NZ Transport Agency	Infrastructure –I-P9	Support in part	Top Energy seeks to amend this policy to take into account the operational and functional needs of infrastructure.	Accept in part FS369.211
S421.033	Northland Federated Farmers of New Zealand	Infrastructure –I-P9	Support in part	Top Energy seeks to amend this policy to take into account the operational and functional needs of infrastructure.	Accept in part FS369.212
S421.034	Northland Federated Farmers of New Zealand	Infrastructure –I-P10	Support in part	Top Energy sought to retain this policy as notified, but support Transpower's requested amendments outlined in S454.053 below.	Accept in part FS369.213
S454.053	Transpower New Zealand Ltd	Infrastructure –I-P10	Support	Top Energy sought to retain this policy as notified, but support Transpower's requested amendments outlined in this submission point.	Accept FS369.214
S399.029	Te Hiku Iwi Development Trust	Infrastructure –I-P11	Oppose	Top Energy seeks to amend this policy to 'manage' new infrastructure to support the development of Māori land.	Reject FS369.215

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.035	Northland Federated Farmers of New Zealand	Infrastructure –I-P11	Oppose	Top Energy seeks to amend this policy to ‘manage’ new infrastructure to support the development of Māori land.	Reject FS369.216
S454.054	Transpower New Zealand Ltd	Infrastructure –I-P11	Support in part	Top Energy seeks to amend this policy to ‘manage’ new infrastructure to support the development of Māori land. Top Energy supports the proposed amendments recognising a functional or operational need for the infrastructure to be located there.	Accept in part FS369.217
S282.025	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-P12	Support in part	Top Energy seeks to amend this policy to recognise “and provide” for the benefits of new technology.	Accept in part FS369.218
S356.029	Waka Kotahi NZ Transport Agency	Infrastructure –I-P12	Support in part	Top Energy seeks to amend this policy to recognise “and provide” for the benefits of new technology.	Accept in part FS369.219
S416.020	KiwiRail Holdings Limited	Infrastructure –I-P12	Support in part	Top Energy seeks to amend this policy to recognise “and provide” for the benefits of new technology.	Accept in part FS369.220
S421.036	Northland Federated Farmers of New Zealand	Infrastructure –I-P12	Support in part	Top Energy seeks to amend this policy to recognise “and provide” for the benefits of new technology.	Accept in part FS369.221
S454.055	Transpower New Zealand Ltd	Infrastructure –I-P12	Support in part	Top Energy seeks to amend this policy to recognise “and provide” for the benefits of new technology.	Accept in part FS369.222
S356.027	Waka Kotahi NZ Transport Agency	Infrastructure –I-P13	Support in part	Top Energy seeks to amend this policy to apply the NZ standards for radiofrequency fields. and provide for offsetting or compensation.	Accept in part FS369.223

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.037	Northland Federated Farmers of New Zealand	Infrastructure –I-P13	Support in part	Top Energy seeks to amend this policy to apply the NZ standards for radiofrequency fields and provide for offsetting or compensation.	Accept in part FS369.224
S431.169	John Andrew Riddell	Infrastructure –I-P13	Oppose	Top Energy considers that the policies can be applied in the round without inserting cross references.	Reject FS369.225
S442.064	Kapiro Conservation Trust	Infrastructure –I-P13	Oppose	Top Energy considers that the policies can be applied in the round without inserting cross references.	Reject FS369.226
S454.051	Transpower New Zealand Ltd	Infrastructure –I-P13	Support in part	Top Energy seeks to amend this policy to apply the NZ standards for radiofrequency fields and provide for offsetting or compensation.	Accept in part FS369.227
S463.016	Waiaua Bay Farm Limited	Infrastructure –I-P13	Support in part	Top Energy seeks to amend this policy to apply the NZ standards for radiofrequency fields and provide for offsetting or compensation.	Accept in part FS369.228
489.019	Radio New Zealand	Infrastructure –I-P13	Support in part	Top Energy seeks to amend this policy to apply the NZ standards for radiofrequency fields and provide for offsetting or compensating. Top Energy supports the recognition of the constraints of operational and functional needs.	Accept in part FS369.229
S511.040	Royal Forest and Bird Protection Society of New Zealand	Infrastructure –I-P13	Support in part	Top Energy considers that the policies can be applied in the round without inserting references.	Accept in part FS369.230
S356.033	Waka Kotahi NZ Transport Agency	Infrastructure –I-P14	Oppose	Top Energy seeks to retain this policy as notified.	Reject FS369.231

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.038	Northland Federated Farmers of New Zealand	Infrastructure –I-P14	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.232
S454.055	Transpower New Zealand Ltd	Infrastructure –I-P14	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.233
S463.017	Waiaua Bay Farm Limited	Infrastructure –I-P14	Oppose	Top Energy seeks to retain this policy as notified.	Reject FS369.234
489.020	Radio New Zealand	Infrastructure –I-P14	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.235
S454.103	Transpower New Zealand Ltd	Infrastructure - Rules	Support in part	Top Energy acknowledges the importance of enabling the establishment of Transmission Lines and the National Grid. Top Energy sought to amend R15 to include Rural Lifestyle Zone.	Accept in part FS369.236
S511.046	Royal Forest and Bird Protection Society of New Zealand	Infrastructure Notes	Oppose in part	Top Energy considers that clarity is needed between District Wide Matters and Overlays in particular, the Infrastructure Notes should: - Specify that the Infrastructure chapter supersedes/takes precedence over Part 3 – Area Specific Matters. - Specify that overlays only manage infrastructure buildings and structures. - Specify that that the activities in the Infrastructure Chapter are permitted in the overlays except where more stringent building and structure controls apply (subject to amendments sought in the overlays).	Reject in part FS369.237
S416.021	KiwiRail Holdings Limited	Infrastructure –I-R1	Support	Top Energy seeks to retain this rule as notified.	Accept FS369.238

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.059	Transpower New Zealand Ltd	Infrastructure –I-R1	Support	Top Energy seek to retain this rule as notified.	Accept FS369.239
S356.027	Waka Kotahi NZ Transport Agency	Infrastructure –I-R1	Support	Top Energy seek to retain this rule as notified.	Accept FS369.240
489.021	Radio New Zealand	Infrastructure –I-R1	Support	Top Energy seek to retain this rule as notified.	Accept FS369.241
S416.022	KiwiRail Holdings Limited	Infrastructure –I-R2	Support	Top Energy seek to retain this rule as notified.	Accept FS369.242
S454.060	Transpower New Zealand Ltd	Infrastructure –I-R2	Support	Top Energy seek to retain this rule as notified.	Accept FS369.243
S416.023	KiwiRail Holdings Limited	Infrastructure –I-R3	Support in part	Top Energy seeks to amend the rule to provide for upgrading as a permitted activity.	Accept in part FS369.244
S454.061	Transpower New Zealand Ltd	Infrastructure –I-R3	Support in part	Top Energy seeks to amend the rule to provide for upgrading as a permitted activity.	Accept in part FS369.245
489.022	Radio New Zealand	Infrastructure –I-R3	Support in part	Top Energy seeks to amend the rule to provide for upgrading as a permitted activity.	Accept in part FS369.246
S282.005	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand	Infrastructure –I-R5	Support in part	Top Energy seeks to amend the rule to include Ngāwhā Innovation and Enterprise Park and Rural Settlement Zone, seeking a restricted discretionary activity status, including above ground level.	Accept in part FS369.247
S454.062	Transpower New Zealand Ltd	Infrastructure –I-R6	Support in part	Top Energy seeks to amend the rule default to discretionary activity.	Accept in part FS369.248
S282.006	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark	Infrastructure –I-R7	Support in part	Top Energy seeks to amend the rule to include Ngāwhā Innovation and Enterprise Park and Rural	Accept in part FS369.249

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
	TowerCo Limited, Vodafone New Zealand			Settlement Zone, seeking a restricted discretionary activity status, including above ground level.	
S454.063	Transpower New Zealand Ltd	Infrastructure –I-R7	Support in part	Top Energy seeks to amend the rule to include Ngāwhā Innovation and Enterprise Park and Rural Settlement Zone, seeking a restricted discretionary activity status, including above ground level.	Accept in part FS369.250
S454.064	Transpower New Zealand Ltd	Infrastructure –I-R10	Support in part	Top Energy supports the provision of infrastructure within the Heavy and Light Industry Zones. However, it seeks to ensure that substations within buildings in all zones are permitted.	Accept in part FS369.252
S421.041	Northland Federated Farmers of New Zealand	Infrastructure –I-R11	Support in part	Top Energy considers that Transpower are best placed to comment on provisions relating to the National Grid and support the protection of these assets.	Accept in part FS369.253
S454.065	Transpower New Zealand Ltd	Infrastructure –I-R11	Support	Top Energy consider that Transpower are best placed to comment on provisions relating to the National Grid and support the protection of these assets.	Accept FS369.254
159.036	Horticulture New Zealand	Infrastructure –I-R12	Oppose in part	Top Energy seeks to exempt works within the CEL when undertaken by the utility provider.	Reject in part FS369.255
159.037	Horticulture New Zealand	Infrastructure –I-R13	Oppose in part	Top Energy seeks to amend the rule to apply to all plan users and cross reference the Electricity (Hazard from Trees) Regulations 2003.	Reject in part FS369.256
S421.043	Northland Federated Farmers of New Zealand	Infrastructure –I-R13	Oppose in part	Top Energy seeks to amend the rule to apply to all plan users and cross reference the Electricity (Hazard from Trees) Regulations 2003.	Reject in part FS369.257

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S431.114	John Andrew Riddell	Infrastructure –I-R14	Oppose	Top Energy considers that non-complying activity is an onerous default in the context of Policy 6 of the New Zealand Coastal Policy Statement.	Reject FS369.258
S454.065	Transpower New Zealand Ltd	Infrastructure –I-R15	Support	Top Energy considers that Transpower are best placed to comment with respect to the National Grid. Top Energy seek to exclude the Rural Lifestyle, Ngāwhā Innovation Zone and Rural Settlement Zones to be consistent.	Accept FS369.259
489.023	Radio New Zealand	Infrastructure –I-R15	Support in part	Top Energy seeks to exclude the Rural Lifestyle, Ngāwhā Innovation Zone and Rural Settlement Zones to be consistent.	Accept in part FS369.260
489.023	Radio New Zealand	Infrastructure –I-S1	Oppose in part	Top Energy seeks to amend the standard to default to a discretionary activity status.	Reject in part FS369.261
Renewable Electricity Generation					
S394.015	Haititaimaran gai Marae Kaitiaki Trust	Renewable Electricity Generation – REG-O1	Oppose	Top Energy supports this objective as notified.	Reject FS369.262
S421.043	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-O1	Support	Top Energy supports this objective as notified.	Accept FS369.263
S421.043	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-O2	Oppose	It is unclear whether this objective seeks to direct minimum requirements or to recognise the benefits of renewable energy. Top Energy considers that this objective should be deleted or amended.	Reject FS369.264
S399.030	Te Hiku Iwi Development Trust	Renewable Electricity Generation – REG-O2	Oppose	It is unclear whether this objective seeks to direct minimum requirements or to recognise the benefits of renewable energy. Top Energy considers that this objective should be deleted or amended.	Reject FS369.265

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S421.048	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-O3	Oppose	Top Energy seeks amendment to this objective and considers that the proposed wording is unclear whether adverse effects on values should be avoided or minimised. Managing adverse effects is more aligned with the Regional Policy Statement (Policy 5.3.3) noting that renewable energy generation is considered regionally significant infrastructure.	Reject FS369.266
S442.066	Kapiro Conservation Trust	Renewable Electricity Generation – REG-O3	Oppose	Top Energy seeks amendment to this objective and considers that the proposed wording is unclear whether adverse effects on values should be avoided or minimised. Managing adverse effects is more aligned with the Regional Policy Statement (Policy 5.3.3) noting that renewable energy generation is considered regionally significant infrastructure.	Reject FS369.267
S511.047	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – REG-O3	Oppose	Top Energy seeks amendment to this objective and considers that the proposed wording is unclear whether adverse effects on values should be avoided or minimised. Managing adverse effects is more aligned with the Regional Policy Statement (Policy 5.3.3) noting that renewable energy generation is considered regionally significant infrastructure.	Reject FS369.268
159.039	Horticulture New Zealand	Renewable Electricity Generation – REG-O4	Support in part	Top Energy seeks to amend this objective to provide for “repair” and “maintenance.”	Accept in part FS369.269
S331.006	Ministry of Education Te	Renewable Electricity Generation – REG-O4	Support in part	Top Energy seeks to amend this objective to provide for “repair” and “maintenance.”	Accept in part FS369.270

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
	Tāhuhu o Te Mātauranga				
S421.047	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-O4	Support in part	Top Energy seeks to amend this objective to provide for “repair” and “maintenance.”	Accept in part FS369.271
S394.016	Haititaimarangai Marae Kaitiaki Trust	Renewable Electricity Generation – REG-P1	Oppose	Top Energy seeks to retain this policy as notified. The amendment sought is inconsistent with the national direction and weakens the wording of this objective.	Reject FS369.272
S421.049	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-P1	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.273
S421.050	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-P2	Support in part	Top Energy seeks to amend this policy.	Accept in part FS369.274
S368.030	Far North District Council	Renewable Electricity Generation – REG-P4	Oppose	Top Energy seeks to remove clause (g) as it is not a benefit and does not fit in this policy.	Reject FS369.275
S399.031	Te Hiku Iwi Development Trust	Renewable Electricity Generation – REG-P4	Oppose	Top Energy seek to remove clause (g) as it is not a benefit and does not fit in this policy.	Reject FS369.276
S421.052	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-P4	Support in part	Top Energy seek to amend this policy.	Accept in part FS369.277
S364.025	Director -General of Conservation (Department of Conservation)	Renewable Electricity Generation – REG-P5	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.278

Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S394.017	Haititaimarangai Marae Kaitiaki Trust	Renewable Electricity Generation – REG-P5	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.279
S399.032	Te Hiku Iwi Development Trust	Renewable Electricity Generation – REG-P5	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.280
S421.053	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-P5	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.281
S442.067	Kapiro Conservation Trust	Renewable Electricity Generation – REG-P5	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.282
S511.048	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – REG-P5	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.283
S364.026	Director -General of Conservation (Department of Conservation)	Renewable Electricity Generation – REG-P6	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional	Reject in part FS369.284

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				amendments to better align this policy with the NPS - REG and the RPS.	
S399.033	Te Hiku Iwi Development Trust	Renewable Electricity Generation – REG-P6	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.285
S421.054	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-P6	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.286
S442.067	Kapiro Conservation Trust	Renewable Electricity Generation – REG-P6	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.288
S511.049	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – REG-P6	Oppose in part	Top Energy seeks to amend this policy to provide more balance in terms of the avoidance directive in this policy. Top Energy seeks additional amendments to better align this policy with the NPS - REG and the RPS.	Reject in part FS369.289
S421.055	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-P7	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.290
S331.019	Ministry of Education Te Tāhuhu o Te Mātauranga	Renewable Electricity Generation – REG-P8	Oppose in part	Top Energy supports protecting large scale renewable electricity generation activities. However, Top Energy is concerned that the use of “...to the extent possible, or otherwise mitigate...” is	Reject in part FS369.291

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				inconsistent with, and does not give effect to the Northland Regional Policy Statement, and in particular Policy 5.1.1(2).	
S421.056	Northland Federated Farmers of New Zealand	Renewable Electricity Generation –REG-P8	Oppose in part	Top Energy supports protecting large scale renewable electricity generation activities. However, Top Energy is concerned that the use of “...to the extent possible, or otherwise mitigate...” is inconsistent with, and does not give effect to the Northland Regional Policy Statement, and in particular Policy 5.1.1(2).	Reject in part FS369.292
159.040	Horticulture New Zealand	Renewable Electricity Generation –REG-P9	Oppose	Top Energy seeks to delete this policy noting that renewable energy is not just located within the rural production zone.	Reject FS369.293
S421.057	Northland Federated Farmers of New Zealand	Renewable Electricity Generation –REG-P9	Oppose	Top Energy seeks to delete this policy noting that renewable energy is not just located within the rural production zone.	Reject FS369.294
S421.058	Northland Federated Farmers of New Zealand	Renewable Electricity Generation –REG-P10	Oppose	Top Energy seeks to delete this policy and insert it as a matter for consideration as part of REG-P11.	Reject FS369.295
S399.034	Te Hiku Iwi Development Trust	Renewable Electricity Generation –REG-P10	Oppose	Top Energy seeks to delete REG-P10 policy and insert it as a matter for consideration as part of REG-P11.	Reject FS369.296
S442.069	Kapiro Conservation Trust	Renewable Electricity Generation – Notes	Support in part	Top Energy seeks to amend the notes to clarify how renewable energy is to be treated within area specific chapters.	Accept in part FS369.297
S511.050	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – Notes	Support in part	Top Energy seeks to amend the notes to clarify how renewable energy is to be treated within area specific chapters.	Accept in part FS369.298

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S368.031	Far North District Council	Renewable Electricity Generation – REG-R2	Support in part	Top Energy seeks to amend REG-R2 to apply to all zones consistently.	Accept in part FS369.299
S421.061	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-R2	Support in part	Top Energy seeks to amend REG-R2 to apply to all zones consistently.	Accept in part FS369.300
S421.063	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-R3	Support in part	Top Energy seeks to amend REG-R3 to apply to all zones consistently.	Accept in part FS369.301
S511.051	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – REG-R3	Oppose	Top Energy considers that the relief sought is inconsistent with the NPS-IB and overly restrictive.	Reject FS369.302
S442.070	Kapiro Conservation Trust	Renewable Electricity Generation – REG-R3	Oppose	Top Energy considers that the relief sought is inconsistent with the NPS-IB and overly restrictive.	Reject FS369.303
S511.052	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – REG-R4	Oppose	Top Energy considers that the relief sought is inconsistent with the NPS-IB and overly restrictive.	Reject FS369.304
S442.071	Kapiro Conservation Trust	Renewable Electricity Generation – REG-R4	Oppose	Top Energy considers that the relief sought is inconsistent with the NPS-IB and is overly restrictive.	Reject FS369.305
S368.015	Far North District Council	Renewable Electricity Generation – REG-R5	Support in part	Top Energy supports correction of the spelling error.	Accept FS369.306
S421.062	Northland Federated Farmers of New Zealand	Renewable Electricity Generation – REG-R5	Support in part	Top Energy seeks to amend REG-R5 to apply to all zones consistently.	Accept in part FS369.307

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S442.072	Kapiro Conservation Trust	Renewable Electricity Generation – REG-R5	Oppose	Top Energy considers that relief sought is inconsistent with the NPS-IB and is overly restrictive.	Reject FS369.308
S511.053	Royal Forest and Bird Protection Society of New Zealand	Renewable Electricity Generation – REG-R5	Oppose	Top Energy considers that relief sought is inconsistent with the NPS-IB and is overly restrictive.	Reject FS369.309
S368.016	Far North District Council	Renewable Electricity Generation – REG-R5	Support in part	Top Energy supports correction of the spelling error.	Accept FS369.310
S163.015	Julianne Sally Bainbridge	Renewable Electricity Generation – REG-R7	Oppose	Top Energy supports the provision of renewable electricity generation within the rural environment, and considers that its proposed new restricted discretionary rule affords appropriate management of potential effects.	Reject FS369.311
Natural Hazards					
S356.044	Waka Kotahi NZ Transport Agency	Natural Hazards – NH-O3	Support in part	Top Energy supports the retention of this objective and seeks the inclusion of a new objective to provide for existing infrastructure.	Accept in part FS369.312
S416.030	KiwiRail Holdings Limited	Natural Hazards – NH-O3	Support in part	Top Energy supports the retention of this objective and seeks the inclusion of a new objective to provide for existing infrastructure.	Accept in part FS369.313
S421.067	Northland Federated Farmers of New Zealand	Natural Hazards – NH-O3	Support in part	Top Energy supports the retention of this objective and seeks the inclusion of a new objective to provide for existing infrastructure.	Accept in part FS369.314
S454.071	Transpower New Zealand Ltd	Natural Hazards – NH-O3	Support in part	Top Energy supports the retention of this objective and seeks the inclusion of a new objective to provide for existing infrastructure.	Accept in part FS369.315

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S561.031	Kāinga Ora Homes and Communities	Natural Hazards – NH-O3	Support in part	Top Energy supports the retention of this objective and seeks the inclusion of a new objective to provide for existing infrastructure.	Accept in part FS369.316
S331.033	Ministry of Education Te Tāhuhu o Te Mātauranga	Natural Hazards – NH-P2	Support in part	Top Energy supports the provision for the functional and operational need of infrastructure.	Accept in part FS369.317
S356.045	Waka Kotahi NZ Transport Agency	Natural Hazards – NH-P10	Support in part	Top Energy seeks to amend the policy to remove the limitation of “minor” upgrading.	Accept in part FS369.318
S561.039	Kāinga Ora Homes and Communities	Natural Hazards – NH-P10	Support in part	Top Energy seeks to amend the policy to remove the limitation of “minor” upgrading.	Accept in part FS369.319
S356.046	Waka Kotahi NZ Transport Agency	Natural Hazards – NH-P11	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.320
S454.072	Transpower New Zealand Ltd	Natural Hazards – NH-P11	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.321
S561.040	Kāinga Ora Homes and Communities	Natural Hazards – NH-P11	Support	Top Energy seeks to retain this policy as notified.	Accept FS369.322
S356.048	Waka Kotahi NZ Transport Agency	Natural Hazards – NH-R1	Support in part	Top Energy seeks amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas.	Accept in part FS369.323
S421.069	Northland Federated Farmers of New Zealand	Natural Hazards – NH-R1	Support in part	Top Energy seeks amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas.	Accept in part FS369.324
S454.073	Transpower New Zealand Ltd	Natural Hazards – NH-R1	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas.	Accept in part FS369.325

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S335.026	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.326
S342.008	Waipapa Pine Limited and Adrian Broughton Trust	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.327
S357.023	Sean Frieling	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.328
S358.023	Sean Frieling	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.329
S421.071	Northland Federated Farmers of New Zealand	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.330
S464.029	LJ King Ltd	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.331
S472.023	Micheal Foy	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.332

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S485.028	Elbury Holdings	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.333
S519.028	Elbury Holdings	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS69.334
S541.025	Elbury Holdings	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.335
S543.027	LJ King Ltd	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.336
S547.027	LJ King Ltd	Natural Hazards – NH-R3	Support in part	Top Energy seek amendments to this rule as it is overly restrictive for the 1 in 100 year River Flood Hazard Areas to provide for above ground infrastructure as a permitted activity.	Accept in part FS369.337
S479.010	Tracy and Kenneth Dalton	Natural Hazards – NH-R5	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.338
S484.002	James Phillips	Natural Hazards – NH-R5	Oppose	Top Energy seek to retain this rule as notified.	Reject FS369.339
S502.043	Northland Planning and Development 2020 Limited	Natural Hazards – NH-R5	Support in part	Top Energy seek to retain this rule as notified.	Accept in part FS369.340

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S512.022	Fire and Emergency New Zealand	Natural Hazards – NH-R5	Support in part	Top Energy seek to retain this rule as notified.	Accept in part FS369.341
Hazardous Substances					
S454.075	Transpower Zealand Ltd	Hazardous Substances – Rules	Support in part	Top Energy seeks to delete rules for hazardous substances in the PDP. However, should the rules remain Top Energy supports the provision for hazardous facilities associated with the National Grid and Electricity Suppliers.	Accept in part FS369.342
S454.076	Transpower Zealand Ltd	Hazardous Substances – Rules	Support in part	Top Energy seeks to delete rules for hazardous substances in the PDP. However, should the rules remain Top Energy supports the provision for hazardous facilities associated with the National Grid and Electricity Suppliers.	Accept in part FS369.343
Notable Trees					
S356.054	Waka Kotahi NZ Transport Agency	Notable Trees – NT-O1	Support in part	Top Energy seeks to amend this objective to enable the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities.	Accept in part FS369.344
S454.079	Transpower Zealand Ltd	Notable Trees – NT-P2	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.345
S331.040	Ministry of Education Te Tāhuhu o Te Mātauranga	Notable Trees – NT-P3	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.346

Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.080	Transpower New Zealand Ltd	Notable Trees – NT-P3	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.347
S454.081	Transpower New Zealand Ltd	Notable Trees – NT-P4	Support	Top Energy seeks to retain this policy as notified.	Accept in part FS369.348
S356.055	Waka Kotahi NZ Transport Agency	Notable Trees – NT-P5	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.349
S390.064	Te Runanga o Ngai Takoto Trus	Notable Trees – NT-P5	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.350
S486.078	Te Rūnanga o Whaingaroa	Notable Trees – NT-P5	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.351
S498.065	Te Rūnanga Ā Iwi O Ngapuhi	Notable Trees – NT-P5	Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Accept in part FS369.352
S399.055	Te Hiku Iwi Development Trust	Notable Trees – NT-P6	Support	Top Energy seeks to retain this policy as notified.	Accept in part FS369.353
S421.069	Northland Federated Farmers of New Zealand	Notable Trees – NT-R1	Oppose in part	Top Energy seeks to retain this rule as notified.	Reject in part FS369.354
S502.045	Northland Planning and Development 2020 Limited	Notable Trees – NT-R1	Oppose in part	Top Energy seeks to retain this rule as notified.	Reject in part FS369.355
S503.029	Waitangi Limited	Notable Trees – NT-R1	Oppose in part	Top Energy seeks to retain this rule as notified.	Reject in part FS369.356

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Sub point #	Submitter Name		Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
Sites and Areas of Significance to Māori						
S454.082	Transpower Zealand Ltd	New	Sites and Areas of Significance to Māori - policies	Support	Top Energy also seeks to provide for the operational and functional need for infrastructure to be located within these areas.	Accept FS369.357
Ecosystems and Indigenous Biodiversity						
S454.083	Transpower Zealand Ltd	New	Ecosystems and Indigenous Biodiversity – IB-P2	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.358
S454.084	Transpower Zealand Ltd	New	Ecosystems and Indigenous Biodiversity – IB-P3	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.359
S454.085	Transpower Zealand Ltd	New	Ecosystems and Indigenous Biodiversity – IB-P5	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.360
S454.086	Transpower Zealand Ltd	New	Ecosystems and Indigenous Biodiversity – IB-P10	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.361
S454.087	Transpower Zealand Ltd	New	Ecosystems and Indigenous Biodiversity – IB-R1	Support	Top Energy supports the inclusion of provisions which provide for vegetation clearance to ensure the safe and efficient operation of infrastructure.	Accept FS369.362
Natural Character						
S454.087	Transpower Zealand Ltd	New	Natural Character – NATC-O2	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.363
S454.089	Transpower Zealand Ltd	New	Natural Character – NATC-P4	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.364

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S159.059	Horticulture New Zealand Limited	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.365
S167.028	Bentzen Farm Limited	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.366
S243.042	Matauri Trustee Limited	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.367
S243.046	Matauri Trustee Limited	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.368
S364.092	Director -General of Conservation (Department of Conservation)	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.369
S421.149	Northland Federated Farmers of New Zealand	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.370
S436.037	Northland Fish and Game Council	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.371
S511.076	Royal Forest and Bird Protection Society of New Zealand	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.372

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S442.095	Kapiro Conservation Trust	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.373
S512.027	Fire and Emergency New Zealand	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.374
S526.016	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.375
S529.140	Carbon Neutral NZ Trust	Natural Character – NATC-R3	Support in part	Top Energy supports rule NATC-R3 and seeks amendment to provide for works associated with upgrading of infrastructure.	Accept in part FS369.376
Natural Features and Landscapes					
S454.090	Transpower Zealand Ltd	New Natural Features and Landscapes – NFL-O2	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.377
S454.091	Transpower Zealand Ltd	New Natural Features and Landscape – NFL-P2	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.378
S454.092	Transpower Zealand Ltd	New Natural Features and Landscape – NFL-P3	Support	Top Energy supports the amendment to give effect to the NPSET.	Accept FS369.379
S46.002	David King	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.380
S67.007	Michael John Winch	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.566

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S167.040	Bentzen Farm Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.381
S168.043	Setar Thirty Six Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.382
S187.035	The Shooting Box Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.383
S222.043	Wendover Two Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.384
S243.058	Matauri Trustee Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.385
S277.016	Alec Jack	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.386
S333.035	PS Yates Family Trust	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.387
S421.156	Northland Federated Farmers of New Zealand	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.388
S454.093	Transpower New Zealand Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.389

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S490.003	Owen Burn	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.390
S491.003	Eric Kloet	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.391
S492.003	Ironwood Trust Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.392
S493.004	William Goodfellow	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.393
S494.004	Ian Jepson	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.394
S495.003	Ricky Faesen Kloet	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.396
S495.006	Ricky Faesen Kloet	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.395
S496.003	Phillip Thornton	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.401
S497.013	Mark John Wyborn	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.402

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S502.038	Northland Planning and Development 2020 Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.403
S503.020	Waitangi Limited	Natural Features and Landscape – NFL-R1	Support in part	Top Energy seeks to amend this rule to provide for underground infrastructure and additional network utility buildings and structures.	Accept in part FS369.404
S277.017	Alec Jack	Natural Features and Landscape – NFL-R2	Support	Top Energy seeks to retain this rule as notified.	Accept FS369.405
S333.035	PS Yates Family Trust	Natural Features and Landscape – NFL-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.406
S421.157	Northland Federated Farmers of New Zealand	Natural Features and Landscape – NFL-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.407
S502.039	Northland Planning and Development 2020 Limited	Natural Features and Landscape – NFL-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.408
S503.021	Waitangi Limited	Natural Features and Landscape – NFL-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.564
Subdivision					
S331.049	Ministry of Education Te Tāhuhu o Te Mātauranga	Subdivision Objectives –	Support in part	Top Energy supports the intent to enable growth and development that is supported by infrastructure.	Accept in part FS369.409
S356.076	Waka Kotahi NZ Transport Agency	Subdivision Objectives –	Support in part	Top Energy supports the intent to enable growth and development that is supported by infrastructure.	Accept in part FS369.410

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S512.028	Fire and Emergency New Zealand	Subdivision Objectives –	Oppose	Top Energy supports the retention of SUB-O3 as notified.	Oppose FS369.411
S179.091	Russell Protection Society (INC)	Subdivision – SUB-O2	Oppose	Top Energy seeks to amend this objective to ensure that existing electricity infrastructure is not compromised. Given the regional significance of most of the electricity infrastructure network, protection of this infrastructure is required to achieve alignment with the RPS and with SUB – R10 and SUB-R9.	Reject FS369.412
S349.010	Neil Construction Limited	Subdivision – SUB-O2	Oppose in part	Top Energy seeks to amend this objective to ensure that existing electricity infrastructure is not compromised. Given the regional significance of most of the electricity infrastructure network, protection of this infrastructure is required to achieve alignment with the RPS and with SUB – R10 and SUB-R9.	Reject in part FS369.413
S356.073	Waka Kotahi NZ Transport Agency	Subdivision – SUB-O2	Oppose in part	Top Energy seeks to amend this objective to ensure that existing electricity infrastructure is not compromised. Given the regional significance of most of the electricity infrastructure network, protection of this infrastructure is required to achieve alignment with the RPS and with SUB – R10 and SUB-R9.	Reject in part FS369.414
S421.008	Northland Federated Farmers of New Zealand	Subdivision – SUB-O2	Oppose in part	Top Energy seeks to amend this objective to ensure that existing electricity infrastructure is not compromised. Given the regional significance of most of the electricity infrastructure network, protection of this infrastructure is required to	Reject in part FS369.415

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				achieve alignment with the RPS and with SUB – R10 and SUB-R9.	
S138.007	Kairos Connection Trust and Habitat for Humanity Northern Region Ltd	Subdivision – SUB-03	Oppose	Top Energy seeks to retain this objective as notified.	Reject FS369.416
S172.004	Terra Group	Subdivision – SUB-03	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.417
S179.092	Russell Protection Society (INC)	Subdivision – SUB-03	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.418
S271.021	Our Kerikeri Community Charitable Trust	Subdivision – SUB-03	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.419
S356.074	Waka Kotahi NZ Transport Agency	Subdivision – SUB-03	Oppose	Top Energy seeks to retain this objective as notified.	Reject FS369.420
S421.173	Northland Federated Farmers of New Zealand	Subdivision – SUB-03	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.421
S425.043	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust	Subdivision – SUB-03	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.422
S446.0232	Kapiro Conservation Trust	Subdivision – SUB-03	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.423

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S522.034	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Subdivision – SUB-O3	Oppose	Top Energy seeks to retain this objective as notified.	Reject FS369.424
S524.021	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Subdivision – SUB-O3	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.425
S529.011	Carbon Neutral NZ Trust	Subdivision – SUB-O3	Oppose	Top Energy seeks to retain this objective as notified.	Reject FS369.426
S529.086	Carbon Neutral NZ Trust	Subdivision – SUB-O3	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.427
S554.008	Kiwi Fresh Orange Company Limited	Subdivision – SUB-O3	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.428
S561.045	Kāinga Ora Homes and Communities	Subdivision – SUB-O3	Support	Top Energy seeks to retain this objective as notified.	Accept FS369.429
S55.017	New Zealand Pork Industry	Subdivision – SUB-P11	Support in part	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Accept in part FS369.430
S159.069	Horticulture New Zealand	Subdivision – SUB-P11	Support in part	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV	Accept in part FS369.431

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require that consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	
S167.054	Bentzen Farm Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Reject FS369.432
S168.055	Setar Thirty Six Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Reject FS369.433
S179.105	Russell Protection Society (INC)	Subdivision – SUB-P11	Oppose in part	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV	Reject in part FS369.434

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	
S187.047	The Shooting Box Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Reject FS369.435
S243.072	Matauri Trustee Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Reject FS369.436
S333.047	PS Yates Family Trust	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV	Reject FS369.437

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				line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	
S349.013	Neil Construction Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Reject FS369.438
S454.094	Transpower New Zealand Ltd	Subdivision – SUB-P11	Support in part	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Accept in part FS369.439
S483.166	Waiaua Bay Farm Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV	Reject FS369.440

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				line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	
S517.002	Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Subdivision – SUB-P11	Oppose	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Reject FS369.441
S119.001	Lynley Newport	Subdivision – SUB-R1	Oppose	Top Energy considers that it is important that electrical services are provided to all allotments, noting that servicing to a boundary provides flexibility for the boundary adjustment rule.	Reject FS369.442
S191.001	Thomson Survey Ltd	Subdivision – SUB-R1	Oppose	Top Energy considers that it is important that electrical services are provided to all allotments, noting that servicing to a boundary provides flexibility for the boundary adjustment rule.	Reject FS369.443
S368.034	Far North District Council	Subdivision – SUB-R9	Support	Top Energy supports the amendment of a spelling error.	Accept FS369.444
S454.095	Transpower New Zealand Limited	Subdivision – SUB-R9	Support	Top Energy supports the amendments to improve clarity for the plan user.	Accept FS369.445

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S119.001	Lynley Newport	Subdivision – SUB-S6	Oppose	Top Energy considers that it is important that electrical services are provided to all allotments, noting that servicing to a boundary provides flexibility for the boundary adjustment rule. Alternative methods can be assessed via a consent.	Reject FS369.446
Coastal Environment					
S454.096	Transpower New Zealand Limited	Coastal Environment - Objectives	Support	Top Energy supports the new objective referencing the functional or operational need for infrastructure to locate in the coastal environment.	Accept FS369.447
S454.099	Transpower New Zealand Limited	Coastal Environment – Policies	Support	Top Energy supports the new objective referencing the functional or operational need for infrastructure to locate in the coastal environment.	Accept FS369.448
S454.097	Transpower New Zealand Limited	Coastal Environment – CE-P2	Support	Top Energy supports amendments to give effect to the NPSET.	Accept FS369.449
S454.098	Transpower New Zealand Limited	Coastal Environment – CE-P3	Support	Top Energy supports amendments to give effect to the NPSET.	Accept FS369.450
S159.075	Horticulture New Zealand	Coastal Environment– CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.451
S167.076	Bentzen Farm Limited	Coastal Environment– CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.452
S168.075	Setar Thirty Six Limited	Coastal Environment– CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.453

Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S1639.003	Suzanne Linda Ashmore	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.454
S177.003	Cavalli Properties Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.455
S187.066	The Shooting Box Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.456
S222.068	Wendover Two Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.457
S243.097	Matauri Trustee Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.458
S263.033	Waitoto Development Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.459
S333.067	PS Yates Family Trust	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.460
S421.187	Northland Federated Farmers of New Zealand	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.461
S461.003	Kingheim Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.462
S463.061	Waiaua Bay Farm Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.463

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Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S502.017	Northland Planning and Development 2020 Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.464
S503.015	Waitangi Limited	Coastal Environment–CE-R2	Oppose	Top Energy seeks to retain this rule as notified.	Reject FS369.465
S364.071	Director-General of Conservation (Department of Conservation)	Coastal Environment–CE-R3	Oppose	Top Energy supports R3 and seeks to ensure that it provides for upgrades of network utilities.	Reject FS369.466
S442.119	Kapiro Conseration Trust	Coastal Environment–CE-R3	Oppose	Top Energy supports R3 and seeks to ensure that it provides for upgrades of network utilities.	Reject FS369.467
S511.110	Royal Forest and Bird Protection Society of New Zealand	Coastal Environment–CE-R3	Oppose	Top Energy supports R3 and seeks to ensure that it provides for upgrades of network utilities.	Reject FS369.468
S454.095	Transpower New Zealand Limited	Coastal Environment – CE-R9	Support	Top Energy supports amendments to give effect to the NPSET.	Accept FS369.469
S431.045	John Andrew Riddell	Coastal Environment – CE-R11	Oppose	Top Energy seeks to retain rule CE-R11 as notified.	Reject FS369.470
S93.003	Lynley Newport	Coastal Environment – CE-R11	Oppose	Top Energy seeks to retain rule CE-R11 as notified.	Reject FS369.471
Earthworks					
S454.100	Transpower New Zealand Limited	Earthworks – EW-O3	Support	Top Energy supports amendments to give effect to the NPSET.	Accept FS369.472

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.101	Transpower New Zealand Limited	Earthworks – Policies	Support	Top Energy supports the protection of regionally significant infrastructure.	Accept FS369.473
S215.042	Haigh Workman Limited	Earthworks-EW-R7	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Accept in part FS369.474
S335.015	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	Earthworks-EW-R7	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Accept in part FS369.475
S356.100	Waka Kotahi NZ Transport Agency	Earthworks-EW-R7	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same	Accept in part FS369.476

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	
S463.074	Waiaua Bay Farm Limited	Earthworks-EW-R7	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Accept in part FS369.477
S215.043	Haigh Workman Limited	Earthworks-EW-R8	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed	Accept in part FS369.478

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	
S282.014	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited	Earthworks-EW-R8	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Accept in part FS369.479
S335.016	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	Earthworks-EW-R8	Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Accept in part FS369.480
S356.101	Waka Kotahi NZ Transport Agency	Earthworks-EW-R8	Oppose	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 – all of the same	Reject FS369.481

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	
S159.082	Horticulture New Zealand	Earthworks-EW-R9	Oppose in part	Top Energy considers that the wording of the rule does not work as a non-complying activity and needs to be redrafted so that the activities identified are a permitted activity with a non-complying default. There is potential overlap with I –R12 given it also applies to Top Energy’s 110kv lines; as currently drafted the Infrastructure Chapter only applies to network utility operators.	Reject in part FS369.482
S454.003	Transpower New Zealand Ltd	Earthworks-EW-R9	Support	Top Energy considers that the wording of the rule does not work as a noncomplying activity and needs to be redrafted so that the activities identified are a permitted activity with a noncomplying default. There is potential overlap with I –R12 given it also applies to Top Energy’s 110kv lines; as currently drafted the Infrastructure Chapter only applies to network utility operators.	Accept FS369.483
S454.102	Transpower New Zealand Ltd	Earthworks-EW-R9	Support	Top Energy consider that the wording of the rule does not work as a noncomplying activity and needs to be redrafted so that the activities identified are a permitted activity with a noncomplying default. There is a potential overlap	Accept FS369.484

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Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				with I –R12 given it also applies to Top Energy’s 110kv lines; as currently drafted the Infrastructure Chapter only applies to network utility operators.	
Noise					
S45.037	Puketona Business	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.485
S143.008	Ballance AgriNutrients Limited	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.486
S159.085	Horticulture New Zealand	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.487
S182.018	NZ Agricultural Aviation Association	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.488
S331.050	Ministry of Education Te Tāhuhu o Te Mātauranga	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.489
S342.023	Waipapa Pine Limited and Adrian Broughton Trust	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.490
S356.106	Waka Kotahi NZ Transport Agency	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.491

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Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S416.037	KiwiRail Holdings Limited	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.492
S436.040	Northland Fish and Game Council	Noise – NOISE-O2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.493
S45.038	Puketona Business Park Limited	Noise- NOISE-P2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.494
S331.050	Ministry of Education Te Tāhuhu o Te Mātauranga	Noise- NOISE-P2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.495
S356.106	Waka Kotahi NZ Transport Agency	Noise- NOISE-P2	Oppose in part	Top Energy seeks to amend this objective to ensure consistency with policy 5.1.1 of the RPS.	Reject in part FS369.496
S454.105	Transpower New Zealand Limited	Noise- NOISES2	Support	Top Energy supports the provision for temporary activities providing lifeline utilities.	Accept FS369.497
S454.106	Transpower New Zealand Limited	General Residential – Objectives	Support	Top Energy supports the new objective GRZ-O7 to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.498
S454.107	Transpower New Zealand Limited	General Residential – Policies	Support	Top Energy supports the new policy GRZ-PX to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.499
S454.108	Transpower New Zealand Limited	Rural Production– RPROZ-O2	Support	Top Energy supports the amendments to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.500

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.109	Transpower New Zealand Limited	Rural Production– Policies	Support	Top Energy supports the amendments RPROZ-P1 to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.501
S454.110	Transpower New Zealand Limited	Rural Lifestyle– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.502
S454.111	Transpower New Zealand Limited	Rural Lifestyle– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.503
S454.112	Transpower New Zealand Limited	Rural Residential– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.504
S454.113	Transpower New Zealand Limited	Rural Residential– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.505
S454.114	Transpower New Zealand Limited	Settlement– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.506
S454.115	Transpower New Zealand Limited	Settlement– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.507
S454.116	Transpower New Zealand Limited	Mixed Use– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.508
S454.117	Transpower New Zealand Limited	Mixed Use– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.509

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Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.118	Transpower New Zealand Limited	Light Industrial– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.510
S454.119	Transpower New Zealand Limited	Light Industrial– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.511
S454.120	Transpower New Zealand Limited	Heavy Industrial– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.512
S454.120	Transpower New Zealand Limited	Heavy Industrial– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept duplicate
S454.122	Transpower New Zealand Limited	Natural Open Space - Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.513
S454.123	Transpower New Zealand Limited	Natural Open Space - Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.514
S454.124	Transpower New Zealand Limited	Open Space - Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.515
S454.125	Transpower New Zealand Limited	Open Space - Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.516
S454.126	Transpower New Zealand Limited	Sport and Active Recreation – SARZ-O2	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.517

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Top Energy PDP Further Submission

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.127	Transpower New Zealand Limited	Sport and Active Recreation – Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.518
S454.128	Transpower New Zealand Limited	Māori Purpose– Objectives	Support	Top Energy supports the objective to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.519
S454.129	Transpower New Zealand Limited	Māori Purpose– Policies	Support	Top Energy supports the policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS369.520

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**APPENDIX C – RELEVANT EXTRACTS FROM THE INDEPENDENT
HEARINGS PANEL’S RECCOMENDATIONS SUBJECT TO TOP ENERGY
LIMITED’S APPEAL**

30/06/2026

Public Notice

Decisions on Submissions

Far North Proposed District Plan

Te Kaitiaki
o Te Hiku o Te Ika
Far North District Council

**Proposed
District
Plan**
Decisions
version



Pursuant to Clauses 10 and 11 of Schedule 1 of the Resource Management Act 1991 (RMA), Far North District Council advises that decisions on submissions and further submissions to the Proposed District Plan have been released.

The decisions include amendments to a range of plan provisions and planning maps in response to submissions received.

From 30 June 2026, a copy of the **Decision Version of the Proposed District Plan**, along with the **Panel Recommendation Reports, Council's Decision**, and guidance material, can be viewed online at pdp.fndc.govt.nz

From 30 June 2026, hard copies of the Decision Version of the Proposed District Plan can also be inspected at the below Council service centres:

- Kaikohe, Head Office, 5 Memorial Drive
- Kaitiāia, Te Ahu, Corner Matthews Avenue and South Road
- Kerikeri, Procter Library, 6 Cobham Road

Visit the following libraries to view the relevant information online:

- Kaeo Library, 30 Leigh Street, Old Post Office Building
- Kaikohe Library, Marino Place
- Kaitiāia Library, Te Ahu, Corner Matthews Avenue & South Road
- Kawakawa Library, 56 Gillies Street
- Paihia Library, 6 Williams Road
- Procter Library (Kerikeri), 6 Cobham Road

Right of Appeal

Under Clause 14 of Schedule 1 of the RMA, submitters may lodge an appeal with the Environment Court within **30 working days** of receiving this notice, by **12 August 2026**.

Details on how to make an appeal are available at pdp.fndc.govt.nz

Dated 30 June 2026

Kate Ivicheva

Group Manager – Planning and Policy

For more information go to
pdp.fndc.govt.nz, email pdp@fndc.govt.nz
or phone 0800 920 029 and ask for the
District Plan Team



PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 1

Hearing 1: Introduction, General Provisions, Tangata Whenua
and Miscellaneous

March 2026

Recommendation Report 1

Recommendation Report 1 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 9, 11, 12, 13, 14, 15A and 17**.

Recommendation Report 1 contains the Panel's recommendations on: Part 1 – Introduction and General Provisions, Tangata Whenua, and Part 2 - Strategic Direction. It also contains the Panel's recommendations on a number of other general and miscellaneous matters.

Recommendation Report 1 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 1 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Part 1 – Introduction and General Provisions

Appendix 2.2 Part 2 – Strategic Direction

Appendix 2.3 Part 1 – Tangata Whenua

Appendix 2.4 Contaminated Land (New chapter)

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions – Part 1 – Introduction and General Provisions

Appendix 3.2 Recommended Decisions on Submissions – Strategic Direction

Appendix 3.3 Recommended Decisions on Submissions – Tangata Whenua

The Independent Hearings Panel for Hearing 1 comprised Robert Scott – Independent panel member and Chairperson; Steve McNally - Council panel member (Day 1); Hilda Halkyard-Harawira – Council panel member (Day 2 and 3); and Felicity Foy - Council panel member; Alan Watson - Independent panel member; Siani Walker - Independent panel member.

- (c) That those submissions seeking to retain SD-UFD-O4 be accepted, and those that seek deletion and amendments be rejected.
- (d) That those submissions that seek additional objectives be rejected.

5.9 Key Issue 6 - Infrastructure and Electricity

5.9.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this Chapter set out the overarching direction for the District's infrastructure and electricity resources.

The strategic objectives for Infrastructure and Electricity are:

SD-IE-O1 The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.

SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading.

5.9.2 Hearings Panel Evaluation

This Strategic Direction is broadly supported by the two electricity providers in the Far North being Top Energy and Transpower. We received written evidence from both providers at the hearing and those witnesses helpfully set out how each provider operates in the Far North and the distribution of the electricity network throughout the District.

Top Energy (S483) advised us that it owns and operates the electricity lines network within the Far North District Council area servicing an area of 6,822km² and serving over 34,000 customers. Top Energy's current electricity network has a total system length of 4,228km and includes seventeen substations that are subject to designations. Top Energy's network exists both above and below ground and traverses a number of zones and sensitive areas.³⁴

Transpower New Zealand Limited (**Transpower**) (S454) advised us that it owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower owns and operates one National Grid asset in the Far North District, which is the Kaikohe- Maungatepere A 110 kilovolt ("kV") double circuit transmission line on steel towers.³⁵

We were made aware of the fragility of the National Grid and its potential effect on the Far North economy shortly after the hearing when a pylon holding Transpower's two 220-

³⁴ Paragraph 3.2 of Evidence of Paul Doherty (Top Energy) – Hearing 1

³⁵ Para 1.1 of Evidence of Rebecca Eng (Transpower) – Hearing 1

kilovolt (kV) transmission lines into Northland toppled over on a farm near Glorit, south of Wellsford, on 20 June 2024.

Several submitters sought changes to the notified objectives including the reference to additional infrastructure in the strategic direction (Ministry of Education (S331)), reference to reverse sensitivity effects (RNZ (S489), Horticulture NZ (S159) and Federated Farmers (S421)). KiwiRail (S416) sought a minor amendment seeking reference to SD-IE-O2 to include ‘repair’.

New objectives for “regionally significant infrastructure” were sought from three submitters:

- Twin Coast Cycle Trail (S425);
- Top Energy Limited (S483); and
- Ngā Tai Ora (S516).

We agree with the assessment in the hearing report that specific reference to regional infrastructure is not necessary and consider that term “infrastructure” sufficiently captures any distinction between infrastructure at the regional or local level. With regard to reverse sensitivity, we are of the view that, while being an important matter at the zone or site specific chapters of the PDP, it is not necessary to include reference to reverse sensitivity within the strategic objectives.

With regard to new objectives and associated policies we have already recommended that no policies are needed to support the Strategic Objectives.

5.9.3 Hearings Panel Recommendations

1. We accept and adopt the recommendations set out in the hearing report and the amendments to Urban Form and Development Chapter set out in Appendix 2 as follows:

- (a) That submissions seeking to retain SD-IE-O1 be accepted and that the submissions seeking amendments are rejected.
- (b) That submissions that seek to retain SD-IE-O2 be accepted in part, with RNZ, Federated Farmers and Horticulture NZ submissions rejected, and KiwiRail’s submission seeking a minor amendment be accepted as follows:

SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective, operation maintenance, repair and upgrading.

- (c) That the remaining submissions and further submissions for this key issue be accepted, accepted in part or rejected as indicated in Appendix 3.2.



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 4

**Hearing 4: Natural Character, Natural Features and
Landscapes, Coastal Environment and Ecosystems and
Indigenous Biodiversity**

March 2026

Recommendation Report 4

Recommendation Report 4 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 9, 10, 11, 12, 13, 15B, 15C, 16 and 17.**

Recommendation Report 4 contains the Panel's recommendations on Part 2 – District Wide Matters being Natural Environment Values including Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes; and on Part 3 – General District – District-Wide Matters, Coastal Environment.

Recommendation Report 4 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 4 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Natural Character Chapter

Appendix 2.2: APP1 - Mapping Methods and Criteria

Appendix 2.3 Natural Features and Landscapes Chapter

Appendix 2.4: Colours with Low Reflectance Values (BS5252) (New Appendix)

Appendix 2.5 Coastal Environment Chapter

Appendix 2.6 Ecosystems and Indigenous Biodiversity Chapter

Appendix 3: Hearings Panel Recommended Amendments to Planning Maps

Appendix 4: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 4.1 Recommended Decisions on Submissions - Natural Character

Appendix 4.2 Recommended Decisions on Submissions - Natural Features and Landscapes

Appendix 4.3 Recommended Decisions on Submissions – Coastal Environment

Appendix 4.4 Recommended Decisions on Submissions – Ecosystems and Indigenous Biodiversity

The Independent Hearings Panel for Hearing 4 comprised Robert Scott – Independent panel member and Chairperson, Alan Watson - Independent panel member, Siani Walker - Independent panel member, Peter Kensington - Independent panel member, Felicity Foy - Council member.

8. We also note that the reporting officer recommended various amendments to the Overview in the Natural Character chapter, made under clause 16 of Schedule 1 of the RMA. We agree that these amendments are appropriate and assist with understanding the provisions.

3.5 Key Issue 2 – Objectives and Policies of the Natural Character Chapter

3.5.1 Matters Raised in Submissions and Evidence

Various submissions, including from Carbon Neutral NZ Trust (S529) and Vision Kerikeri (521), supported one or both of the objectives in the notified PDP. However, other submissions, including from Federated Farmers (S421) and Waiaua Bay Farm Limited (463), sought significant changes to both objectives. Haititaimarangai Marae Kaitiaki Trust (S394) and Transpower (S454) also sought to amend the objectives of the Natural Character chapter.

The reasons for these submissions included competing priorities seeking either greater protection of natural character, or to provide more scope for appropriate subdivision, use and development within areas identified as having natural character values.

Likewise, as set out by the reporting officer, submissions sought various amendments to the six policies in the Natural Character chapter of the notified PDP. Submissions on NATC-P1 sought to restrict the scope of the policy and to ensure consistency with other statutory provisions, including the NPS-FM.

3.5.2 Hearings Panel Evaluation

The reporting officer's analysis of the submissions is comprehensive and well-considered, with clear recommended amendments to the provisions. Reference to s6(a) of the RMA and to relevant provisions of the New Zealand Coastal Policy Statement (**NZCPS**) and the Regional Policy Statement (**RPS**) is helpful in grounding and providing context to the reasoning behind the recommendations when considering the overarching objectives and the related policy wording. We agree with the reporting officer's recommendation to combine the two originally proposed objectives into a new single objective and this better achieves the purpose of the RMA.

We also agree with the reporting officer's suggestion to amend NATC-P1 to specifically reference 'characteristics, qualities and values' when considering natural character. We note that this approach has also been consistently adopted in the other topics that follow. In addition, we agree with the reporting officer's recommendation to amend NATC-P2 to specifically reference 'wetland, lake and river margins' and for the consequential amendments to the wording within APP1 to provide for better understanding of how the provisions are to be administered, including the assessment and management of effects on the natural character of freshwater margins.

Submitters expressed concern that the word 'enable' within NATC-P3 and NATC-P4 was overly permissive or enabling. The submission from John Andrew Riddell (S431) suggested that this word be replaced with 'provide for' and Mr Riddell spoke to this point at the hearing. As did the reporting officer in the Council's right of reply recommendations. We agree with Mr Riddell's suggestion, along with the other amendments recommended to NATC-P3 under clause 16 of Schedule 1 to the RMA,

including Mr Riddell's suggestion to include the words 'the minimum necessary'. It is our recommendation that the words 'provide for' better recognise that certain activities may have already established, whereas 'enable' references a future activity. We note that the submission and evidence to us from Paul Quinlan, for Tane's Tree Trust and the Northland Tōtara Working Group, suggested the addition of a clause (f) to NATC-P3. While the reporting officer's right of reply does not include this suggested amendment, we agree with the intent of the submission and recommend this should be included, so as to give better alignment with the proposed changes to NATC-R1 PER-2 discussed below. We also agree with the reporting officer's suggested amendment to clause (c) of NATC-P4 in response to the submission from Waiaua Bay Farm Limited.

We note that there were no submissions seeking any amendment to NATC-P5.

While some submitters sought the retention of NATC-P6, various amendments were suggested by others, with one (Waiaua Bay Farm) suggesting deletion of the policy. The reporting officer's original recommendation to us was to amend the 'chapeau' of the policy, which we agree with, alongside the various clause 16 to Schedule 1 of the RMA amendments. In the reporting officer's reply, further consideration to the suggestions from Mr Riddell on this policy were made and recommended. We agree with all of these suggestions.

3.5.3 Hearings Panel Recommendations

With regard to submissions on the objectives and policies of the Natural Character chapter, for the reasons set out in the evaluation above, the Hearings Panel recommend the following:

1. That the objectives of the Natural Character chapter be amended as set out below:

NATC-O1

~~The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations.~~

The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.

NATC-O2

~~Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.~~

2. That the policies of the chapter be amended as set out below:

NATC-P1

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, qualities and values of the natural character of wetland, lake and river margins.

NATC-P2

Identify or assess the natural character of wetland, lake and river margins in accordance with the natural character of wetland, lake and river margins assessment criteria in APP1- Mapping methods and criteria.

NATC-P3

~~Enable~~ *Provide for indigenous vegetation removal and/or earthworks within wetland, lake and river margins where it is the minimum necessary for:*

- a. ~~it is for~~ the repair or maintenance of lawfully established activities; ~~or~~
- b. ~~it is for~~ safe and reasonable clearance for existing overhead powerlines; ~~or~~
- c. ~~it is for~~ health and safety of the public; ~~or~~
- d. ~~it is for~~ biosecurity reasons; ~~and~~
- e. ~~it is for~~ the sustainable non-commercial harvest for rongoā Māori; ~~or~~
- f. the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.

NATC-P4

Provide for ~~Enable~~ buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where:

- a. *there is a functional or operational need for a building or structures location; ~~and~~*
- b. *public access, customary access and recreational use can be protected or enhanced; ~~and~~*
- c. *the effects on natural character are in accordance with policy NATC-P1~~the protection of natural character is preserved;~~ and*
- d. *natural hazard risk will not be increased, taking into account the likely long term effects of climate change.*

NATC-P6

Consider the following matters where relevant when assessing the effects of land use and subdivision on the characteristics, qualities and values of natural character:

~~Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, and address the effects of the~~

~~activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:~~

- a. the presence or absence of buildings, structures or infrastructure;
- b. the temporary or permanent nature of any adverse effects, including cumulative effects;
- c. the location, scale and design of any proposed development;
- d. any means of integrating the building, structure or activity into the wider landscape;
- e. the ability of the environment to absorb change;
- f. the need for and location of earthworks or indigenous vegetation clearance and proposed mitigation measures;
- g. the operational or functional need of any ~~regionally~~ significant infrastructure to be sited in the particular location;
- h. any viable alternative locations for the activity or development;
- i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;
- j. the likelihood of the activity exacerbating natural hazards;
- k. the opportunity to enhance public access and recreation;
- l. the ability to improve the overall water quality; ~~and~~
- m. effects on the indigenous biodiversity values of riparian areas, including linkages with other habitats and ecosystems; and
- n. any positive contribution the development has on the characteristics, ~~and~~ qualities and values of natural character.

3. That wording of Part 4 - Appendices and Schedules - Appendix 1 (APP1) – Mapping methods and criteria be amended as set out below:

Add the following subheading to the natural character assessment criteria:

Natural character in the coastal environment

Add the following additional heading and natural character assessment criteria:

Natural character of wetland, lake and river margins:

Recognise that the natural character of wetland, lake and river margins are the biological, visual and physical characteristics valued by the community, including:

- i. its biophysical, ecological, geological, geomorphological and morphological aspects
- ii. the natural movement of water and sediment including hydrological and fluvial processes

iii. the natural location of a water body and course of a river

iv. the relative dominance of indigenous flora and fauna

v. the presence of culturally significant species

vi. the colour of the water

vii. the clarity of the water

These amendments are reflected in **Appendix 2.1** and **Appendix 2.2** to this recommendation report.

3.6 Key Issue 3 – Rules and Standards of the Natural Character Chapter

3.6.1 Matters Raised in Submissions

Rules

Forest and Bird (S511) and Kapiro Conservation Trust (S442) made suggestions that the ‘notes’ which explain the rules in the Natural Character chapter should also reference the Ecosystems and Indigenous Biodiversity chapter, in addition to the Earthworks chapter. In addition, the reporting officer suggested a minor clause 16 to Schedule 1 of the RMA amendment to these notes to be consistent with other chapters. Two new ‘notes’ were also suggested by Te Hiku Iwi Development Trust (S399) and others and Summit Forests New Zealand Limited (S148) to reference the National Environmental Standards for Freshwater (**NES-F**) and National Environmental Standards for Commercial Forestry (**NES-CF**).

Various submissions were made on NATC-R1, which relate to natural character considerations for new buildings or structures, and extensions or alterations to existing buildings or structures – with four permitted activity conditions. Submissions from the Telco Companies (Chorus New Zealand Limited et al) (S282) sought a relaxation of rules relating to infrastructure in existing road corridors where these cross waterbodies. Federated Farmers (S421) suggested that activities with a ‘functional need’ be located in areas that have at least high natural character, should also have some relaxation of the relevant rules.

Top Energy Limited (S483) requested that NATC-R1 PER-1 be deleted because ONL and ONF matters are dealt with in another chapter. The reporting officer agrees with this idea.

NZTA (S356) suggested that NATC-R1 only apply to outstanding or high natural character areas; however the reporting officer disagrees because that would be inconsistent with the Natural Character objectives and policies.

Bentzen Farm Limited (S167) and others requested that the activity status for non-compliance with the permitted activity standards of NATC-R1 should be changed from discretionary to restricted discretionary. The reporting officer agrees with this suggestion and has recommended various matters of discretion, including: effects on the characteristics, qualities and values of natural character; the matters in NATC-P6; and the positive effects of the activity.

In addition to a few clause 16 of Schedule 1 to the RMA changes, various amendments have been recommended by the reporting officer to NATC-R1 PER-2 in response to submissions, including those relating to specific infrastructural elements within the road corridor and upgrades to above ground infrastructure within certain parameters. On the topic of including an exclusion for infrastructure less than a certain height within a road corridor, we note that Ms Absolum, Council's Landscape Expert, was comfortable with Top Energy's submission for increasing this permitted height from 10.0m to 12.5m, but not for the addition of pi-poles to the list.

The inclusion of a maimai not exceeding 10m² in size has also been recommended, as has the addition of a clause permitting the harvesting of indigenous timber, in response to the evidence from Paul Quinlan, for Tane's Tree Trust and the Northland Tōtara Working Group. We note that the hearing reports did not address the suggestion from the evidence of Chris Horne for adding an additional line to NATC-R1 PER-2 stating *"lines and ducts attached to an existing river crossing structure"*. The Ministry of Education also suggested an additional exclusion, as set out in their tabled 5 August 2024 letter.

There were submissions on NATC-R1, PER-3 and one submission on NATC-R1, PER-4 from Lynley Newport (S136). We note that the reporting officer recommends no changes to these provisions for the reasons set out in the hearing report and we agree.

The submissions from Bentzen Farm Limited and Matauri Trustee Limited raise concerns over NATC-R2, relating to the repair or maintenance of certain lawfully established activities. The reporting officer agrees with these concerns and concludes that the rule does not appear to achieve any of the Natural Character objectives and policies, such that it be deleted.

The reporting officer outlines how NATC-R3 gives effect to NATC-P3 and has linkages with the provisions under the Ecosystems and Indigenous Biodiversity chapter, such that these rules should be consistent. In addition, the reporting officer makes recommendations to change the activity status for non-compliance with the permitted activity rules – these being consistent with the activity status for other similar rules in the Natural Character and Ecosystems and Indigenous Biodiversity chapters (see Topic 4 below).

Standards

The reporting officer sets out the range of submitter views on NATC-S1 which relates to the maximum height of buildings or structures. Ms Absolum, Council's Landscape Expert and the reporting officer, after hearing the evidence from Bentzen Farm Limited (Mr Goodwin and Mr Hall, who suggested 5.5m building height), recommended no change to the 5m above ground level building height standard metric under NATC-S1.

The submissions on NATC-S2, including from Bentzen Farm Limited and Te Hiku Iwi Development Trust and others, relating to earthworks and vegetation clearance are also well set out by the reporting officer, with a recommendation to change the threshold for the level of permitted earthworks, while continuing to achieve the objectives and policies of the Natural Character chapter.

3.6.2 Hearings Panel Evaluation

Notes

We agree with the recommendations of the reporting officer to accept the submissions which sought changes to the 'notes' section of the Natural Character chapter rules.

NATC-R1

We agree with the recommendations of the reporting officer to accept the Telco Companies' suggestions for amendments to NATC-R1. We also agree with the reporting officer's response to the suggestion from Federated Farmers, which does not agree with the specific request, but suggests that proposed amendments are made in response to other submissions to suitably address the 'functional need' issue. We also agree that NATC-R1, PER-1 is not appropriate in this chapter and should be deleted.

We agree with the reporting officer's suggested changes (in response to the Bentzen Farm Limited and other submissions) that non-compliance with the permitted activity standards of NATC-R1 be changed to restricted discretionary, with the associated matters of discretion – as set out below – including the link to NATC-P6 and the reference to positive effects.

We also agree with the proposed amendments to NATC-R1, PER-2 recommended by the reporting officer in response to submissions and evidence, including the amendments to the 'chapeau' made under clause 16 of Schedule 1 to the RMA. We agree with the reporting officer in the Council's right of reply commentary which disagrees with Mr Riddell's suggestion that it should be a permitted activity for a building or structure up to 50m² in size to locate within 20m of wetlands, lakes or rivers. We also agree with the suggestion of Ms Absolum, for the Council, that the height of permitted poles within the road corridor can increase to 12.5m. We agree with the reporting officer in the right of reply, adopting the suggestion from the evidence from Ms Davis (for Northland Fish and Game Council (S436)) that maimai up to 10m² in area should be included in the list of permitted activities under this rule. Finally, we agree with the additional suggested text put forward by Mr Horne, as set out below. We do not agree however with the additional suggested exclusion put forward for this rule by the Ministry of Education (S331).

We agree with the reporting officer's recommendation to retain the wording of NATC-R1, PER-3 and PER-4 unchanged; and we agree with the reporting officer's suggestion, in response to the submission from Horticulture New Zealand (S159), that it is not necessary to have reduced setbacks for horticulture structures where natural character issues arise.

NATC-R2

We agree with the recommendation of the reporting officer that NATC-R2 be deleted.

NATC-R3

We agree with the recommendations of the reporting officer with regard to both the amendments to the permitted activity listing under NATC-R3, PER-1 and the proposed

amendments to the activity status (to restricted discretionary activity) for non-compliance with these rules. These changes will be consistent with other similar rules in the Natural Character and Ecosystems and Indigenous Biodiversity chapters, noting that we have made adjustments to the matters of discretion for this to occur.

NATC-S1 and NATC-S2

We agree with the reporting officer that these standards should remain relatively unchanged, other than making minor adjustments to the wording to assist with clearer understanding of the standards and to assist in confirming the various exclusions. However, we have carefully considered the evidence of Mr Goodwin (for Bentzen Farms Limited and others) and Ms Absolum (for the Council) regarding the appropriate metric for building height under NATC-S1. Upon evaluation of this evidence, we find that increasing the permitted building height to 5.5m is appropriate to allow sufficient flexibility for a dwelling while also maintaining a single storey. We also agree with Mr Hall (for Bentzen Farms Limited and others) that it is appropriate to provide exemptions (but we recommend modifying (iv) relating to the exclusion of architectural features) to the maximum height standard for certain rooftop structures consistent with other PDP chapters that are unlikely to be of a scale that would adversely affect the characteristics, qualities and values of the identified overlays. Our recommended exemptions to the maximum height standards (using the wording from other PDP chapters are as follows):

This standard does not apply to:

- a. Solar and water heating components not exceeding 0.5m in height on any elevation; or
- b. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or
- c. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or
- d. Architectural features (e.g. finials, spires) not exceeding 0.5 in height on any elevation.

As we have agreed to increase building height to 5.5m, the additional height for architectural features needs to be reduced by 0.5m accordingly.

3.6.3 Hearings Panel Recommendations

With regard to submissions on the rules and standards of the Natural Character chapter, for the reasons set out in the evaluation above, the Hearings Panel recommend the following:

1. That the 'notes' which explain the rules be amended as set out below:

Notes:

1. *There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying*

zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

2. *The Earthworks and Ecosystems and Indigenous Biodiversity chapter rules apply 'in addition' to the earthworks and indigenous vegetation clearance rules in this chapter, not instead of. ~~In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~*

3. *Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F.*

4. *Earthworks and indigenous vegetation clearance associated with commercial forestry are controlled by the National Environmental Standards for Commercial Forestry 2017 (NES-CF). Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-CF.*

2. That the permitted activity clauses of rule NATC-R1¹ be amended as follows:

NATC-R1 – New buildings or structures, and extensions or alterations to existing buildings or structures

Activity status: Permitted

Where:

PER-1

~~The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.~~

PER-2

The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins where it is required for:

1. *for restoration and enhancement purposes; or*

¹ This rule is further amended via other amendments or consequential amendments from other Hearings topics and Hearings Panel recommendation reports.

2. ~~for natural hazard mitigation undertaken by, or on behalf of, the local authority; or~~
 3. ~~for park management activity in the Open Space or Sport and Active Recreation zones; or~~
 4. ~~a post and wire fence for the purpose of protection from farm stock; or~~
 5. ~~a river-crossings, including but not limited to, fords, bridges, stock-crossings and culverts crossings; or~~
 6. ~~activities related to the construction of a river-crossings; or~~
 7. ~~a pumphouses utilised for the drawing of water provided they cover less than 25m² in area; or~~
 8. ~~infrastructure less than 12.5m high within a road corridor provided any pole:

 - a. ~~is a single pole (monopole); and~~
 - b. ~~is not a pi-pole or a steel-lattice tower;~~~~
 9. ~~a lighting pole by, or on behalf of the local authority;~~
 10. ~~a footpath and or paving no greater than 2m wide;~~
 10. ~~lines and ducts attached to an existing river crossing structure;~~
 11. ~~an upgrade of an existing above ground network utility, provided it:

 - a. ~~it is no greater than 12.5m high or the height of the existing structure;~~
 - b. ~~if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building; and~~
 - c. ~~it does not involve replacing a pole with a pi pole;~~~~
 12. ~~a maimai not exceeding 10m²;~~
 13. ~~the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.~~
3. That the activity status for non-compliance with NATC-R1 PER-1 (to be deleted), PER-2, PER-3 and PER-4 be amended as follows:

~~Activity status where compliance not achieved with PER-1: Non-complying~~

~~Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Restricted Discretionary~~

Matters of discretion are restricted to:

- a. effects on the characteristics, qualities and values of natural character
- b. the matters in NATC-P6
- c. the positive effects of the activity

4. That NATC-R2 be deleted in its entirety, as follows:

~~NATC-R2 – Repair or maintenance~~

~~Activity status: Permitted~~

~~Where:~~

~~PER-1~~

~~The repair or maintenance within wetland, lake and river margins of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:~~

- ~~1. roads~~
- ~~2. fences~~
- ~~3. network utilities~~
- ~~4. driveways and access~~
- ~~5. walking tracks~~
- ~~6. cycling tracks~~
- ~~7. farming tracks~~

~~Activity status where compliance not achieved with PER-1: Discretionary~~

5. That the permitted activity clauses of rule NATC-R3 be amended as follows:

~~NATC-R3 – Earthworks or indigenous vegetation clearance~~

~~Activity status: Permitted~~

~~Where:~~

~~PER-1~~

~~The earthworks or indigenous vegetation clearance within wetland, lake and river margins and is the minimum necessary is:~~

- ~~1. required for the repair or maintenance permitted under NATC-R2; or for the operation, repair or maintenance of existing lawfully established such as:~~
 - ~~a. fences;~~

- b. network utilities;*
- c. tracks, driveways, roads and access ways;*
- d. formed carparks;*
- e. board walks; or*
- f. boat ramps; ~~or~~*
- 2. *required to provide for safe and reasonable clearance for existing overhead power lines; ~~or~~*
- 3. *to address an immediate ~~necessary to address a~~ risk to ~~public the~~ health and safety of the public;*
- 4. *clearance for the control pests when necessary for biosecurity reasons and to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993; ~~or~~*
- 5. *for the sustainable non-commercial harvest of plant material for rongoā Māori; ~~or~~*
- 6. *to maintain firebreaks to manage fire risk;*
- 7. *to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk; ~~or~~*
- 8. *to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; ~~or~~*
- 9. *for the upgrading of existing above ground network utilities permitted by NATC-R1; or*
- 10. *for establishing, operating, maintaining and repairing infrastructure in a road corridor.*

PER-2

Earthworks or indigenous vegetation clearance not provided for within NATC-R3 PER-1 but it complies with standard NATC-S2 Earthworks or indigenous vegetation clearance.

- 6. That the activity status for non-compliance with NATC-R3 PER-1 and PER-2 be amended as follows:

Activity status when compliance not achieved with PER-1 and PER-2: Restricted Discretionary

Matters of discretion are restricted to:

- a. effects on the characteristics, qualities and values of natural character*
- b. the matters in NATC-P6*
- c. the positive effects of the activity*

~~Activity status when compliance not achieved with PER-2: Non-complying~~

7. That the wording of NATC-S1 and NATC-S2 be amended as follows:

NATC-S1 – Maximum height

1. *The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5.5m above ground level; or*
2. *where a building or structure is lawfully established, any extension does not exceed the height of the existing building or structure above ground level.*

This standard does not apply to:

- a. Solar and water heating components not exceeding 0.5m in height on any elevation;*
- b. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;*
- c. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- d. Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.*

NATC-S2 – Earthworks or indigenous vegetation clearance

- 1. Any earthworks ~~or indigenous vegetation clearance~~ on a site within a wetland, lake and river margins must:*
 - a. ~~1-~~ not exceed a total area of 50 ~~400~~m² within any calendar year for 10 years from the notification of the District Plan, unless a control in 4 5. below applies;*
 - b. ~~2-~~ not exceed a cut height or fill depth of 1m; and*
 - c. ~~3-~~ screen exposed faces visible from public places. and*
comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and GE-S3 Earthworks or indigenous vegetation clearance.

Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.
- 2. Any vegetation clearance on a site within a wetland, lake and river margins must not exceed a total area of 400m² within any 10 year period.*

- a. *the presence or absence of buildings, structures or infrastructure;*
- b. *the temporary or permanent nature of any adverse effects, including cumulative effects;*
- c. *the location, scale and design of any proposed development;*
- d. *any means of integrating the building, structure or activity into the wider landscape;*
- e. *the ability of the environment to absorb change;*
- f. *the need for and location of earthworks or indigenous vegetation clearance and proposed mitigation measures;*
- g. *the operational or functional need of ~~any regionally significant~~ infrastructure to be sited in the particular location;*
- h. *~~any viable~~ alternative locations or methods for the activity or development where significant adverse effects may arise outside the landscape or feature;*
- i. *any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;*
- j. *the characteristics, ~~and~~ qualities and values of the landscape or feature;*
- k. *the physical and visual integrity of the landscape or feature;*
- l. *the natural landform and processes, including geological processes, of the location;*
- m. *any positive contribution the development has on the characteristics, ~~and~~ qualities and values;*
- n. *the visibility of impacts viewed from public places; ~~and~~*
- o. *the visual effect of the building, structure or activity in relation to ridgelines, headlands or peninsula within ONL or ONE; ~~and~~*
- p. *whether the activity is on a previously approved building platform.*

3. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendix 4.2** to this recommendation report.

4.7 Key Issue 3 – Rules and Standards of the Natural Features and Landscapes Chapter

4.7.1 Matters Raised in Submissions and Evidence

Rules

A range of submissions were made on the rules in the Natural Features and Landscapes chapter, ranging from full support of the provisions, through to opposition, primarily because the rules would constrain private property rights, restrict development and add unnecessary costs to landowners. Other submitters sought exemptions to the rules to provide for certain activities, such as infrastructure – similar to the requests made by submissions to the Natural Character chapter. The reporting officer’s recommendations take a pragmatic approach to the submission points, taking on board expert landscape architectural advice from Ms Absolum, with various amendments to the notified PDP rules being proposed in the hearing report and right of reply in response to evidence.

Various amendments by Council have been suggested to the Notes section of the rules for the Natural Features and Landscapes chapter, in response to submissions and made under clause 16 of Schedule 1 to the RMA to assist with a better understanding of how the rules are to be applied.

In response to submissions, the reporting officer has recommended amendments to the activity status provisions, including the introduction of a controlled activity status for rule NFL-R1, along with associated matters for control. Amendments are also proposed to create matters of discretion where the activity status to the recommended activity status change to restricted discretionary from discretionary. A new permitted activity standard for this rule and rule NFL-R2 is also recommended by the reporting planner in response to submissions.

Rules NFL-R1 - NFL-R2 apply to new buildings or structures, extensions or alterations to existing buildings or structures and the repair or maintenance of buildings or structures. In response to submissions, the reporting planner has recommended amalgamation of these two rules, with consequential changes to the Notes and various metrics. Some of these proposed metrics were discussed further through evidence for submitters and the reporting officer, with input from Ms Absolum, who recommended some changes in the right of reply version of the proposed rules. Similarly, when considering submissions made on rule NFL-R3 relating to earthworks or indigenous vegetation clearance, the reporting officer has comprehensively assessed the various changes sought and made reasoned suggestions for changes to the rule and associated criteria (where applicable).

In response to the submission from Northland Regional Council (S359), the reporting officer has recommended changes to improve the understanding of rule NFL-R5 (afforestation for commercial forestry). Rule NFL-R6 (farming in areas outside the coastal environment) has been proposed for deletion in response to the submission from Federated Farmers.

No changes are recommended to rules NFL-R4, NFL-R7, NFL-R8 or NFL-R9 given no submissions were received on these rules and as such no determinations from us are required.

Standards

In response to submissions, the reporting planner originally recommended that the title of NFL-S1 be amended from “*Maximum height*” to “*Buildings and structures*”. However, after considering the evidence and our questions on the topic, this

recommendation has been revisited with the suggestion of keeping the original title. In doing so, the Council's right of reply recommendation is that the standard include a list of exclusions, to make it clear where the standard does not apply. Ms Absolum and the reporting officer, after hearing the evidence from Bentzen Farm Limited (Mr Goodwin and Mr Hall, who suggested 5.5m), recommended no change to the 5m above ground level building height standard metric under NFL-S1. Standard NFL-S2 relating to colours and materials of new buildings in an ONL and ONF (both within the coastal environment and outside the coastal environment), which is acknowledged did attract some opposition from submissions, has been recommended to be kept. The recommendation has included an amendment to make it clearer that it relates to new buildings only; with a consequential requirement to add Ms Absolum's recommended BS5252 standard colour palette as an appendix to the District Plan. Finally, when considering Standard NFL-S3 relating to earthworks and indigenous vegetation clearance within an ONL and ONF various amendments have been recommended by the reporting planner in response to submissions and to assist with improved plan administration.

4.7.2 Hearings Panel Evaluation

Notes

In response to the suggestion from Mr Hall's evidence that the provisions should include a non-notification clause for controlled activities within this chapter, we continue to maintain our position that the requested text from Mr Hall (confirming that applications for controlled activities should be processed on a non-notified basis, unless special circumstances apply) should not be included. It was suggested by Mr Hall that such a provision would be helpful, particularly as there is a risk that the RMA could be changed. However, we do not consider it is appropriate for us to include a notification rule in anticipation of a possible future change to resource management legislation.

Regarding the question raised as to whether the terms "building platform", "structure" and "upgrade" should have specific definitions in the PDP, we record our support for the reporting officer's recommendation that the inclusion of such definitions should be addressed at **Hearing 17** where proposed definitions will be considered in the context of how these terms will be considered across the whole plan.

NFL-R1

We agree with the reporting officer's recommendation in response to the suggestion in evidence from Mr Hall that the NFL-R1 CON-1 provisions should include reference to both residential units and minor residential units. We also agree with Mr Hall's evidence where he suggests adding the words "*or implemented*" before "*subdivision consent*" within this same provision.

We agree with the general intent of the recommendations from Ms Absolum to clause (d) of the matters of control under this provision. However, as recommended by the reporting planner, the wording of (d) can be improved with slight amendment to state:

Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.

We do not agree with Mr Burn's request to amend NFL-R1 CON-1 which sought to limit consideration of controlled activities to either having a building platform previously approved through a resource consent process, or being subject to expert landscape assessment. We agree with the reporting officer's response that both of these requirements must be met in order to gain the benefit of the controlled activity rule.

We agree with Mr Palmer's concerns (on behalf of Zejia Hu (S424)) regarding rules NFL-R1 and NFL-R3 because these rules are an appropriate response to managing the adverse effects of development and subdivision in ONL and ONF. This is particularly relevant in the coastal environment, in order to meet the relevant objectives and policies of the PDP as a whole and the direction of the RPS and NZCPS.

In terms of the recommended changes to the activity status for applications for proposals in ONF and ONL overlays, when compliance with permitted activity standards is not met; we are of the view that if the non-compliance is for an "extension, alteration or upgrade of an existing building or structure" (as opposed to a new building or structure), then a non-complying activity is likely to be too onerous. This is because:

- a) We accept that it is less likely the relevant adverse effects 'bottom line' would be exceeded (given the presence of the existing building or structure) compared to a new building or structure; and
- b) A non-complying activity status implies that the activity is generally inappropriate, which does not apply to existing activities and structures in the same way (e.g. routine upgrades of existing infrastructure).

Accordingly, we recommend any such non-compliance is a restricted discretionary activity, for NFL-R1 with the same matters of discretion already recommended within the rules proposed by the reporting officer in the right of reply version of the provisions.

We agree with the reporting officer's recommendations, based on the expert evidence from Ms Absolum, that the exclusion metrics for the upgrading of network utilities under rule NFL-R1 PER-3 should provide for poles up to 12.5m in a road corridor (but not as a pi-pole design); and that extending this exclusion to pi-poles would not be appropriate. However, we agree that consistent reference to "*above ground network utilities*" is required, so as not to result in an unintended consequence for underground works.

We also agree with the reporting officer's recommendations regarding changes to the exclusion wording for the upgrade of buildings being limited to 20% of existing buildings.

Regarding the matter of the definition of "*upgrade*" as it applies to infrastructure, we note that this matter will be addressed during Hearing 11 (Infrastructure) and that we have directed that the experts for infrastructure to conference in advance.

NFL-R2

We agree with the reporting officer's consideration of the submissions and evidence from KiwiRail and Top Energy to delete NFL-R2 because, the absence of such a rule would mean that there would be no constraint on repair and maintenance.

NFL-R3

We agree with the reporting officer's response to the evidence of Mr Burn, on behalf of various submitters and associated sites/locations, that there is insufficient evidence before us to agree with the suggestions being made – such that we do not agree with the requests for changes to rules NFL-R3 and NFL-R5 being sought by Mr Burn. For example, in relation to NFL-R3 PER-1 relating to vegetation clearance and earthworks on existing approved building platforms, where Mr Burn sought to add an additional exception being “*where it is undertaken within a consented building platform*”. While we potentially see some merit with this approach, we were not presented with sufficient analysis on the number or location of building sites that were approved before the PDP was notified. We therefore adopt the robust assessment that has been undertaken by the reporting officer.

We agree with the reporting officer's recommendation to include an additional item in the exclusion list of the NFL-R3 PER-1 provisions, relating to the harvesting of timber approved under the Forest Act 1949, in response to the evidence of Mr Quinlan.

In terms of earthworks and vegetation clearance for maintenance of domestic gardens, we agree with the reporting officer's recommendation for the addition of the following wording to capture this activity:

13. for the maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants.

This is because the evidence and examples presented at the hearing, including from Mr Hall, confirm to us that such works should be permitted activities in an ONF and ONL.

In terms of the formation of walking tracks less than 1.2m wide, we also agree with the Council's right of reply version recommendations. While the Council's hearing report and right of reply did not support the request for this exemption (which we considered was too broad), in our opinion the formation of 1.2m wide walking tracks is unlikely to result in adverse effects that would exceed the “avoid adverse effects” / “avoid significant adverse effects” bottom lines in the relevant policies for such work in an ONF or ONL.

Regarding the removal of regenerating manuka or kanuka for maintenance of pasture (with additional conditions), we also agree with Ms Absolum's expert evidence and the reporting officer's recommendation and reasoning. While it is not clear to us why Mr Hall proposed limiting the rule to farms established prior to 27 July 2022 (being the notification date of the PDP), given that we agree in principle with the approach, in our view it should not be limited in this way. The following is our recommended wording to be included in NFL-R3 PER-1 (outside the coastal environment):

15. outside the coastal environment, and is for maintenance or reinstatement of pasture through the removal of regenerating manuka (*Leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height.

We do not agree with the reporting officer's recommendation, based on the advice from Ms Absolum, that there should be a statement that requires earthworks and vegetation clearance to be "*the minimum necessary*" at the start of NFL-R3 PER-1. Rather, we agree with Mr Badham that permitted activities need to be subject to clear and measurable standards and parameters. Bringing in a subjective term such as "*the minimum necessary*" would create too much uncertainty with regard to compliance and this approach would be difficult to monitor or enforce without seeking the prior approval of a Council officer. This is not the intention of a permitted activity. That said, we agree with the submitters that the term can be used as an effective assessment criterion or within a policy context (e.g. NATC-P3) but not as a rule.

We agree with the reporting officer's recommendation that the relevant clause of NFL-R3 PER-1 be expanded to better reflect earthworks and vegetation clearance for biodiversity purposes – with such wording to be:

6. clearance to control pests for biosecurity reasons or to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993.

We consider that this will address the relief sought by Horticulture New Zealand (S159) and other related submissions and it also makes it clear that any indigenous clearance undertaken to control unwanted organisms must be a response to the directions of an authorised person under the Biosecurity Act 1993.

We disagree with one of Mr Badham's suggestions to delete the cross-reference in NFL-R3 to the corresponding R1 rule when permitting earthworks and vegetation clearance associated with the upgrading of above ground network utilities. We agree with the reporting officer's discussion on this matter, which outlines that such a suggestion would then mean any earthworks and vegetation clearance associated with any upgrading of above ground network utilities (regardless of scale) is permitted without restriction. Our reading of rule is that the intention is to permit earthworks and vegetation clearance where it is associated with the upgrading of network utilities of a scale that is permitted under the relevant R1 rules for buildings and structure. If the upgrading is of a scale that requires resource consent, then we consider that the associated earthworks and vegetation clearance should also require resource consent (if it does not otherwise comply with the relevant area thresholds specified in each rule).

NFL-S1

We agree with the reporting officer's recommendation to agree with the suggestion of Mr Burn that the word "and" be amended to "or" at the end of NFL-S1(1).

We have carefully considered the evidence of Mr Goodwin and Ms Absolum regarding the appropriate metric for building height under standard NFL-S1. Upon evaluation of this evidence, we find that increasing the permitted building height to 5.5m is appropriate to allow sufficient flexibility for a dwelling while also maintaining a single storey. We also agree with Mr Hall that it is appropriate to provide exemptions (but we recommend modifying (d) relating to the exclusion of architectural features) to the maximum height standard for certain rooftop structures consistent with other PDP chapters that are unlikely to be of a scale that would adversely affect the

characteristics, qualities and values of the identified overlays. Our recommended exemptions to the maximum height standards (using the wording from other PDP chapters are as follows):

This standard does not apply to:

- a. *Solar and water heating components not exceeding 0.5m in height on any elevation; or*
- b. *Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or*
- c. *Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- d. *Architectural features (e.g. finials, spires) not exceeding 0.5 in height on any elevation.*

As we have agreed to increase building height to 5.5m and the additional height for architectural features needs to be reduced by 0.5m accordingly.

NFL-S2

We agree with the reporting officer's recommended amendments to standard NFL-S2 relating to colours and materials, including the inclusion of the words "or equivalent" in response to the submission from Waitangi Limited. We note that the amended colour chart (BS2525 Colour Chart – colours with low reflectance values) will need to be included as new Appendix under Part 4, Appendices and Schedules to the PDP. The Colour Chart is included as **Appendix 2.4** to this recommendation report.

4.7.3 Hearings Panel Recommendations

With regard to submissions on the rules and standards of the Natural Features and Landscapes chapter, for the reasons set out in the evaluation above and noting some consequential changes arising from other topics (not all captured in the changes outlined below), including in relation to the Waitangi Estate Special Purpose Zone (refer **Recommendation Report 15B**), the Hearings Panel recommend the following:

1. That the 'notes' which explain the rules be amended as set out below:

Notes:

1. *There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.*

2. ~~The National Environmental Standards for Plantation Forestry Commercial Forestry 2017 (NES-PCF) regulates plantation commercial forestry and Regulation 6 of the NES- PCF allows plan rules to be more stringent to protect ONF, ONL and give effect to Policy 15 of the NZCPS. Rule NFL-R5 Plantation forestry and plantation forestry activities in This chapter contains more stringent rules for commercial plantation forestry related earthworks, indigenous vegetation and afforestation activities in to ONL and ONF and prevails over the NES-PF regulations.~~
3. ~~The Earthworks and Ecosystems and Indigenous Biodiversity chapter rules apply ‘in addition’ to the earthworks and indigenous vegetation clearance rules in this chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~
4. ~~Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NFL-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F.~~
5. ~~The rules refer to ONF categories (for example category ‘A’ ONF). To determine the ONF category, refer to APP1, Outstanding Natural Features identification and assessment criteria and the referenced ONF mapping methodology report (Hayward, B. (2016). Outstanding Natural Features: Identifying and Mapping sites in Far North District Council- Methodology Report).~~

2. That the permitted activity clauses of rule NFL-R1 be amended as set out below:

NFL-R1 – New buildings or structures, relocated buildings and extensions or alterations to existing buildings or structures (within ONL and ONF)

Activity status: Permitted

PER-1

~~Any new building or structure, or relocated building, if it is:~~

1. ~~is not used for a residential activity;~~
2. ~~complies with NFL-S1 and NFL-S2; and~~
3. ~~is no greater than:~~
 - a. ~~50m² in ONL in the coastal environment; and~~
 - b. ~~100110m² in ONL outside the coastal environment; and~~
 - c. ~~50m² in category ‘A’ ONF in the coastal environment; and~~

~~d. 100m² in category 'A' ONF outside the coastal environment;
and~~

~~e. 25m² in ONF (excluding category 'A' ONF).~~

~~is located outside the coastal environment it is:~~

~~1. ancillary farming (excluding a residential unit);~~

~~2. no greater than 25m²~~

PER-2

~~If a building or structure is located within the coastal environment it is:~~

~~1. ancillary farming (excluding a residential unit);~~

~~2. no greater than 25m²~~

PER-23

~~Any extension or alteration to a lawfully established building or structure:~~

~~1. if it is an extension or alteration of a building, it is no greater than 20%
of the GFA of the existing lawfully established building or structure;
and~~

~~2. complies with NFL-S1.~~

PER-3

~~Any new building or structure, relocated building and extension or
alteration to an existing building or structure not provided for by PER-1 or
PER-2 and is:~~

~~1. a stock fence; or~~

~~2. infrastructure no greater than 12.5m high within a road corridor
provided any pole:~~

~~a. is a single pole (monopole); and~~

~~b. is not a pi-pole or a steel-lattice tower; or~~

~~3. an upgrade of existing above ground electricity network utilities:~~

~~a. outside the coastal environment;~~

~~b. in a ONL or category 'A' ONF;~~

~~c. no greater than 12.5m high or the height of the existing
structure;~~

~~d. if it is a building, the upgraded building is no greater than 20%
of the GFA of the existing lawfully established building; and~~

~~e. not replacing a pole with a pi pole.~~

PER-4

~~The building or structure, or extension or alteration to an existing building or structure, complies with standards: NFL-S1 Maximum height~~

~~NFL-S2 Colours and materials.~~

3. That the activity status for non-compliance with the NFL-R1 rules be amended as set out below:

Activity status when compliance not achieved with PER-1:

Controlled

CON-1

The building is a residential unit or a minor residential unit on a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing or implemented subdivision consent.

The matters of control are:

- a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;
- b. the means of integrating the building, structure or activity into the landscape, including through planting;
- c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and
- d. Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.

~~a. effects on the characteristics, qualities and values of ONL and ONF~~

~~b. the matters in NFL-P8.~~

RD-1

Activity status when compliance not achieved with CON-1 PER-1, PER-2 and PER-3 outside the coastal environment:

~~Restricted discretionary~~ Discretionary

The matters of discretion are:

- a. effects on the characteristics, qualities and values that make ONL and ONF outstanding;
- b. the matters in NFL-P8; and
- c. the positive effects of the activity.

RD-2

Activity status for any extension or alteration to an existing building or structure within the coastal environment when compliance not achieved with CON-1, PER-2 or PER- 3:

Restricted discretionary

The matters of discretion are:

- a. effects on the characteristics, qualities and values that make ONL and ONF outstanding;
- b. the matters in NFL-P8; and
- c. positive effects.

Activity status when compliance not achieved with ~~CON-1 or~~, PER-2, PER-3 or RD-2 within the coastal environment ~~PER-2~~:

Non-complying

4. That rules NFL-R2 and NFL-R6 be deleted in their entirety as set out below:

~~NFL-R2 – Repair or maintenance (within ONL and ONF)~~

~~Activity status: Permitted Where:~~

~~PER-1~~

~~The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:~~

- ~~1. — roads~~
- ~~2. — fences~~
- ~~3. — network utilities~~
- ~~4. — driveways and access~~
- ~~5. — walking tracks~~
- ~~6. — cycling tracks~~
- ~~7. — farming tracks~~

~~Activity status when compliance not achieved with PER-1: Discretionary~~

~~NFL-R6 – Farming (within ONL and ONF)~~

~~Activity status: Discretionary Where:~~

~~DIS-1~~

~~The farming activity and is located outside the coastal environment.~~

~~Activity status where compliance not achieved with DIS-1: Non-complying~~

5. That the permitted activity clauses of rule NFL-R3 be amended as set out below:

NFL-R32 – Earthworks or indigenous vegetation clearance (within ONL and ONF)

Activity status: Permitted

Where:

PER-1

The earthworks or indigenous vegetation clearance is:

1. compliant with standard NFL-S3;~~or~~
2. for the operation, repair and maintenance of existing lawfully established:
 - fences;
 - network utilities;
 - tracks, driveways, roads and access ways;
 - formed carparks;
 - board walks; or
 - boat ramps;
3. ~~required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.~~
4. required to provide for safe and reasonable clearance for existing overhead power lines;~~or~~
5. to address an immediate ~~necessary to address a risk to public the health and safety of the public;~~~~or~~
6. clearance for the to control pests for biosecurity reasons or to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993;~~or;~~
7. for the sustainable non-commercial harvest of plant material for rongoā Māori;~~or~~
8. to maintain firebreaks to manage fire risk;
9. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk;
10. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;
11. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m;

12. for any upgrade of existing electricity network utilities permitted by rule NFL-R1;
13. for the maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants;
14. the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth;
15. outside the coastal environment, and is for maintenance or reinstatement of pasture through the removal of regenerating manuka (*Leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height;
16. the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.

PER-2

~~The earthworks or indigenous vegetation clearance outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance.~~

PER-3

~~The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance.~~

6. That the activity status for non-compliance with the NFL-R3 rules be amended as set out below:

Activity status when compliance not achieved with PER-1 or PER-2 outside the coastal environment:

Restricted discretionary

The matters of discretion are:

- a. effects on the characteristics, qualities and values that make ONL and ONF outstanding;
- b. the matters in NFL-P8; and
- c. the positive effects of the activity.

Activity status when compliance not achieved with PER-1 within the coastal environment PER-3:

Non-complying

7. Note: No changes are proposed to rules NFL-R4 and NFL-R7-NFL-R8, other than consequential numbering changes as a result of deleting proposed NFL-R2.
8. That the name of rule NFL-R5 and the associated discretionary activity status description of this rule be amended as set out below:

NFL-R54 – Afforestation for commercial forestry–new plantation forestry and plantation forestry activity (within ONL and ONF)

Activity status: Discretionary

Where:

DIS-1

The ~~afforestation~~ plantation forestry or plantation forestry activity is located outside the coastal environment.

Activity status where compliance not achieved with DIS-1: Non-complying

9. That the wording of NFL-S1 – NFL-S3 be amended as set out below:

NFL-S1 – Maximum height (within ONL and ONF)

1. *The maximum height of any new building or structure above ground level is 5.5m and must not exceed the height of the nearest ~~ridgeline, headland or peninsula~~; or*
2. *Any extension to a building or structure must not exceed the height of the existing building above ground level ~~or exceed the height of the nearest ridgeline, headland or peninsula~~.*

This standard does not apply to:

- a. *Solar and water heating components not exceeding 0.5m in height on any elevation;*
- b. *Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;*
- c. *Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- d. *Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.*

NFL-S2 – Colours and materials (within ONL and ONF)

The exterior surfaces of ~~new buildings or structures~~ shall:

- i. *be constructed of natural materials; or*
- ii. *~~and/or be~~ finished to achieve a reflectance value no greater than 30%; and*

- iii. ~~if the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix 6 or equivalent.~~

NFL-S3 – Earthworks or indigenous vegetation clearance (within ONL and ONF)

1. Any earthworks ~~or indigenous vegetation clearance~~ must (where relevant) ~~not exceed:~~

~~1. not exceed a total area of 50m² over the life of the District Plan;~~

~~a. in a ONL, exceed a total area of:~~

~~i. 50m² in the coastal environment within any calendar year, and~~

~~ii. 100m² outside the coastal environment within any calendar year;~~

~~b. in a category 'A' ONF outside the coastal environment, exceed a total area of 50m² within any calendar year;~~

~~c. in a ONF (excluding category 'A' ONF outside the coastal environment), exceed 50m² within any 10 year period;~~

~~d. 2. not exceed a cut height or fill depth of 1m:~~

~~i. 1m in ONL within the coastal environment;~~

~~ii. 1.5m in ONL outside the coastal environment;~~

~~iii. 1m in ONF unless it is a category 'A' ONF outside the coastal environment; and~~

~~iv. 1.5m in category 'A' ONF outside the coastal environment; and 1.5m in a ONL~~

~~e. 3. screen any exposed faces visible from a public place.~~

~~4. be for the purpose of access, and/or a building platform.~~

2. Any indigenous vegetation clearance must not exceed a total area of:

i. 50m² in ONL within any 10 year period, and

ii. 100m² in ONF within any calendar year.

Note: ~~The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.~~

10. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendix 4.2** to this recommendation report.

5.12 Key Issue 9: Rules

5.12.1 Overview

A large number of submission points are addressed under this heading from a range of submitters. The submissions cover a wide range of concerns.

5.12.2 Hearings Panel Evaluation

We have given careful consideration to the submissions regarding the coastal environment and those considered to fall into the “general” category. It is not practicable to address all the submission points individually. We have however had regard to all the submission points and the supporting evidence we received and heard from submitters. We find we largely agree with the reporting officer and adopt the recommendations made in the hearing report as updated by the right of reply. Bearing in mind the reporting officer’s recommendations are a response to the submissions and what was presented at the hearing. That sees a number of amendments made to the provisions, with associated discussion in the hearing report, which we agree with. The recommended amendments to Coastal Environment chapter rules are detailed in **Appendix 2.5**.

In relation to some of the matters raised in submissions and at the hearings, the concern of Mr Sanson on behalf of Tapuaetahi Incorporation was that CE-R1 could be unnecessarily restrictive in relation to the use and development of land in the Māori Purpose zone and Treaty Settlement Land overlay as anticipated under policy CE-P7. This is because the majority of development on this land is unlikely to comply with PER-1 in CE-R1 (which only refers to Māori Purpose zone – Urban), PER-2 in CE-R1 (which does not allow for residential activities) or CON-1. We agree and accordingly support a more enabling pathway for residential buildings on Māori Purpose zone and Treaty Settlement Land overlay land where such development cannot comply with PER-1 or PER-2 in principle. As pointed out by the reporting officer, a controlled activity pathway is appropriate provided this rule only applies outside ONC and HNC areas.

Accordingly, we include a new controlled activity rule in CE-R1 that:

- Provides for a building for a residential unit or minor residential unit on Māori Purpose zone or Treaty Settlement Land overlay, land; and
- Applies within the Coastal Environment overlay but outside ONC and HNC areas.

The matters of control recommended to apply include:

CON 2(e)

in relation to CON-2, any historical, spiritual or cultural association with the land held by tangata whenua, with regard to the matters set out in Policy TW-P6.

This was as requested by Mr Sanson. It is appropriate to include it within this rule to ensure the historical and cultural relationship of tangata whenua with the land can be considered consistent with other “consideration” policies in the PDP.

We do not agree with CE-R3 being amended as sought by Mr Sanson to provide a controlled activity rule for earthworks and vegetation clearance that does not comply with PER-1 or PER-2. Non-compliance with the permitted activity conditions in CE-R3 could range from minor exceedance of the area thresholds through to significant volumes of earthworks with the potential for significant adverse effects on the natural character of the coastal environment. It can be difficult to effectively manage adverse effects through conditions under a controlled activity rule given that any conditions imposed on a consent cannot negate the purpose of that consent.

We agree with request from Waitoto Developments to exclude the Orongo Bay zone from CE-R3 and CE-S3. The Orongo Bay area has a special purpose zoning that provides for a Comprehensive Development Plan to be provided with a restricted discretionary activity application that ensures there are sufficient controls to manage the effects of earthworks and indigenous vegetation clearance on the coastal environment.

We find the amendments sought to CE-R4 by Mr Sanson on behalf of IDP Developments will serve to clarify the policy intent and we recommend amendments to rule CE-R4 to include two permitted activity conditions for:

- Lawfully established farming activities, and
- New farming activities located outside ONC and HNC areas.

In terms of the request from Mr Riddell to amend CE-P10 to include a range of matters from the ODP, we find, in agreement with the reporting officer, that these are unnecessary. CE-P10 provides a comprehensive list of matters to consider when relevant to effectively manage adverse effects on the coastal environment. Further, the matters requested by Mr Riddell are largely addressed by other clauses.

As we outlined under our policy evaluation above, we also adopt the recommendation from the reporting officer that additional clauses are added to the CE-P10, including new clause n) that “...*the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity*”. With the existing policy and this addition, we find that CE-P10 is sufficiently broad to capture all relevant effects and values when managing the effects of land use and subdivision on the coastal environment.

Mr Riddell seeks that a number of urban zones be excluded from SUB-R20 so that subdivision is no longer a discretionary activity in those zones. However, that would mean subdivision to create new lots in those zones would become a controlled activity and would therefore need to be approved whereas our view is that it is appropriate to retain greater discretion to control subdivision within the coastal environment.

We find the discussion regarding the other submissions to the Coastal Environment rules in the hearing report largely covers our consideration of the related submissions, and we accordingly adopt this discussion and the recommendations for amendments to the Coastal Environment rules.

Coastal Hazards

We note that coastal provisions considered in Hearing 4 did not include the coastal hazard rules (being CE-R10 to CE-R19) as these were considered in Hearing 13 – Natural Hazards and Risks. As such, there are a number of further amendments to the provisions of the Coastal Environment chapter. For a full discussion of the Coastal Hazard provisions see **Recommendation Report 13** and for amendments to the provisions refer to **Appendix 2.3** of **Recommendation Report 13**.

5.12.3 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends that rules CE-R1 to CE-R9 are amended as shown in **Appendix 2.5**; and that submissions and further submissions on these matters are accepted, accepted in part and rejected as set out in **Appendix 4.3**.

5.13 Key Issue 10: Standards

5.13.1 Matters Raised in Submissions and Evidence

The submissions to the Standards in the Coastal environment chapter are, like those to the Rules, quite specific with submitters often drawing on experiences with the application of the Standards or anticipating some difficulty in doing so.

5.13.2 Hearings Panel Evaluation

We agree with Mr Riddell that the Mixed Use zone within Kororareka Russell should be exempt from CE-S1 and we recommend amendment accordingly. However, we do not agree with him that the General Residential zone should be added to the exempted zones in CE-S1 because we see the 5.5m height limit in CE-S1 (recommended to be increased from 5m as a result of other submissions) generally restricting development to single storey which is appropriate in order to protect the coastal landscape values, particularly from a landscape perspective.

We have carefully considered the evidence of Messrs Hall and Goodwin and that of Council's landscape expert, Ms Absolum, regarding increasing the permitted building height in CE-S1, Mr Hall seeks that it be increased from 5m to 5.5m. Upon evaluation of that evidence, we find increasing the permitted building height to 5.5m is appropriate to allow sufficient flexibility for a dwelling while also maintaining a single storey. It is also consistent with the Natural Character provisions and with the Natural Features and Landscapes provisions. That also includes deleting words from the standard relating to not exceeding the height of the nearest ridgeline, headland or peninsula as sought in the submission from IDF Developments (s253.006) and others.

We also agree with Mr Hall that it is appropriate to provide exemptions (but we recommend modifying clause (iv) of CE-S1 (relating to the exclusion of architectural features) to the maximum height standard for certain rooftop structures consistent with other PDP chapters that are unlikely to be of a scale that would adversely affect the characteristics, qualities and values of the identified overlays. Our recommended exemptions to the maximum height standards (using the wording from other PDP chapters are as follows):

- i. Solar and water heating components not exceeding 0.5m in height on any elevation; or*

Require landowners to manage pets and pests ~~species within their property through consent conditions, including dogs, cats, possums, rats and mustelids, where necessary to avoid risks to Threatened and At-Risk indigenous fauna threatened indigenous species, and where appropriate, including avoiding the introduction of pets and pests species into kiwi present or high-density kiwi areas.~~

2. The Hearings Panel also recommend that submissions and further submissions relating to IB chapter objectives be accepted, accepted in part or rejected as set out in **Appendix 4.4**.

6.7 Key Issue 4 – Rules (IB-R1 to IB-R5)

6.7.1 Matters Raised in Submissions and Evidence

There are five rules in the IB Chapter. They relate to activity status (PER-R1), Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga (PER-R2), Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area (PER-R3), Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area (PER-R4), and Plantation forestry and plantation forestry activities within a Significant Natural Area (IB-R5).

The rules section of the IB chapter attracted numerous submissions which followed a number of themes that applied to other parts of the chapter, namely the rules and mapping applied to SNA, the need to align with the RPS and NZCPS, and the need to provide for significant infrastructure. These chapter-wide matters have been addressed in the sections above.

Other matters raised in the submissions sought to increase the maximum vegetation clearance thresholds that to apply to indigenous vegetation and the need for an ecological assessment to be undertaken.

Multiple submissions sought new rules in the IB Chapter generally aimed at strengthening the protection of indigenous vegetation and biodiversity.

We received evidence seeking a number of amendments to the rules or indicating general support for them. Forest and Bird and Mariana Fern presented evidence seeking stricter control over Indigenous vegetation clearance.

6.7.2 Hearings Panel Evaluation

Rule IB-R1

Rule IB-R1 relates to Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area. This rule is an enabling provision that allows certain types of indigenous vegetation clearance as a permitted activity. There were submissions seeking more lenient and more stringent provisions and a number of submissions in support.

With regard to IB-R1 Forest and Bird stated that for permitted activities, clear thresholds (i.e. numerical thresholds) are more appropriate and less likely to result in disputes between landowners and Council, and/or a lack of appropriate enforcement.

However, we were not presented with any numeric thresholds to consider. We asked the reporting officer to consider this and the response was that:

“... there is limited scope or supporting evidence from submitters to assign numeric thresholds for indigenous vegetation clearance to the range of activities listed under IB-R1, much of which are based on a similar rule in ODP (as discussed in the section 42A report). In my view, it is also very problematic to assign numeric thresholds to some of the activities listed in IB-R1 (e.g. clearance to address an immediate risk to health and safety of the public, clearance to maintain existing farming tracks).”⁹

We heard evidence that Clause (7) of IB-R1 that allows 1,000m² of permitted indigenous clearance for residential dwellings was both too large and too small. After considering this we have concluded that 1,000m² provides an appropriate threshold as a permitted activity status and that a resource consent process is the most appropriate method above this threshold to enable larger areas to be cleared while also helping to minimise the area of indigenous vegetation clearance and associated adverse effects.

We heard evidence from Forest and Bird that clearance of indigenous vegetation for fence lines of 3.5m either side of the fence line was excessive (i.e. 7m in total). In considering this issue we have had regard to the reasonable need for accessibility along fence lines and the need for small farm machinery to move along at least one side of a fence line. On that basis we agree with Forest and Bird (and the reporting officer) that indigenous vegetation clearance along a fencing line should be 3.5m in width in total and this can be provided either side of the fence or along a single side.

With regard to Clause 13 we acknowledge the evidence of Forest and Bird which sought limits to the permitted indigenous vegetation clearance to allow for the upgrade of existing infrastructure but we agree with the reporting officer that any permitted limits should be included in the Infrastructure Chapter and that Clause 7 include the words: “...where this is permitted under the relevant rule in Infrastructure chapter”.

The reporting officer has recommended a number of other minor amendments to address the removal of references to SNA’s as discussed in Key Issue 1 and we have adopted these.

Rule IB-R2

Rule IB-R2 relates to Indigenous vegetation clearance and any associated land disturbance within a SNA for papakāinga. Submissions were generally in favour of this rule but we received a submission Adams-Te Whata Whanau Trust (S473.004) seeking that the rule be amended to enable clearance of 1,000m² for the first residential unit and 500m² for subsequent units. The basis for this submission was that Māori tend to have bigger families and require bigger houses and therefore the thresholds in notified

⁹ Paragraph 103 - Hearing 4, Right of Reply.

IB-R2 are overly restrictive. The reporting officer recommended this amendment and we agree.

We also acknowledge and accept the evidence of Ms Dalton that reference to “complex” in the context of “marae” was not needed and should be deleted.

Rule IB-R3

Rule IB-R3 relates to indigenous vegetation clearance and any associated land disturbance within a SNA. While there were many submissions seeking higher and lower threshold for this activity, these were somewhat overtaken by our recommendation and finding with regard to Key Issue 1 and the removal of SNA mapping from the PDP. In that regard we agree with the reporting officer that this rule serves no useful purpose and should be deleted.

Rule IB-R4

Rule IB-R4 relates to indigenous vegetation clearance and any associated land disturbance outside a SNA. We received numerous submissions on this rule, mostly in opposition, although some submitters sought to increase the permitted thresholds for clearance.

One matter in contention was the requirement for an ecological assessment to be provided to determine that indigenous vegetation does not meet the criteria for SNA. In accordance with our findings for Key Issue 1 we recommend that this rule be amended to remove the reference to SNA, but we also have concerns about requiring an expert report to confirm a permitted activity and how this would be administered in the real world.

We note that the reporting officer has recommended the removal of the requirement for a specialist report and we support this approach. The reporting officer also recommends a more enabling approach be applied to Māori Purpose zone and Treaty Settlement Land overlay land in IB-R4. The recommended wording is thus:

Activity status: Permitted

Where:

PER-1

1. ~~*A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest; and*~~
2. ~~*It does not exceed the following amounts per site over a calendar year 5-year period:*~~
 - i. ~~*Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;*~~

- ii. ~~Rural Production zone; and Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;~~
- iii. Rural Lifestyle zone – 250m²; or
- iv. All other zones — 5100m²

We agree with this recommended approach but have concerns that it does not recognise the need for limited indigenous vegetation clearance within the Māori Purpose zone and Treaty Settlement Land overlay of up to 1,500m² outside areas of remnant forest. On that basis we recommend that the rule be further amended to enable this, as follows:

Activity status: Permitted

Where:

PER-1

- 1. ~~A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest except that for within the Māori Purpose zone or Treaty Settlement Land Overlay – 1,500m² over a calendar year; and~~
- 2. For areas outside of remnant forest it # does not exceed the following amounts per site over a calendar year 5-year period:
 - i. Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;
 - ii. ~~Rural Production zone; and Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;~~
 - iii. Rural Lifestyle zone – 250m²; or
 - iv. All other zones — 5100m².

6.7.3 Hearings Panel Recommendations

The Hearings Panel recommends:

- 1. The amendments as set out in the Council right of reply for Ecosystems and Indigenous Biodiversity, with the addition of the following amendment to IB-R5 by the Hearings Panel:

Activity status: Permitted

Where:

PER-1

3. ~~A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest except that for within the Māori Purpose zone or Treaty Settlement Land Overlay – 1,500m² over a calendar year; and~~
4. ~~For areas outside of remnant forest it # does not exceed the following amounts per site over a calendar year 5-year period:~~
 - v. ~~Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;~~
 - vi. ~~Rural Production zone; and Horticulture zone; Māori Purpose zone and Treaty Settlement Land Overlay – 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;~~
 - vii. ~~Rural Lifestyle zone – 250m²; or~~
 - viii. ~~All other zones – 5100m².~~

2. The Hearings Panel also recommend that submissions and further submissions relating to IB chapter rules be accepted, accepted in part or rejected as set out in **Appendix 4.4.**

6.7.4 Key Issue 5 - Questions from the Panel

At the conclusion of the Hearing 4, we put a number of questions to the reporting officer relating to the IB Chapter:

- What is required in practical terms for indigenous vegetation clearance in terms of managing the risk from fire hazards?
- Can you advise on the practicality of the 1,000m² threshold for the establishment of a new dwelling and associated infrastructure and access?
- Are there other incentives in addition to subdivision rules that can be used to incentivise the protection of indigenous biodiversity, such as additional development rights for residential or commercial activities?

Responses to these questions were provided in paragraphs 150-162 of the Council's right of reply.

With regard to the proposed fire clearance rule, we are satisfied with the response from the reporting officer and agree that the recommended 20m setback is appropriate.

With regard to the 1,000m² permitted clearance area for a dwelling, we are in agreement with the reporting officer that 1,000m² is an appropriate permitted threshold to apply district wide. In saying that we recognise the evidence of Ms Newport that this may not be enough in some of the more remote areas within the District, but acknowledge that there is a pathway for larger areas to be considered as a restricted discretionary activity.

With regard to incentives for subdivision, the Panel is interested in this approach as it would enable opportunities for an economic return while achieving increased biodiversity outcomes. In response the reporting officer has recommended a number of changes to the new policy IB-PX and these were outlined in section 6.6 above.

As in that section, we agree with these recommended amendments that and consider they will offer a level of encouragement to incentivise the restoration and enhancement of indigenous biodiversity by allowing for consideration of opportunities to enable subdivision and land use when this occurs. That said, developing a supporting rule framework to incentivise the protection and restoration of indigenous biodiversity through greater land use development rights at this point of the PDP process will also need to be developed. We consider this issue further in the subdivision provisions which are set out in our **Recommendation Report 16**.

6.7.5 Hearings Panel Recommendations

The Ecosystems and Indigenous Biodiversity chapter is an important component of the PDP given that the Far North is home to a wide range of indigenous species, habitats and ecosystems, and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. As set out the in the Overview to the chapter the protection, maintenance and enhancement of indigenous biodiversity contributes to the district's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation. We also acknowledge that approximately 42% of the district has indigenous vegetation and habitat with significant ecological values within many of them.

As outlined in section 6.7.4 we have accepted some further minor amendments resulting from replies to our questions at the hearing.

6.8 Conclusion

We have received large number of submissions and heard significant evidence seeking to reject, support or amend the provisions on the topics of Natural Character, Natural Features and Landscapes, Coastal Environment and Ecosystems and Indigenous Biodiversity.

For the reasons set out in this recommendation report, we are largely in agreement with recommendations made by the Council officers in response to the submissions and evidence received. Our additional recommendations and amendments have been discrete and focussed on further developing themes and amendments acknowledged by all submitters and the Council's reporting officer's, or minor corrections.

The Hearing Panel's recommended amendments to the:

- Natural Character chapter and APP1 are shown in **Appendix 2.1 and Appendix 2.2**;
- Natural Features and Landscapes chapter are shown in **Appendix 2.3 and Appendix 2.4**;
- Coastal Environment chapter are shown in **Appendix 2.5**; and the
- Ecosystems and Biodiversity chapter are shown in **Appendix 2.6**.

The Hearings Panel recommended amendments to mapping of overlays within this topic are identified in **Appendix 3**.

While, the Hearings Panel recommended amendments to Definitions related to the topics in Hearing 4 are identified in the definition in **Recommendation Report 17, Appendix 2.1**. These include amendments to the following definitions:

- Afforestation;
- At-risk Indigenous Taxxa;
- Biodiversity Offset;
- Biodiversity Compensation;
- Commercial Forestry;
- Effects Management Hierarchy;
- Exotic Continuous Cover Forestry;
- Pests;
- Threatened Indigenous Taxxa;
- Significant Indigenous Vegetation or Significant Habitat of Indigenous Fauna;
- Wetland, Lake and River Margins.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports. In this case, primarily **Recommendation Report 16** relating to Subdivision and **Recommendation Report 17**.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation when needed into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 4.1 – 4.4**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 6 and 7

**Hearings 6 and 7: General District Wide Matters - Earthworks;
Light; Noise; Signs; Genetically Modified Organisms; and
Temporary Activities**

March 2026

Recommendation Report 6 and 7

Recommendation Report 6 and 7 is to be read in conjunction with the **Recommendation Preamble Report** and **Recommendation Reports 11, 15B and 17**.

Recommendation Report 6 and 7 contains the Panel's recommendation on: Part 1 – Introduction and General Provisions, Tangata Whenua, and Part 2 - Strategic Direction. It also contains the Panel's recommendations on a number of miscellaneous matters.

Recommendation Report 6 and 7 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 6 and 7 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Earthworks

Appendix 2.2 Light

Appendix 2.3 Noise

Appendix 2.4 Signs

Appendix 2.5 Genetically Modified Organisms

Appendix 2.6 Temporary Activities

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions – Earthworks

Appendix 3.2 Recommended Decisions on Submissions – Light and Noise

Appendix 3.3 Recommended Decisions on Submissions – Signs

Appendix 3.4 Recommended Decisions on Submissions – Genetically Modified Organisms

Appendix 3.5 Recommended Decisions on Submissions – Temporary Activities

The Independent Hearings Panel for this hearing comprised Bill Smith – Independent Panel member and Chairperson, Alan Watson - Independent Panel member; Felicity Foy - Council member.

1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

2 Procedural Issues

2.1 Late Submissions

There were no late submissions received to any of the topics in Hearings 6 and 7.

We were advised that some of the reporting officers had held discussions with some of the submitters which was, in the most part, to better understand the submissions and context. Details of these discussions are shown in the various hearing reports and rights of reply under the heading 'Procedural matters'.

2.2 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed), we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

3 Topic 1: Earthworks

3.1 Relevant Provisions

The relevant provisions we address in the Earthworks topic relate to the objectives, policies, general comments on rules and advice notes. We also consider the rules; standards and definitions relevant to earthworks.

3.2 Overview of Submissions Received

There were 46 primary submission points and 43 further submission points on the Earthworks provisions.

The main submissions came from Federated Farmers (S421); Horticulture NZ (S159); Summit Forests New Zealand Limited (S148); Manulife Forest Management (NZ) Ltd (S160); Transpower (S454); Top Energy (S483); the Telco Companies (S282); the Fuel Companies (S335); NRC (S359); the Department of Conservation (**DOC**) (S364); Heritage New Zealand (S409); Northland Planning and Development 2020 Limited (S502); Haigh Workman Limited (S215); Fish and Game (S436); Kapiro Residents Association (S429); and Russell Protection Society (S179).

3.3 Matters Raised in Submissions and Evidence

As well as the provisions outlined above, the hearing report referred to several key themes and the key amendments being recommended. These are:

- a) Removing unnecessary duplication in the PDP and the Northland Regional Policy Statement that are primarily the responsibility of the Northland Regional Council under s30 of the RMA.
- b) Consolidation of rules EW-R1 to EW-R14 into a single earthworks rule to help reduce duplication, remove unnecessary consent requirements and to provide a more effective and effects-based rule framework.
- c) Providing exemptions to earthworks rules and standards for certain common and/or low risk activities to remove unnecessary consent requirements.

In addition, the Department of Conservation (**DOC**) requested specific provision for Kauri dieback in the PDP.

3.4 Hearings Panel Evaluation

We have only addressed evidence and statements presented at the hearing where the Hearings Panel considers additional comment is required and relates to submitters with outstanding matters in contention.

For all other submissions not otherwise addressed in this recommendation report, the Hearings Panel agrees with the recommendations in the Council's hearing report as updated by the right of reply.

A number of submitters generally supported the recommendations in the Council's hearing report and the reporting officer's recommended amendments to the Earthworks chapter.

The submitters in support included:

- The Fuel Companies, who noted in their hearing statement that they support the s42A Report recommendations.
- Ms Cook-Munro on behalf of Federated Farmers, who accepted all the s42A Report recommendations;
- Mr Horne on behalf of the Telco Companies; and
- Mr Badham on behalf of Top Energy, who supported the report recommendation to consolidate the earthworks rules into a single general rule that requires compliance with the earthworks standards.

However, we note that some submitters had outstanding issues with the Earthworks standards, which we respond to below.

With regard to the outstanding issues, Mr Butler on behalf of Heritage New Zealand did not agree that the requirement for earthworks to be setback 20m from archaeological sites should be located in the Historic Heritage chapter (as opposed to the Earthworks chapter) as recommended in the hearing report. The reasons given by Mr Butler were included in the right of reply from the reporting officer. Mr Butler did however, support a requirement for earthworks to be setback 20m from an archaeological site. Additionally, Mr Butler clarified in his evidence that Heritage New Zealand did not request that the advice note for the setbacks from waterbodies in the Natural Character chapter be deleted from EW-S6. Rather, Mr Butler considered that this appears to be an inaccurate

summary of the original submission, particularly as archaeology is frequently found around waterbodies.

Mr Badham on behalf of Top Energy did not agree with the hearing report recommendation to not exempt earthworks associated with infrastructure from standard EW-S1 (maximum earthworks thresholds). Mr Badham considered that:

- There is a strong policy rationale in the Strategic Direction chapter of the PDP and the Infrastructure chapter more broadly to provide more enabling provisions for earthworks associated with infrastructure.
- The hearing report recommendations appear to contradict recommendations in Hearing 4, including Mr Badham's recommended amendments to CE-R3 to enable earthworks associated with the operation, repair, maintenance or upgrade of existing network utilities to be undertaken as permitted activity (outside outstanding natural character and high natural character areas) with no volume or area thresholds.

Accordingly, Mr Badham recommended that standard EW-S1 be amended to also provide an exemption for *"earthworks for the operation, repair, maintenance and upgrading of existing lawfully established network utilities."*

At the hearing, this issue was discussed in terms of what scale of "upgrading" may be enabled under this exemption, given that this can vary significantly. It was also noted that "upgrading" is not defined in the PDP, but that Top Energy has a submission point requesting this.

Mr Horne on behalf of the Telco Companies supported the hearing report recommendation to exempt earthworks associated with infrastructure from standard EW-S6 (Setback). Mr Horne also supported the recommendation as it acknowledged that earthworks for localised pole foundations and underground lines do not need to meet boundary setbacks due to the nature of such work.

In addition, Mr Horne noted that while the Telco companies also requested an exemption to standard EW-S1, they were no longer pursuing this submission point as typical pole earthworks would not infringe the thresholds and earthworks associated with underground telecommunication lines are permitted under the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 (NES-TF). However, Mr Horne did consider that amendments to standard EW-S2 were required to address the following:

- A typical pad foundation for 25m high telecommunication pole is up to 1.5m therefore a minor exceedance of this standard would trigger the need for a resource consent.

Mr Horne was unaware of any issues with earthworks associated with telecommunication pole foundations and therefore considered that there is no clear resource management purpose to require resource consent for these earthworks.

Mr Horne's evidence was that standard EW-S2 should be amended to not apply to the foundations of telecommunication poles and that there is no reason for standard EW-S2 to refer to slope in the title, as the standard does not control slope.

Ms Jacobs' evidence on behalf of Waitangi Limited sought to exempt earthworks associated with a range of activities from standard EW-S1. However, Ms Jacobs did acknowledge that some of the activities listed in the request are unlikely to exceed the thresholds in EW-S1. However, that this may not be the case for sites with multiple activities operating, or larger farms where various land disturbing activities are required throughout the year, meaning the thresholds may be "used-up" over a 12-month period. Ms Jacobs acknowledged that the recommendations to exempt land disturbances from standards EW-S2 and EW-S6 will cover many of the exemptions sought, but the total volume and area thresholds in standard EW-S1 will remain applicable.

Ms Jacobs' evidence also covered a number of other issues. These were further addressed in the Council's right of reply and we have not repeated them here. However, we do note that Ms Jacobs raised the issue of a Special Purpose zone for the Waitangi Estate which could provide a single set of consolidated earthworks standards applicable to the Estate in one place. Ms Jacobs acknowledged that this rezoning request would be considered through a future hearing relating to rezoning requests.

Ms Dines on behalf of Transpower considered that the hearing report recommended amendments to policy EW-P6 did improve the drafting of the policy but did not go far enough to give effect to Policy 10 in the National Policy Statement for Electricity Transmission 2008 (**NPS-ET**). That policy gives a "relatively strong directive" which requires that the operation of the National Grid is not compromised by third party activities such as earthworks.

Ms Dines noted that the submission requested a new policy in the Infrastructure chapter specific to earthworks in the National Grid Yard. To address this concern Ms Dines considered that the policy requested by Transpower should be inserted into the Earthworks chapter, or alternatively, an 'Advice note' should be added that directs the District Plan users to this policy (or an alternative policy outcome) in the Infrastructure chapter, when a non-complying resource consent is required for earthworks in the National Grid Yard under new rule EW-R2.

Mr Badham's evidence on behalf of Top Energy supported the hearing reports recommended amendments to policy EW-P6. Mr Badham considered the amendments provide for the protection of Top Energy's earthworks assets.

With regard to new proposed rule EW-R2 – Earthworks within the National Grid Yard and near transmission lines, Ms Dines broadly supported the hearings report recommended amendments. However, Ms Dines noted some errors and potential interpretation issues that she considered should be addressed as follows:

- The wording needs to make it clear that the depth standards apply to all National Grid support structures, not just the 110kV transmission lines. This could be addressed by deleting the reference to 110kV lines from the title of new rule EW-R2.
- The references to 66kV and 220kV lines should be removed as there are none of these assets in the Far North District.
- Additional minor grammatical and wording corrections as set out in Appendix 2 of Ms Dines evidence (e.g. consistently referring to "*transmission line, tower or pole*").

Mr Badham on behalf of Top Energy supported the hearing reports recommended amendments to new rule EW-R2 that make it a permitted activity rule, with non-complying activity resource consent required when the standards are not complied with. However, Mr Badham was concerned that the relationship between rules EW-R2 and the Infrastructure chapter rule I-R12 (buildings and earthworks within 10m of a Critical Electricity Lines Overlay) has not been specifically addressed. Mr Badham considered that this issue is symptomatic of integration issues raised at previous hearings. Mr Badham considered that this issue is best addressed through expert caucusing on the Infrastructure chapter. The relationship between the rules EW-R2 and I-R12 was raised at the hearing, and it was agreed that the reporting officer and Mr Badham should undertake further correspondence to clarify, and ideally, resolve this issue.

Heritage New Zealand was concerned that the archaeological discovery protocol in standard EW-S3 is reactive, whereas an earthworks setback standard from archaeological sites is a more conservative/precautionary approach to protecting these sites. However, the reporting officer in the right of reply did not consider that a new requirement for all earthworks to be setback from archaeological sites (scheduled or not) is an appropriate, effective or efficient way to achieve the relevant PDP objectives. The reporting officer's reasons were as follows:

- 'Archaeological site' has a broad definition in the HNZPT Act as it includes any building or structure associated with human activity that occurred before 1900. It would be difficult for the District Plan users to understand with sufficient certainty whether the earthworks they are undertaking will be setback 20m from any unscheduled archaeological site.
- The PDP includes a list of scheduled heritage resources in SCHED-2 and includes a range of rules to protect these sites (both within and outside Heritage Area Overlays), including, for example: HA-R5 and HH-R5, which require earthworks to be setback at least 20m from a scheduled heritage resource and HH-R4 and HA-S1, which require new buildings and structures to be setback a minimum of 20m from a scheduled heritage resource.

Accordingly, in the reporting officer's view, it was not necessary to duplicate these controls in the Earthworks chapter. The reporting officer did acknowledge that this means there are no setback standards for earthworks in relation to unscheduled archaeological sites. However, this needs to be balanced against the need to provide certainty in the application of the earthwork's standards and the range of PDP protections relating to historic heritage. The reporting officer also understood that one of the purposes of identifying and mapping Heritage Overlay Areas is that these are the most likely locations for unscheduled archaeological sites to be found which will help ensure these unscheduled archaeological sites are better protected. The reporting officer noted that the adequacy of the list of scheduled heritage resources in SCHED-2 of the PDP and the boundaries of the Heritage Area Overlays will be considered as part of Hearing 12, and that this is being informed by additional technical advice.

Having considered the submissions, evidence, the hearing report and the right of reply we agree with the evidence of the reporting officer and accept his reasons and recommendations to us.

With regard to exemptions to standard EW-S1 for infrastructure, Top Energy and the reporting officer agreed in principle with Mr Badham that a more enabling approach for infrastructure is anticipated by the PDP, both through the Strategic Direction chapter and the Infrastructure chapter, and the reporting officer acknowledged that retaining the earthworks thresholds for infrastructure in standard EW-S1 could seem contrary to the recommendations in Hearing 4 which the reporting officer included in the right of reply. Those recommendations were:

- Amend CE-R3 to enable earthworks associated with the upgrading of existing above ground network utilities in the coastal environment (outside ONC and HNC areas) where that upgrade is permitted under CE-R1 (which sets some constraints on the scale of the upgrade).
- Amend NFL-R3 to enable earthworks associated with existing network utilities permitted by rule NFL-R1 (which sets some constraints on the scale of the upgrade).

However, the reporting planner's evidence was that while these earthworks rules do not set a maximum area or volume threshold *per se*, the scale of earthworks is limited by the rules being linked back to the upgrading being permitted under the rule for buildings and structures. As such, a large-scale upgrade activity (e.g. replacing and realigning lines across a large area) is unlikely to be permitted under the rules for buildings and structures and, therefore the associated earthworks will also not be permitted.

On balance, the reporting officer did not consider that there is sufficient policy justification, evidence or examples to provide a blanket exemption to the earthworks area and volume thresholds in standard EW-S1 for the upgrading of existing infrastructure. This is because the scale of earthworks could vary significantly, from the upgrading of a single pole (which is unlikely to exceed the thresholds) through to upgrading of an existing road, which could involve a significant area of disturbance and volume of earthworks. However, the reporting officer did support an exemption to standard EW-S1 for the operation, maintenance and repair of existing infrastructure consistent with existing tracks and roads etc, and other earthworks rules in the PDP. This recommendation to standard EW-S1 was shown in Appendix 1 of right of reply.

In respect to questions that were raised at the hearing about the scale of upgrading permitted under this exemption and whether upgrading needs to be defined the reporting officer stated that he was aware that Top Energy has a submission point (S483.021) requesting that a definition of upgrading be added to the PDP as follows (or words to the same effect): *"means an increase in the capacity, efficiency or security of existing infrastructure"*. This submission point has been allocated to the Interpretation hearing (Hearing 17). However, given the term "upgrading" is used almost exclusively in relation to infrastructure in the PDP and has wider implications for numerous provisions relating to infrastructure, Council has determined that it is most appropriate to consider this submission point as part of expert caucusing and hearings on the Infrastructure chapter (Hearing 11).

In respect to the Telco Companies and exemptions to standard EW-S3 for telecommunication pole foundations, Mr Horne on behalf of the Telco Companies had helpfully provided examples of where earthworks for telecommunication pole

foundations may exceed the maximum depth standards in EW-S2. The reporting officer agreed with Mr Horne's evidence that earthworks associated with telecommunication pole foundations are low-risk and these facilities are commonly deployed throughout New Zealand in a range of soil conditions. On this basis, the reporting officer considered it would be inefficient to require a resource consent for these foundations and agreed with the requested relief from Mr Horne, as was discussed at the hearing. The reporting officer also agreed with Mr Horne that standard EW-E2 should be amended to only refer to depth as the standard does not manage slope. These amendments to EW-S2 were shown in Appendix 1 of the Council's right of reply.

In terms of the evidence from Waitangi Limited reiterating requests for additional exemptions to standard EW-S1, the Reporting Officer acknowledged the concerns that assessing potential non-compliance with the earthworks area and volume thresholds could result in some unnecessary costs and uncertainty for common, low-risk activities on larger sites like at the Waitangi Estate. However, the reporting officer still considered that there is a lack of clear evidence that these activities will exceed the thresholds. Additionally, the reporting officer's:

- expectation was that earthworks associated with pou, mailboxes, trenching of drains and cables will be able to comply with the thresholds without needing to undertake detailed assessments.
- understanding was that the majority of the Waitangi Estate is zoned Rural Production zone, with the exception of the golf course which is zoned Sport and Active Recreation zone, and the hotel area which is zoned Mixed Use zone. This means that the more permissive earthworks standards in standard EW-S1 (i.e. 5,000m³ and 2,500²) will generally apply within the Waitangi Estate within a calendar year.
- opinion was that where earthworks associated with boardwalks or building foundations exceed the area and volume thresholds in standard EW-S1, then there is no clear policy rationale as to why these should be treated differently to other types of earthworks that also exceed the thresholds.

On the above basis, the reporting officer did not recommend any further exemptions to standard EW-S1 in response to the evidence of Ms Jacobs on behalf of Waitangi Limited. We agree with the reporting officer's evidence and reasoning.

With regard to policy EW-P6 and amendments to provide for infrastructure. The reporting officer agreed with Ms Dines that Policy 10 in the NPS-ET is a strong directive that third party activities such as earthworks should not compromise the operation of the National Grid. However, the reporting officer also considered that the recommended wording in policy EW-P6 to "require" that earthworks are undertaken in a manner that "ensures" "the safe, effective and efficient operation of infrastructure" already provides strong direction. The reporting officer was also aware that Transpower has a submission point (S454.050) requesting a new policy to manage the effects of third parties on the National Grid, including specific policy direction relating to earthworks (clause 4 of the requested policy) and that this submission point would be considered at expert caucusing and hearings on the Infrastructure chapter.

The reporting officer's evidence was that the Earthworks chapter does not need to be amended to either incorporate or cross-reference that policy direction (if accepted) as all PDP chapters need to be read together as relevant. However, the reporting officer noted that there may be consequential amendments to clarify the relationship between the Infrastructure chapter and other PDP chapters as a result of expert caucusing and hearings on the Infrastructure chapter.

With regard to Infrastructure, such as earthworks within National Grid Yard and Transmission Lines/Critical Electricity Lines, the amendments to the new rule EW-R2 requested by Ms Dines on behalf of Transpower were sensible amendments in the reporting officer's view to improve workability (e.g. consistently referring to "transmission, line or pole") and to reflect the nature of Transpower's assets in the Far North District (e.g. that there are no 66kV or 220kV lines). However, as discussed at the hearing, the reporting officer also saw the benefit of "future-proofing" rule EW-R2 given that there may be 66kV transmission lines in the future, to meet growing demand, even if there are no foreseeable plans for such lines.

Following the hearing, the reporting officer undertook further engagement with Mr Badham to resolve the integration/alignment issues between new rule EW-R2 and Infrastructure chapter rule I-R12 (new buildings and earthworks within 10m of Critical Electricity Lines Overlay). The outcome of those discussions and agreements were shown in the Council's right of reply, as were the recommendations to us from the reporting officer. We agree with the rationale and the recommendations to us that:

- New rule EW-R2 should continue to focus on earthworks within the National Grid Yard and near (within 10m) Top Energy's transmission lines (110kV lines, along with the potential for 66kV lines in the future).
- The earthworks component of Infrastructure chapter rule I-R12 is moved to the Earthworks chapter and applied to Top Energy's 33kV lines.

The amendments to new rule EW-R2 and new EW-R3 were shown in Appendix 1 of the Council's right of reply and the reporting officer's evidence/understanding was that Top Energy supported the recommendations.

We agree and accept the recommendations as contained in the Council's right of reply. The resulting recommended amendments to the Earthworks chapter are identified in **Appendix 2.1** to this recommendation report.

3.5 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends the amendments to the Earthworks chapter identified in **Appendix 2.1**. The amendments include:

- a) New Rule EW-R2 is further amended to clarify how the rule applies within the National Grid Yard (as defined in the PDP) and to improve wording and workability.
- b) A new rule, EW-R3 is inserted into the Earthworks chapter, which essentially moves the controls on earthworks within 10m of Critical Electricity Lines (excluding 110kV lines) from the Infrastructure chapter rule I-R12 to improve visibility for the District Plan users.

- c) Standard EW-S1 is amended to exempt earthworks associated with the operation, maintenance and repair of existing infrastructure.
- d) Standard EW-S2 is amended to remove the reference to 'slope' in the title and to exempt earthworks for telecommunication pole foundations.

We note that amendments to define and clarify the application of the Critical Electricity Lines Overlay and associated rules are part of the recommendations on the Infrastructure chapter, considered in **Recommendation Report 11**).

We consider that the recommended amendments to the Earthworks chapter above are an appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA. These amendments are primarily to clarify the intent and improve the workability of the provisions and to provide exemptions for certain earthworks activities that are low risk to avoid the potential for unnecessary consent requirements. This will have efficiency benefits and help ensure the provisions are implemented as intended.

Accordingly, submissions and further submissions are accepted, accepted in part and rejected as set out in **Appendix 3.1**.

4 Topic 2: Light

4.1 Relevant Provisions

The relevant provisions we address in the Light topic relate to the overview and request for new provisions, objectives, policies, rules and standards.

4.2 Overview of Submissions Received

There were 38 original submissions and 25 further submissions on the Light and Noise provisions.

The main submissions came from Anne Clarke (S563), the Department of Conservation (**DOC**) (S364), Kapiro Conservation Trust (S442), Carbon Neutral NZ Trust (S529), Waiaua Bay Farm Limited (S463), NZTA (S356), Te Hiku Development Trust (S399), Jeff and Robby Kemp (S51) and the Far North District Council (**FNDC**) (S368).

4.3 Matters Raised in Submissions and Evidence

Based on the review of the submissions and evidence at the hearing received from Vision Kerikeri (S521, S527), Carbon Neutral Trust (S529) and Kapiro Conservation Trust (S442, S443), the reporting officer considered that there were three key issues to respond to. These were:

- Key Issue 1 - The link used for reference to the Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds.
- Key Issue 2 - Rule LIGHT-R1 and an additional clause to ensure lighting design considers a number of matters such as energy efficiency, wildlife and night skies.

The reporting planner considered that the use of the table in standard NOISE-S5 includes reference to "habitable rooms" in the context of noise-sensitive activities and it is a more suitable approach, that adequately addresses the relevant household spaces without including these in the 'noise sensitive activities' definition. We agree with the reporting officer.

While the reporting officer did not believe the changes to the definition were required, both he and Mr Ibbotson, the Council's noise expert accepted NZTA's request to apply a table with different internal noise criteria for various activities as outlined in relation to KiwiRail's submission in Issue 3, as this is now a largely standard approach in other districts following appeals. Mr Ibbotson had provided comment in evidence on the table, and noted that if some amendments to the table to address these issues were made, that may address NZTA's concerns regarding the definition of Noise sensitive activities. We agree with this approach. Therefore, we do not recommend any amendments to the definition of 'Noise sensitive activities'.

5.8.2 Hearings Panel Recommendations

The Hearings Panel consider that the recommendations outlined in relation to Key Issue 3 above, relating to the KiwiRail submissions, also address matters raised by NZTA. As a result, no further amendments are recommended to standard NOISE-S5 or the definition of 'Noise sensitive activity'.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2**.

5.9 Key Issue 5 – RPS Implementation in Objectives and Policies

Based on a review of the planning evidence received from Mr Badham on behalf of Top Energy Ltd and matters raised during the hearing, the reporting officer considered that an outstanding matter to be addressed was the implementation of the Regional Policy Statement (**RPS**) within the noise objectives and policies, particularly objective NOISE-O2 and policy NOISE-P2.

Objective NOISE-O2

In Mr Badham's opinion, the RPS had not been given effect to by objective NOISE-O2, and he suggested the following amendments:

NOISE-P2 'New noise sensitive activities are designed and/or located to minimise conflict with, and avoid reverse sensitivity effects on, existing lawfully established noise generating activities, and to protect community health and wellbeing.'

The reporting officer agreed with the intent of the suggested amendments. However, the reporting officer's opinion was that it was more appropriate to separate the suggested wording into a new objective that specifically relates to avoiding reverse sensitivity effects on existing lawfully established 'noise generating activities', which is defined as *"means high levels of noise generated from activities that are nationally significant or regionally significant infrastructure."* In the reporting officer's opinion, this better reflects the specific policies of the RPS referenced by Mr Badham.

RPS Policy 5.1.1 states:

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

...

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

It was the reporting officer's opinion that the word 'should' in the RPS policy, rather than the use of the word 'must' means the RPS policy is not as prescriptive in terms of more general activities. Therefore, it was the reporting officer's view that the policy recommended in the hearing report is appropriate. The wording of this is as follows:

NOISE-O2 "New noise sensitive activities are designed and/or located to minimise conflict, ~~and~~ reverse sensitivity effects and to protect community health and wellbeing."

In relation to the other RPS policy referenced by Mr Badham, RPS Policy 5.1.3, this states:

Avoid the adverse effects, including reverse sensitivity effects, of new subdivision, use and development, particularly residential development on the following:

...

- c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and ...*

In the reporting officer's opinion this policy should be reflected in the noise objectives, as it provides a more prescriptive approach.

The reporting officer considered that a new objective is warranted, and that this should focus specifically on the defined 'noise-generating activities', which includes nationally or regionally significant infrastructure, rather than covering a wider range of activities. The reporting officer considered that this approach would align with the specific policies of the RPS referenced by Mr. Badham. The reporting officer did not consider it was necessary to include the term "lawfully established" as any activity not legally established would be unlawful and therefore not provided for under the PDP. The reporting officers recommended new objective is:

NOISE-O3 Reverse sensitivity effects on existing noise generating activities are avoided.

Policy NOISE-P2

Mr Badham's evidence also considered that the RPS has not been given effect to by the wording of NOISE-P2. Mr Badham suggested the following amendments to the policy:

NOISE-P2 'Ensure noise sensitive activities proposing to be located within the Mixed Use, Light Industrial, on land near state highways and Air Noise Boundary and in close proximity of regionally significant infrastructure in these areas are

located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to:

- a. Any existing lawfully established noise generating activities and the level of noise that will be received within any noise sensitive building;*
- b. The need to avoid any reverse sensitivity effects on lawfully established noise generating activities;*
- c. The primary purpose and the frequency of use of the activity; and*
- d. The ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night.'*

Although agreeing with the intent of the amendments suggested by Mr Badham the reporting officer's opinion was that the policy as drafted does not provide the relief sought by Top Energy. The reporting officer noted that Mr Badham's suggested policy relates to specific areas including Mixed Use or Light Industrial area or on land near state highways and an Air Noise Boundary. The reporting officer also considered that, including the requested clause (b) '*The need to avoid any reverse sensitivity effects on lawfully established noise generating activities*;' would only relate to the specified area, and this was not the intent.

The reporting officer considered a new policy but then noted that this would be the same as the new recommended objective (outlined above). Therefore, the reporting officer was of the opinion that the recommended objective provides sufficient relief for Top Energy. However, the reporting officer did suggest amending clause (a) of policy NOISE-P2 as follows:

NOISE-P2 are located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to:

- a. ~~Any~~ reverse sensitivity risks to existing noise generating activities and the level of noise that will be received within any noise sensitive building; ...*

The reporting officer considered that this approach would enable the Council to consider the potential effects of reverse sensitivity on established noise-generating activities in a manner consistent with the intent of the RPS policy.

In suggesting the additional objective NOISE-O3, the reporting officer no longer considered it necessary to include the original recommendations to NOISE-P2 suggested hearing report.

5.9.1 Hearings Panel Evaluation

We agree with the reporting officer's comments in the right of reply, and with the reporting officer's recommended amendments to objective NOISE-O2 and new objective NOISE-O3. We also agree with the reporting officer's recommended amendments to policy NOISE-P2. We agree that these amendments will give effect to the RPS policies and better manage or avoid reverse sensitivity impacts.

5.9.2 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends amendments to objective NOISE-O2; a new objective NOISE-O3; and amendments to policy NOISE-P2. These amendments are identified in the Noise chapter provided as **Appendix 2.3**.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2**.

5.10 Key Issue 6 – Noise Exemptions for Generators

Based on a review of the planning evidence received by Mr Badham on behalf of Top Energy Ltd and matters raised during the hearing, the reporting officer considered that there was one remaining matter to respond to, being 'Exemption Note 8 and the removal of a time limit'.

Mr Badham's opinion was that Exemption Note 8 should not be restricted in terms of a time limit as this is not appropriate in terms of the operation of generators and mobile equipment for emergency purposes, testing and maintenance, and the ongoing supply of electricity during planned maintenance on the electricity network. The requested amendments sought by Mr Badham were as follows:

8. *the use of generators and mobile equipment (including vehicles) where they are operated by for emergency services or lifeline utilities as defined in the Civil Defence Emergency Management Act 2002 for:*
 - a. *emergency purposes;*
 - b. *testing and maintenance; or*
 - c. *the ongoing supply of electricity during planned maintenance on the electricity network.*

~~not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities; provided that the use of generators for testing and maintenance purposes is limited to a cumulative time of 12 hours per year;~~

The reporting officer agreed with these amendments.

5.10.1 Hearings Panel Evaluation

We agree with Mr Badham and the reporting officer that the suggested amendments to exemption note 8 are appropriate and necessary. We also note that the evidence provided by the submitter confirms that this type of activity will only be conducted where necessary, due to the costs associated with running generators. We also note that



PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 11

Hearing 11: Renewable Energy, Infrastructure, Transport and

Designations

March 2026

RECOMMENDATION REPORT 11

Recommendation Report 11 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 16 and 17**.

Recommendation Report 11 contains the Panel's recommendations on Part 2 – District Wide Matters – Energy, Infrastructure, and Transport chapters and Part 3 – Areas Specific Matters – Designations.

Recommendation Report 11 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 11 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered):

Appendix 2.1 Renewable Electricity Generation Chapter

Appendix 2.2 Infrastructure Chapter

Appendix 2.3 Transport Chapter

Appendix 2.4 Designation Chapter

Appendix 5: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions - Renewable Electricity Generation Chapter

Appendix 3.2 Recommended Decisions on Submissions - Infrastructure Chapter

Appendix 3.3 Recommended Decisions on Submissions - Transport Chapter

Appendix 3.4 Recommended Decisions on Submissions - Designations Chapter

The Independent Hearings Panel for this hearing comprised Bill Smith – Independent panel member and Chairperson; Alan Watson - Independent panel member; Steve McNally - Council member and Commissioner.

3. Topic 1: Renewable Energy Generation

3.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to the Renewable Energy Generation chapter in Part 2 – District – Wide Matters of the PDP.

3.2 Overview of Submissions Received

A total of 16 original submissions (with 93 individual submission points) and 168 further submissions (with 722 individual submission points) were received on the Renewable Energy Generation topic.

As set out in the hearing report the main submissions on the Renewable Energy Generation topic came from:

- Iwi and Hapū Groups – Ngati Rangī ki Ngawha, Ngati Rangī ki Ngawha and Te Hiku Iwi Development Trust who generally supported the provisions in part but requested amendments.
- Top Energy who sought better integration between the provisions and the RPS and amendments to enable renewable energy activities to establish.
- Federated Farmers who generally supported the notified provisions with some minor amendments requested.
- Key Interest Groups including Forest and Bird and the Kapiro Conservation Trust seeking better integration between this chapter and other chapters particularly in regard to indigenous vegetation clearance.

Due to the clarity of the submissions, we were told that no correspondence or meetings with these submitters needed to be undertaken and there were no procedural matters in relation to this topic. There were no late submissions.

3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: General
- Key Issue 2: Objectives
- Key Issue 3: Policies
- Key Issue 4: Notes
- Key Issue 5: Rules
- Key Issue 6: Definitions.

3.4 Key Issue 1 – General

3.4.1 Matters Raised in Submissions and Evidence

NRC (S359.033) seeks amendments to recognise the geographic limitations for some forms of renewable energy that they may be location specific. Also, to enhance access to renewable energy sources. Transpower (S454.033) requests that all infrastructure provisions be consolidated within the Infrastructure chapter of the PDP.

Top Energy (S483.076) seeks amendments to provide clarity around integration of this chapter with other chapters in the PDP so that the provisions of the Renewable Electricity Generation chapter have precedence. Te Runanga o Ngati Rehia seek amendments to ensure there are no impediments to climate change mitigation, that is for example, in relation to reflectivity and/or building height that may limit opportunities for small to medium scale solar or wind generation.

3.4.2 Hearings Panel Evaluation

We find that the relief sought by NRC regarding the geographic limitations and location specific nature of some forms of renewable energy are adequately addressed in the PDP as notified. The provisions specifically recognise the "operational need" and "functional need" for renewable electricity generation activities to be in particular locations, specifically Policy REG-P11 but also REG-O1, REG-P5 and REG-P6. We find that no amendments are needed.

Similarly, with respect to the request by NRC to enhance access to renewable energy sources, the notified provisions provide for several activities relating to renewable energy being permitted across all zones subject to compliance with permitted activity standards. The provisions include rules REG-R2, REG-R3, REG-R5 and REG-R6. REG-R7 provides for large scale renewable electricity generation as discretionary in all zones is deleted as a consequence of recommendations on other submissions, but provision for large scale renewable energy generation activity is provided for by the amended REG-R6 in relation to solar energy (restricted discretionary) and by REG-RY in relation to wind energy (discretionary).

As noted by the reporting officer, and with whom we agree, these provisions provide sufficient access to renewable energy resources and no amendments are needed to the PDP. We note too, that NRC did not propose any specific amendments.

In relation to the Transpower and Top Energy submissions, and the supporting evidence from Sharon Dines and David Badham, we agree that all infrastructure provisions should be consolidated within the Infrastructure chapter of the PDP. This should further clarify the relationship between the Infrastructure chapter and other PDP chapters. In this respect the reporting officer directed us to the Infrastructure hearing report *Key Issue 1: Relationship between Infrastructure Chapter and other PDP Chapters* which also applies to the renewable energy provisions.

Te Runanga o Ngati Rehia (S559.008) seek that there be no impediments in the PDP provisions for climate change mitigation that may limit opportunities for small to medium scale solar or wind generation. We agree and we would not want to see such opportunities unreasonably limited. However, we still need to ensure any potential

adverse effects are avoided or mitigated and the effects associated with flicker, glare or reflectivity as mentioned by the submitter are relevant considerations.

3.4.3 Hearings Panel Recommendations

The Hearings Panel recommend the following:

- a) That the submissions from NRC (S359.033), Transpower (S454.033) and Top Energy (S483.076) are accepted in part.
- b) That the submission from Te Runanga o Ngati Rehia (S559.008) is rejected.
- c) That all other general submissions on the Renewable Energy Generation chapter are accepted, accepted in part and rejected as set out in **Appendix 3.1**.

3.5 Key Issue 2 – Objectives

3.5.1 Matters Raised in Submissions and Hearings Panel Evaluation

REG-O1

Top Energy (S483.077) does not agree with the reporting officer's recommended amendments which remove the terms "*technical, operational and functional needs*" from REG-O1. They seek retention of the objective while agreeing with the amendment to REG-O3 that is to recognise and provide for the operational and functional needs of renewable energy generation activities being in particular environments. Mr Badham's view, which he explained in his evidence was that these objectives cover different matters.

We however, find that the operational and functional needs of electricity generation activities are already appropriately recognised and provided for under REG-O3. Including them also under REG-O1 would result in unnecessary duplication within the objectives framework. **Appendix 2.1** includes the amendments from the reporting officer that we adopt.

REG-O2

Top Energy agrees with the recommended amendments to REG-O2 but provides some other amendments that, supported in the evidence of Mr Badham, they consider better reflect the intent of the objective.

The reporting officer agrees, as we do. REG-O2 is accordingly amended as sought in Mr Badham's evidence. **Appendix 2.1** includes the amendments.

REG-O3

Forest and Bird (S511.047) does not support the amendments recommended to REG-O3. They were represented by Tim Williams, legal counsel. They are concerned that the objective is effectively "weighted" in favour of providing for renewable electricity activities and inappropriately limits how the adverse effects of those activities are to be managed. As pointed out by the Reporting Planner however, the wording of the objective does not imply that all renewable electricity generation activities will be recognised and provided for without constraint but rather, it clarifies that adverse effects are to be managed in a manner that recognises and provides for the operational and functional

requirements of such activities. This recognises that renewable energy resources are fixed in location and cannot be relocated.

Further, amendments are recommended by the reporting officer to clarify that the provisions in the renewable energy generation chapter are to be read together with the effects management policies in other PDP chapters, including the Ecosystems and Indigenous Biodiversity chapter. We find that this assists to meet the concerns of Forest and Bird in that it makes it clear that the adverse effects of renewable electricity generation activities are appropriately managed. We accordingly make no further amendments to the objective.

REG-O4

The objective is concerned with reverse sensitivity effects. For Top Energy (S483.080), Mr Badham seeks consistency with Policy 5.1.1(e) of the RPS and its direction to avoid the potential for reverse sensitivity effects, rather than retaining the reference to mitigating. In his evidence he references Policy 5.1.1(e) and its strong avoidance directive, stating inclusion of “*or otherwise mitigating*” is clearly inconsistent with giving effect to that directive. The Reporting officer does not agree and notes that the RPS policy applies broadly to all regionally significant infrastructure, whereas Policy D of the NPS-REG relates specifically to renewable electricity generation. Policy D states that “*Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities*”.

In that respect we find that the wording “... *avoiding, or otherwise mitigating, the reverse sensitivity effects...*” in REG-O4 to be appropriate, rather than deleting the words “*or otherwise mitigating*” from the objective as sought by Mr Badham. The retention of the current wording gives greater weight to the NPS-REG and provides more targeted direction with respect to renewable electricity generation activities and reverse sensitivity effects.

3.5.2 Hearings Panel Recommendations

The Hearings Panel recommends wording amendments to Objectives REG-O1, REG-O2, REG-O3 and REG-O4 for the reasons included above in our evaluation. The recommended amendments are identified in **Appendix 2.1**.

Accordingly, the Hearings Panel recommend the following:

- a) That the submission from Top Energy (S483.077) is accepted in part;
- b) That the submission from Forest and Bird (S511.047) is accepted in part; and
- c) That all other submissions are accepted, accepted in part or rejected as set out in **Appendix 3.1**.

3.6 Key Issue 3 – Policies

3.6.1 Matters Raised in Submissions and Hearings Panel Evaluation

REG-P2

Forest and Bird (S511.048) do not support the recommended amendments to this policy and particularly the use of the term “enable” as they consider this implies permitted activity status. The reporting officer does not agree and points out that the term “enable” signals general support or intent rather than an absolute obligation to set permitted activity status for activities.

We note that the policy seeks to enable the continued operation, maintenance, repair, and replacement of renewable energy activities in order to maintain or increase generation activity. That is supported by the recommended new rule REG-RX and REG-R1. REG-R1 is a permitted activity with no conditions which is appropriate for operation, maintenance, repair and removal whereas REG-RX relating to upgrading or repowering existing facilities is a restricted discretionary activity with defined matters of discretion. There is the ability to refuse consent to an upgrade or repowering proposal where the relevant matters are not met.

We find in that context the use of the term “enable” to be appropriate.

REG-P5 and REG-P6

The reporting officer’s recommendation is for the deletion of REG-P5 and REG-P6 and to rely on the relevant effects management policies in the ecosystems and indigenous biodiversity chapter to avoid inconsistencies. Forest and Bird agree but are concerned that problems with other provisions could undermine this approach. The reporting officer points out that is not an issue because amendments to the Overview section and Note 1, which are intended to clarify the specific District-Wide matters chapters may apply to renewable electricity generation and he quotes Note 1 to support his view.

We agree with the reporting officer’s advice.

REG-P8

Top Energy does not support the recommended wording of REG-P8 for the same reasons as outlined above in relation to REG-O4 and which we address above.

We accordingly recommend no amendments to REG-P8.

REG-P9

Top Energy does not support the recommended wording of REG-P9 and seeks it be deleted for the reasons including that it fails to give effect to the enabling provisions of the NPS-REG, the RPS, and the Strategic Direction chapter of the PDP. Mr Badham details his concerns in evidence pointing out that renewable energy resources do not necessarily follow zone boundaries for technical, operational and functional reasons and that there is no justification for having a low and arbitrary “no more than minor” effects threshold linked to a strong “avoid” policy. Further, that an avoid policy is inconsistent with the enabling provisions for renewable electricity generation within the NPS-REG, the RPS, the Strategic Direction chapter of the PDP and the REG chapter objectives.

The reporting officer disagrees and pointed out that the NPS-REG does not require unqualified enabling of renewable electricity generation activities in all zones, it promotes and enables such activities but also recognises the need to manage adverse effects.

We agree with the reporting officer for those reasons shown above and in the hearing report, and as otherwise stated in his reply. We also find that using an effects threshold of “no more than minor” is an appropriate measure and that its use is not necessarily limited to being only for notification considerations. We also recognise, as the reporting officer did, that the current wording of REG-P9 is inconsistent with the recommended amendments to REG-R6 and REG-RY. Those rules provide for large and community scale renewable electricity generation activities as permitted activities in the Rural Production, Maori Purpose and Open Space zones, subject to compliance with permitted activity standards that ensure that adverse effects will be no more than minor. We find agreement that REG-P9 needs to be amended to reflect this broader approach which better aligns with the recommended rule framework.

Top Energy also has concerns regarding the use of the phrase “adverse effects will be no more than minor” stating it is not appropriate in the context of this plan provision. It is however, in our view appropriate because large and community scale renewable electricity generation activities are considered to be regionally significant infrastructure which is referred to in the RPS as requiring to be such that “adverse effects are avoided, remedied or mitigated to the extent that they are no more than minor.” There are also other references that give a clear and appropriate basis for adopting the same effects threshold as in REG-P9. Accordingly, we find that the use of the phrase “adverse effects will be no more than minor” is appropriate and consistent with the higher order direction in the RPS.

The amended provision is included in **Appendix 2.1**.

REG-P10 and REG-P11

Top Energy requests that REG-P10 be moved to be a matter for consideration under REG-P11. However, we find agreement with the reporting officer that there needs to be a commitment to ensure that during decommissioning of any renewable electricity generation activity that the buildings and the like are removed or the site otherwise mitigated to be compatible with future land use. That is more appropriate as a requirement than as a “consideration”.

New Policy

Top Energy seeks the inclusion of a new policy specifically enabling activities associated with the investigation, identification, and assessment of potential sites and energy sources for renewable electricity generation. We agree with this request (see REG-PX) along with amendments to REG-P3 for the reasons outlined by Top Energy.

3.6.2 Hearings Panel Recommendations

The Hearings Panel recommends the following:

- a) No amendments to REG-P2, REG-P8, REG-P10 and REG-P11 for the reasons above in our evaluation.
- b) REG-P5 and REG-P6 are recommended to be deleted for the reasons above in our evaluation.
- c) REG-P9 is recommended to be amended for the reasons above in our evaluation.

d) A new policy is recommended along with amendments to REG-P3 as follow:

REG-PX

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

REG-P3

Enable new small scale renewable electricity generation activities ~~and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation~~ where the activity:

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

The separation of a new standalone policy to “*Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation*” provides clearer policy direction by distinguishing investigation activities from new small-scale renewable electricity generation activities. This amendment improves the efficiency and effectiveness of the policy framework by recognising investigation activities as a distinct phase of development. This better gives effect to the RPS, particularly Method 5.4.3, and responds to the directive in clause 1(a) to be “as permissible as possible.” It is also consistent with Policy F and Policy G in the NPS-REG which provide separate direction for investigation vs small/community scale.

The amendment to REG-P9 to explicitly reference community scale, Māori Purpose and Open Space zones ensures that the policy framework aligns with the recommended rules in the Renewable Electricity Generation chapter. This change improves clarity by aligning the listed zones with those in which renewable electricity generation activities are already anticipated and can be appropriately located. The amendment does not introduce additional regulatory burden but instead improves internal consistency within the chapter.

Accordingly, we recommend that:

- a) The submission by Forest & Bird (S511.048) is accepted in part;
- b) The submissions from Top Energy (S483.082) is accepted in part; and
- c) That all other submissions are accepted, accepted in part or rejected as set out in Appendix 3.1.

3.7 Key Issue 4 – Notes

3.7.1 Matters Raised in Submissions and Evidence

Forest and Bird (S511.050) requests that Note 1 state that Area Specific Matters may apply to renewable energy generation activities. They also raise concerns regarding the permissibility of renewable energy generation activities within the Natural Open Space

REG-R3

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

All zones

Activity status: Permitted

Where:

PER-1

~~The building or structure~~ Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.

PER-2

~~# Any building or structure~~ is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.

PER-3

~~# Any building or structure~~ is not located on any unformed road.

Accordingly, we recommend that the submissions from Top Energy (S483.095) and Forest and Bird (S511.051, S511.052, S511.053) be accepted in part. These are identified in **Appendix 3.1**.

3.8.3 Matters Raised in Submissions and Hearings Panel Evaluation

REG-R6 and REG-RY

Top Energy (S483.100) stated that they did not request the separation of the rules into “solar” and “wind” provisions. The reporting officer pointed out that while they did not explicitly seek separate rules, submission point S483.101 requested a new restricted discretionary activity rule for large-scale solar renewable electricity generation activities which the reporting officer considered to be appropriate. This was because it is an efficient method to ensure that non-compliance with the permitted standards for solar generation results in a restricted discretionary activity status, while non-compliance for wind generation defaults to discretionary activity status.

Top Energy also submitted that there is no basis for applying a discretionary activity classification to wind generation compared to solar. However, there is no scope to alter this classification, as Top Energy’s submission specifically addressed restricted discretionary status for solar generation only. We note that that solar generation activities generally result in fewer and more widely accepted effects compared to wind generation, which justifies the different activity status for each. We indicated at the hearing that a non-complying activity status might be more appropriate for wind generation where permitted standards are not met, noting there is scope to do so given the notified version of REG-R7 was a non-complying activity when the wind farm noise standards are not

complied with. The reporting officer recommended REG-RY be updated to reflect this approach. We agree with that amendment.

Top Energy also submitted that the permitted activity rule should apply to “all zones.” Mr Badham clarified that this might not include all zones but suggested that at least industrial zones should be included. We agree with the reporting officer that REG-R6 and REG-RY do not apply across all zones and that the zones recommended by the reporting officer are appropriate. Those zones are the Rural Production, Maori Purpose and Open Space zones.

3.8.4 Hearings Panel Recommendations

For the reasons above, the Hearings Panel do not recommend any amendments to REG-R6.

The Hearings Panel recommend the following amendments to REG-RY.

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

Activity status where compliance not achieved with PER-5: Non-complying.

The proposed amendment to REG-R3 clarifies that the rule applies to renewable electricity generation investigation activities, rather than being limited to the construction of buildings or structures associated with such activities. This change is necessary to ensure that the scope of the rule appropriately reflects the intent of the policy framework, which is to enable investigation activities as a legitimate and distinct activity. The amendment addresses ambiguity in the recommended version of the rule, which referred specifically to buildings and structures, and excluded investigation activities that do not involve any built form. This clarification enhances the efficiency and effectiveness of the rule by ensuring that such activities are explicitly recognised and appropriately managed within the planning framework.

The cost of the amendment is minimal, as it does not alter the activity status or introduce any additional regulatory burden. The amendment provides greater certainty for plan users and applicants by clearly signalling that investigation activities, regardless of whether they involve buildings or structures, are subject to the provisions of REG-R3. The amendment represents a more appropriate and efficient way to achieve the objectives and policies of the Renewable Electricity Generation chapter.

Accordingly, the submission from Top Energy (S483.100) is accepted in part.

3.9 Key Issue 6 – Definitions

3.9.1 Matters Raised in Submissions and Hearings Panel Evaluation

Top Energy (S483.014) provided evidence seeking the combination of the definitions for “small-scale” and “community-scale” renewable electricity generation activities, and recommended that these be amended to align with the definition in the NPS-REG. However, the PDP contains specific rules that apply separately to small-scale and community-scale renewable electricity generation activities and so combining these terms would likely create interpretive and implementation issues.

However, there is merit in aligning the definitions more closely with the terminology and intent of the NPS-REG and the hearing report provided recommended amendments to the definitions of “large-scale” and “community-scale” renewable electricity generation to improve consistency with the NPS-REG.

3.9.2 Hearings Panel Recommendations

For the reasons above and those shown in the hearing report, the Hearings Panel recommend amendments to the definitions for ‘large-scale renewable electricity generation’ and ‘community-scale renewable electricity generation’ to align the definitions more closely and to improve consistency with the NPS-REG. The definitions are shown in **Appendix 2.1, Definitions in Recommendation Report 17**.

On that basis the submission from Top Energy (S483.014) is accepted in part.

4. Topic 2: Infrastructure

4.1 Relevant Provisions

The relevant provisions we address in this topic are the provisions in the Infrastructure chapter, including the overview, objectives, policies, rules and standards.

4.2 Submissions and Key Issues

A total of 333 original submissions and 1,129 further submissions were received on the Infrastructure topic.

There were no late submissions on this topic, and we have dealt with the pre-hearing meetings held on this topic above under the heading ‘Procedural Issues’.

The following submitters provided hearing statements, evidence and/or attended Hearing 11 raising issues relevant to the Infrastructure chapter:

- Ara Poutama – Department of Corrections,
- A.W and D.M Simpson,
- Elbury Holdings,
- Errol James McIntyre,
- Far North Holdings Limited,
- Fiona King,
- Fire and Emergency New Zealand,
- Kaitia Marae Incorporated Society,
- KiwiRail Holdings Limited,
- Leah and Sean Freling, LK King Limited,
- Oromahoe LandOwners, Oromahoe Trust,

- Royal Forest and Bird Protection Society of New Zealand,
- Tapuaetahi Incorporated,
- The Telco Companies (Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited and FortySouth),
- Top Energy Limited, and
- Transpower New Zealand Limited.

A number of submitters generally support the recommendations in the Infrastructure hearing report. This includes the Department of Corrections, KiwiRail, the Telco Companies, and Transpower (although the Telco Companies and Transpower both requested some further amendments as outlined below).

As such, we only address evidence and statements at the hearing where additional comment is required. In doing so, we have grouped the issues from submitters in evidence and hearings as follows:

Key Issue 1: Infrastructure chapter objectives and policies

Key Issue 2: Infrastructure chapter rules, standards and definitions

Key Issue 3: Subdivision rules

Key Issue 4: Critical Electricity Lines (**CELs**)

Key Issue 5: Kaitaia drainage schemes.

4.3 Key Issue 1-Relationship Between Infrastructure Chapter and other PDP Chapters

4.3.1 Matters Raised in Submissions and Evidence

Mr Williams for Forest and Bird (S511.046) raised concerns at the hearing and in relation to the recommended amendments by the reporting officer following the hearing. The concerns included the objectives limiting how the adverse effects of infrastructure can be managed, that they do not state the outcome sought, that being appropriate management of adverse effects, and the objectives provide special treatment of all infrastructure. In relation to the policies, he supported amendments to avoid conflict with the Ecosystems and Indigenous Biodiversity chapter of the PDP but subject to that not limiting the ability of consent authorities to consider that and other PDP chapters when managing the adverse effects of infrastructure activities.

Transpower (S454.032) through Ms Dines supported the new policy that had been sought regarding giving effect to the NPS-ET and resolving conflicts with the NZCPS. She did also point out some minor corrections/amendments that were needed.

Mr Badham for Top Energy (S483.054) sought to have the word “*avoid*” replaced with “*manage*” and removal of the need for landowners to agree to new infrastructure in I-P11. He also sought the PDP refer to “*providing for*” in I-P12, in addition to just “*recognising*”.

4.3.2 Hearings Panel Evaluation

I-O4 and I-P2

The reporting officer points out in his reply that the intent of his recommended amendments to I-O4 and I-P2 is not to constrain the assessment and management of the adverse effects of infrastructure. Rather the intent of these recommendations includes ensuring the operational need and functional need of infrastructure to be in particular environments is recognised and provided for when managing adverse effects. Operational need and functional need are well established concepts that are defined in the National Planning Standards and the PDP and are particularly important considerations for infrastructure. We note too, that it is common in national, regional and district planning documents to recognise the operational need and functional need of infrastructure activities when considering and managing adverse effects.

Further, the intent is to remove direction relating to managing adverse effects on natural values, coastal values etc from within the Infrastructure chapter where this both duplicates and conflicts with more specific effects management policies in other District-wide PDP chapters (Coastal Environment, Ecosystems and Indigenous Biodiversity etc.). The reporting officer disagreed with Mr Williams that these amendments give “*special treatment*” to all infrastructure and “*limit*” the way adverse effects are to be managed. Rather, these amendments reinforce the key effects management policies in higher order direction (including the NZCPS) which are given effect to through the relevant PDP chapters.

We find agreement with the reporting officer in these respects. There is a need to provide for infrastructure, and it is apparent that it is sought to be achieved whilst having due regard to the potential for adverse effects and managing any adverse effects accordingly as required by the RMA and the various applicable planning documents.

I-PX

We agree with the evidence from Ms Dines for Transpower and agree too with the formatting issues and clarifications that she raises. A new policy is recommended accordingly. This is identified in **Appendix 2.2**.

I-P11

The reporting officer notes that the policy is not framed as an absolute “*avoid*” policy as suggested by Mr Badham for Top Energy as it is caveated with “*unnecessarily constrain*”. In terms of the second limb of the policy “*unless the owners of the land agree to the new infrastructure*”, he agrees with Mr Badham that this wording could be problematic and recommends these words are deleted from I-P11, which is also better aligned with the corresponding I-O6. We agree. The amendments are identified in **Appendix 2.2**.

I-P12

We agree with the reporting officer in recommending that policy I-P12 is retained as notified in order to recognise the benefits of new technology in infrastructure but without placing a firm obligation on applicants and Council processing planners to provide for these benefits.

I-P13

The reporting officer has agreed with Mr Badham regarding the reference to I-S1 and I-S1 in clause (b) of I-P13 and has accordingly recommended that the reference be deleted as not being needed. Similarly, in relation to the requested new objective, policy and rule for infrastructure in the road corridor regarding the benefits of infrastructure, we agree with the reporting officer that it is not needed given that is already achieved through I-O2 and I-P4 in the Infrastructure chapter which seek to recognise and provide for the benefits of infrastructure throughout the District, including in the road corridor (noting that this is not mapped but instead adopts the adjoining zoning).

Top Energy requested a new objective, policy and rule for infrastructure in the road corridor. This would, according to the reporting officer, permit the operation, maintenance, repair and removal of existing infrastructure in the road corridor which I-R1 already does. The only difference in the relief sought by Mr Badham for Top Energy is in relation to upgrading of infrastructure in the road corridor where this would be permitted without any controls on the size and location of the upgrade. We agree with the reporting officer that this is overly permissive. The controls in I-R3 are appropriate within the road corridor to manage potential adverse effects on adjoining zones.

We find agreement with both the reporting officer and Mr Badham that the direction to encourage infrastructure to be located in road corridors should not be limited to linear infrastructure as there are other types of infrastructure that are appropriate to be located within the road corridor (e.g. telecommunication facilities). The reference to “new linear” in I-P9 is accordingly recommended to be deleted.

4.3.3 Hearings Panel Recommendations

For the above reasons, the Hearings Panel recommend that:

- a) I-PX is amended to address minor corrections;
- b) I-P9 is amended to delete the word “new linear”;
- c) I-P11 is amended to remove the words “*unless the owners of the land agree to the new infrastructure*”;
- d) I-P13 is amended to delete the reference to I-S1 and I-S1 in clause (b).

The recommended amendments to I-PX, I-P9, I-P11 and I-P13 amendments are set out in **Appendix 2.2** address cross referencing issues, better achieve the policy intent, and improve workability of the provisions. The amendments are an appropriate way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

Consequently, we recommend that the submissions from Forest and Bird (S511.046), Transpower (S454.032) and Top Energy (S483.054) are all accepted in part as identified in **Appendix 3.2**.

4.4 Key Issue 2: Infrastructure Chapter Rules, Standards and Definitions

4.4.1 Matters Raised in Submissions and Evidence

The submitters raised matters relating to the following:

- Upgrading existing network utilities

- New overhead lines and poles, telecommunication and antenna towers
- Telecommunication kiosks
- Buildings and structures within 10m of Critical Electricity Lines
- Construction of three waters infrastructure
- Radio frequency fields and Electric magnetic fields
- Infrastructure in the roading corridor
- Definition of upgrading.

4.4.2 Hearings Panel Evaluation

I-R3 upgrading of existing above ground network utilities

Top Energy (S483.059, S483.060) sought structural amendments and additional words. The reporting officer noted that these do not materially improve the clarity of the rule and create inconsistencies with other rules in the Infrastructure chapter. We agree with the reporting officer and find that the changes sought are not necessary.

I-R7 New overhead lines and poles, telecommunication and antenna towers

Mr Horne provided evidence in support of the Telco Companies. We agree with his recommendations regarding the height in relation to boundary within and at the interface of residential zoned sites and a 1m diameter limit for antennas and headframes for telecommunication facilities in the road reserve. The amendments he seeks serve to manage potential adverse amenity/visual effects which are constructive and appropriate amendments.

The reporting officer does not support amendments sought by Mr Horne in relation to separate rules for overhead electricity lines and support structures and for telecommunication poles and antennas, these referring to alternative height limits in different zones. This is due to there being insufficient evidence to support the amendments. Also, in terms of the request to remove the word “new” from the rule is not supported by the reporting officer because upgrades are provided for by I-R3 as restricted discretionary activities rather than defaulting to other rules in the chapter that are arguably more stringent when seeking consent. We find agreement with the reporting officer for the reasons stated.

We accept the reporting officer’s view that steel lattice towers are more visually intrusive structures than poles used for electricity lines or telecommunications and therefore that a lower permitted height for towers is appropriate. We also find that definitions for tower and pole are not necessary as the difference between them is well understood.

I-R8 Telecommunication kiosks

We understood from the hearing process that the requested amendments from Top Energy are no longer needed because this provision was intended to provide for typical standalone phone booths that have become less common.

I-R12 Buildings and structures within 10m of Critical Electricity Lines

Top Energy subsequently reversed their relief sought in relation to this provision and the reporting officer sought deletion of it and that there be reliance on PER-2 that requires compliance with NZECP 34:2001 for new buildings and structures and for extensions to existing buildings and structures that do not comply with PER-1. We agree with that amendment that sees the introduction of the NZECP standard to the rule.

I-R7 Construction of three waters infrastructure

We find that reference to the FENZ Code of Practice in this rule is not necessary or entirely appropriate as a matter of discretion and that otherwise, reference to “*level of service*” in the matters of discretion will enable the FENZ Code of Practice to be considered where appropriate.

I-S1 Radio frequency fields and I-S2 Electric magnetic fields

We find we are not able to accept the submission and the evidence of Mr Badham for Top Energy regarding the non-complying status of these fields when they are generated by activities. This is due to this status recognising that close consideration is necessary because of the need to protect human health. As such, a more lenient status is not supported.

Definition of upgrading

We find that a definition of “*upgrading*” is appropriate and in particular it will assist in describing the purpose of upgrading infrastructure when that is considered as a restricted discretionary activity in I-R3. In providing his view on that issue Mr McPhee also questioned the reference to “major upgrades” in recommended new I-PX. We acknowledge what he says in this respect but, as stated by the reporting officer, the reference to major upgrades is intended to give effect to the NPS-ET which refers to major upgrades in Policy 4. We make no recommendations for further changes in these respects. The amended definition is identified in **Appendix 2.1, Definitions in Recommendation Report 17.**

I-R17 Construction and upgrading of above ground water supply, wastewater systems, or stormwater infrastructure

Fire and Emergency NZ (**FENZ**) sought that reference to their Code of Practice regarding water supply be included as a matter of discretion. The reporting officer did not agree pointing out that it is not appropriate to reference a third-party code of practice in the PDP and that it would add complexities and costs. We acknowledge the reporting officer’s point, but this is not raised as a requirement but as a matter to be considered. There are also particular public benefits in ensuring that as part of any construction and upgrading of water supply that regard is given to what may be sought by FENZ. We accordingly add an additional matter of discretion as sought by FENZ to be:

g. in the case of water supply, the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

4.4.3 Hearings Panel Recommendations

For the reasons above, the Hearings Panel recommend:

- a) Further amendments to I-R7 to include additional permitted activity conditions that apply the relevant PDP height in relation to boundary standards within and at the interface of any residential zoned sites (excluding when located in road corridor) and a 1m diameter limit for antennas and headframes for telecommunication facilities within the road reserve.
- b) Further amendments to delete condition (1) within PER-1 of I-R12 so that the rule is primarily focused on compliance with NZECP 34:2001 for new buildings and structures and for extensions and additions to existing buildings and structures that do not comply with PER-1.
- c) The addition to I-R17 of the matter of discretion above in relation to water supply.

The recommended amendments to I-R7 are intended to provide additional controls to manage the potential adverse amenity/visual effects associated with telecommunication facilities to support the expanded coverage of the rule whereas the recommended amendments to I-R12 and I-R13 simplify the rules to focus on compliance with NZECP 34:2001 for buildings and the Electricity (Hazards from Trees) Regulations 2003 for tree planting. The recommended amendment to I-R17 is to take account of the needs of FENZ when considering matters associated with water supply. The recommended amendments to these three rules are an appropriate, efficient and effective way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

The recommended amendments to the provisions are identified in **Appendix 2.2**.

Consequently, with regard to multiple submissions points on this topic we recommend that the submissions are accepted, accepted in part or rejected as set out in **Appendix 3.2**.

4.5 Key Issue 3: Subdivision Rules

4.6 Matters Raised in Submissions and Evidence

Ms Dines on behalf of Transpower (S454.095) highlighted an error in an activity status and Mr Badham for Top Energy (S483.167) and Mr McPhee for the Oramahoe Land Owners had different views on subdivision regarding subdivision in proximity to Critical Electricity Lines.

4.6.1 Hearings Panel Evaluation

The drafting error in SUB-R9 highlighted by Ms Dines is acknowledged and accordingly we recommend that “*non-applicable*” is replaced by “*non-complying*”.

In relation to SUB-R10, Subdivision of a site within 32m of the centre line of the Critical Electricity Line Overlay, the reporting officer noted that it is the intent of the provisions to improve the visibility and compliance with the associated national regulations. We agree with Mr McPhee that SUB-R10 needs to be refocused to confirm compliance with NZECP-34:2001. We accordingly recommend that it is amended to be a controlled activity where it can be demonstrated that the proposed building platform can accommodate buildings that comply with the safe distance setbacks in NZECP 34:2001 and discretionary activity when compliance is not achieved. We prefer the reporting officer’s wording for this rule.



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 12

Hearing 12: Historic and Cultural Values

March 2026

Recommendation Report 12

Recommendation Report 12 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 11, 15A, 15B and 17**.

Recommendation Report 12 contains the Panel's recommendation on Part 2 – District-Wide Matters - Historic and cultural values: Heritage Area Overlays; Notable Trees; Historic Heritage; Sites and Areas of Significance to Māori; Part 3 – Area-Specific Matters - Special Purpose Zones - Kororāreka Russell Township Zone; and Part 4 – Appendices and Schedules – Schedule of Notable Trees; Schedule of Historic Sites, Buildings and Objects; and Schedule of Sites and Areas of Significance to Māori.

Recommendation Report 12 may contain consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 12 also contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered) Amendments to the following:

Appendix 2.1 Notable Trees Chapter

Appendix 2.2 Heritage Area Overlay Chapter

Appendix 2.3 Historic Heritage Chapter

Appendix 2.4 Kororāreka Russell Township Zone

Appendix 2.5 Sites and Areas of Significance to Māori Chapter

Appendix 3: Hearings Panel Recommended Amendments to the following Schedules:

Appendix 3.1 SCHED1 Schedule of Notable Trees

Appendix 3.2 SCHED2 Schedule of Historic Sites, Buildings and Objects

Appendix 3.3 SCHED3 Schedule of Sites and Areas of Significance to Māori

Appendix 3.4 New Appendix - APP-7 Heritage colour palette and BS5252 standard colour palette

Appendix 4: Hearings Panel Recommended Amendments to Planning Maps

Appendix 5: Summary table of recommendations on each submission point

Appendix 5.1 Recommended Decisions on Submissions - Notable Trees

Appendix 5.2 Recommended Decisions on Submissions Historic Heritage

Appendix 5.3 Recommended Decisions on Submissions Kororāreka Russell Township Zone

Appendix 5.4 Recommended Decisions on Submissions Sites and areas of significance to Māori

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and Chairperson; Siani Walker – Independent panel member; Peter Kensington – Independent panel member; and Hilda Halkyard-Harawira – Council member.

We note that there was no challenge to this proposed amendment through the evidence before us. Similarly, the Council's addendum hearing report, which recommended a definition for the term '*Emergency Tree Works*', was unchallenged.

While a submission point from Federated Farmers was made, no amendments to the notified version of the Overview was recommended in the Council's hearing reports.

3.4.2 Hearings Panel Evaluation

In terms of the proposed changes to the definitions, given there are no matters in contention before us, we are not required to make an evaluation and we agree that the recommendations set out in the Council's right of reply will be appropriate.

3.4.3 Hearings Panel Recommendations

1. We recommend that the submission from the Telco Companies (S282.001) be accepted and the submission from Federated Farmers (S421.130) be rejected. We also recommend that the following changes be adopted by the Council:

- a) amendments to the definition of '*Rootzone Area*' and the addition of a definition of '*Emergency Tree Works*', as set out at **Appendix 2.1 of Recommendation Report 17**.

We also recommend no changes to the proposed wording of the Overview as we agree with the version set out at **Appendix 2.1** of this recommendation report.

3.5 Key Issue 2 – Objective (NT-O1)

3.5.1 Matters Raised in Submissions

A submission point from NZTA supported retention of Objective NT-O1, while Top Energy requested amendments to the objective to provide for infrastructure. Planning evidence to support the Top Energy submission was provided by Mr Badham and Ms McGrath², primarily suggesting the need for a clearer link between the objective and Policy NT-P4.

3.5.2 Hearings Panel Evaluation

We agree with the Council's right of reply response to the Top Energy submission and evidence which recommends not to accept this proposed change. This is because the Notable Trees chapter of the PDP is focussed on the protection of a relatively small number of specific important trees within the district, with these trees having a high degree of heritage value. As such, the provisions of this chapter should rightfully be focussed on protection as a priority. We also note that other provisions within the PDP are more enabling of infrastructure, such that there is no need to provide additional specific reference to infrastructure within this particular chapter.

We agree with the Council's right of reply, that the link to Policy NT-P4 is via both Objective NT-O1 and also the relevant objectives within the Infrastructure chapter of the PDP and, where any conflict between these provisions exist when considering an issue, a planning evaluation will need to be made based on the specifics of a particular situation.

² Only Ms McGrath presented at the hearing, with Mr Sooknandan (technical) and Ms Collins (corporate).

We note that there are only a relatively limited number of Notable Trees (relative to the size of the District) scheduled within the PDP, such that the potential for conflicts between infrastructure and scheduled trees will therefore likely be relatively limited.

We also acknowledge through the evidence presented to us that Top Energy has internal procedures in place to ensure that expert arboricultural advice is sought where conflict between infrastructure and trees occurs – with such advice likely to favour protection where a Notable Tree is involved.

3.5.3 Hearings Panel Recommendations

For the reasons set out above, we recommend that the submission from NZTA (S356.054) be accepted and the submission from Top Energy (S483.128) be rejected. We also recommend no changes to Objective NT-O1 as we agree with the version set out at **Appendix 2.1**.

3.6 Key Issue 3 – Policies (NT-P1 – NT-P6)

3.6.1 Matters Raised in Submissions

The Council’s hearing report and the Council’s right of reply recommendations outlined the various suggested changes to the notified version of the policies within the Notable Trees chapter, made in response to various submission points. Appendix 1.1 of the Council’s right of reply sets out these various changes, including two changes recommended under clause 16 of the RMA.

The evidence provided on behalf of Top Energy by Mr Badham and Ms McGrath in relation to these policies continues a similar theme to that discussed above for the objective. In addition to supporting some of the proposed provisions, this evidence for Top Energy also sought a number of changes, one of which (amendment to Policy NT-P4) was agreed in the Council’s right of reply. However, for similar reasons to those set out above for consideration of the chapter objective, the Council’s right of reply did not support the remaining suggestions of Top Energy’s experts relating to these policies. The reasons for this recommendation include the fact that Notable Trees hold special significance and heritage value within the district and require a higher level of protection than the many other existing trees within the district that are not listed in the schedule.

For example, given the importance of these trees, the Council’s right of reply continued to support the inclusion of a policy directive (NT-P2) that required suitably qualified and experienced arborists (clarified by Mr Redfern as being an individual holding a ‘Level 4’ expert arboricultural certification) to undertake any required pruning and trimming of branches on notable trees.

3.6.2 Hearings Panel Evaluation

For the reasons set out above when considering the objective of this chapter, we agree with the Council’s right of reply response to the Top Energy submission and evidence seeking amendments to the policies. This is because the Notable Trees chapter of the PDP is focussed on the protection of specific important trees within the district, with these trees having a high degree of heritage value. As such, the provisions of this chapter should rightfully be focussed on protection of specific trees. We also note that other provisions

within the PDP are more enabling of infrastructure, such that there is no need to provide additional specific reference in this chapter.

3.6.3 Hearings Panel Recommendations

1. For the reasons set out above, we recommend that the submissions from:
 - a) Te Hiku Iwi Development Trust (S399.054 and 055) be accepted in part;
 - b) Top Energy Limited (S483.129, 130 and 132) be rejected; (S483.133) be accepted in part; and (S483.131) be accepted;
 - c) Transpower New Zealand Ltd (S454.079) be accepted in part and (S454.080 and 081) accepted;
 - d) MOE (S331.040) be accepted;
 - e) Te Rūnanga Ā Iwi O Ngāpuhi (S498.065), Te Rūnanga o Whaingaroa (S486.078) and Te Runanga o Ngai Takoto Trust (S390.064) be accepted in part; and
 - f) NZTA (S356.055) be accepted in part.

We also recommend no further changes to Policies NT-P1 – NT-P6, other than those set out at Appendix 1.1 of the Council’s right of reply, as per the version annexed to this recommendation report as **Appendix 2.1**.

3.7 Key Issue 4 – Rules (NT-R1 – NT-R6) and Standards (NT-S1 – NT-S2)

3.7.1 Matters Raised in Submissions

The Council’s hearing report recommendation (including the addendum reporting relating to the consideration of ‘*emergency tree works*’) and Council’s right of reply outline the various suggested changes to the notified version of the rules and standards within the Notable Trees chapter, made in response to various submission points. Appendix 1.1 of the Council’s right of reply sets out the recommended changes, including to the timing requirement for information to be provided to the Council (5-days rather than 14-days) at NT-R2 PER-4, NT-R3-PER-3, NT-R4-PER-3 and NT-R6-PER-6, as recommended in response to the submission from Top Energy.

Again, the evidence provided on behalf of Top Energy by Mr Badham and Ms McGrath in relation to these rules and standards continues a similar theme to that discussed above, including challenging the need for Level 4 Qualified Arborists to undertake tree work.

In addition, the Top Energy evidence suggested that the PER-2 and PER-3 clauses under Rule NT-R4 (pruning of a notable tree close to existing electricity lines) were unnecessary and onerous when considering that such works are already required (under clause PER-1) to be undertaken in accordance with Electricity (Hazards from Trees) Regulations 2003.

3.7.2 Hearings Panel Evaluation

Again, for the reasons set out in our findings above when considering the objective of this chapter, we agree with the Council’s right of reply response to the Top Energy submission and evidence. This is because the Notable Trees chapter of the PDP is focussed on the protection of specific important trees within the district, with these trees having a high degree of heritage value. It is rightfully appropriate, in the context of ensuring ongoing

- Undergrounding of cables should be encouraged in these sensitive environments because overhead cables are more likely to detract from heritage values.
- PER-1 requires compliance with the Accidental Discovery Protocol.
- Matters of discretion are largely focussed on assessing adverse effects on the heritage values of Heritage Area Overlays or any adjacent scheduled Heritage Resources.
- Given the lack of permanent visual or character impact from earthworks for new underground infrastructure, and the minimum setback requirement for earthworks from scheduled Heritage Resources, it is appropriate to exclude this activity from this resource consent requirement.

For reasons set out in the Council's right of reply, the reporting officer for this topic did not agree with the suggestion from Top Energy to specifically exempt infrastructure activities from the 500mm depth control. We agree with these reasons and do not accept this submission point from Top Energy. While we understand the desire for underground infrastructure where possible, the values associated with Heritage Areas are too important not to require at least some form of assessment prior to earthworks.

HA-R6 and HA-R10 – Infrastructure

The submission from Top Energy sought further amendments to Rules HA-R6 and HA-R10 in addition to those proposed in the Council's hearing report. These amendments included the removal of the words "all zones" from the headers of the rules and various changes to the rules themselves, including an increase in the 1m alignment limit for maintenance and upgrade requirements to 3m. The Council's right of reply disagreed with these requests for reasons set out in that report.

We disagree with the Council's reporting officer on this issue and prefer the evidence of Top Energy, noting that this is particularly an issue of relevance in the rural environment. However, we do not agree that the setback limit should be extended to 3m and we prefer to limit this to 2m.

We recommend that Rules HA-R6 and HA-R10 be amended as follows:

HA-R6	Infrastructure <u>not located within a site containing a scheduled Heritage Resource</u> and <u>renewable electricity generation infrastructure</u>	
All zones Heritage Area Overlays: Kerikeri — Part B Kororāreka Russell - Part D Mangōnui and	Activity status: Permitted Where: - PER-1 The activity is not located within a site containing a scheduled Heritage Resource	Activity status where compliance not achieved: Not applicable

Rangitoto Peninsula — Part B Paihia — Part B Pouerua Rāwene — Part B Te Waimate		
<u>All zones</u> <u>Heritage Area Overlays:</u> <u>Kerikeri — Part A</u> <u>Kohukohu</u> <u>Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church</u> <u>Mangōnui and Rangitoto Peninsula — Part A</u> <u>Paihia — Part A</u> <u>Rangihoua</u> <u>Rāwene — Part A</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> The infrastructure is: 1. <u>Located underground;</u> 2. <u>Maintenance, repair or upgrading of any existing above ground infrastructure that is located within 42m either side of the original location or where the alignment is wholly located within the road reserve;</u> 3. <u>Connections to buildings or structures for network utilities; or</u> 4. <u>New above ground infrastructure that is wholly located within the road reserve.</u>	Activity status where compliance with PER-1 is not achieved: Restricted Discretionary Matters of discretion are restricted to: a. whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area Overlay; b. whether the proposed infrastructure will adversely affect the heritage values of any nearby adjacent Scheduled Heritage Resource; c. whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area Overlay or on a site that contains a Scheduled Heritage Resource; d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; e. the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; f. any landscaping or fencing to maintain heritage boundary treatments and curtilage; g. the location and relationship of the infrastructure in relation to adjoining sites and the road;

		h. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u> i. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u>
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HA-R10 Infrastructure <u>within a site containing a scheduled Heritage Resource and renewable electricity generation infrastructure</u>		
All zones— All Heritage Area Overlays: Kerikeri — Part A - Kohukohu - Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church - Mangōnui and Rangitoto Peninsula — Part A - Paihia — Part A - Pouerua - Rangihoua - Rāwene — Part A - Te Waimate	Activity status: <u>Restricted Discretionary</u> <u>This rule shall not apply to:</u> 1. <u>infrastructure located underground;</u> 2. <u>maintenance, repair or upgrading of any existing above ground infrastructure that is located within 42m either side of the original location; or</u> 2. <u>connections to buildings or structures for network utilities.</u> <u>Matters of discretion are restricted to:</u> a. <u>the operational and functional needs of the infrastructure to be located within the site containing the scheduled Heritage Resource;</u> b. <u>whether a scheduled Heritage Resource will be adversely affected by the proposed works;</u> c. <u>location, scale, design of the proposed works;</u> d. <u>any adverse effects on any archaeological site;</u> e. <u>any landscaping or fencing to maintain heritage boundary treatments and curtilage;</u> f. <u>the location and relationship of the infrastructure in relation to adjoining sites and the road;</u> g. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u> h. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u>	Activity status where compliance not achieved: Not applicable

7. For the above reasons, we recommend that the submissions from:

- a) Top Energy (S483.120-27 and S483.189) be accepted in part.

Earthworks

A number of submissions challenged the earthworks component of Rule HA-R5 within the Heritage Area chapter of the PDP and in particular the list of exceptions proposed under PER-1(3). As per the interim guidance we provided in Minute 30 and the discussion above relating to the spatial extent of the Paihia Heritage Area Overlay, we do not agree with the recommended amendments suggested in the Council's right of reply.

We recommend that the PER-1 aspect of Rule HA-R5 be amended as follows:

HA-R5	Earthworks	
All zones All Heritage Area Overlays: Kerikeri — Part B - Mangonui and Rangitoto Peninsula — Part B Paihia — Part B - Pouerua - Rāwene — Part B - Te Waimate - Kororāreka Russell — Part B	Activity status: Permitted Where: PER-1 The earthworks: - are setback a minimum of 20m from a scheduled Heritage Resource; and - comply with standard HA-S3 Accidental Discovery Protocol; - do not result in disturbance of sub-soils below a depth of 500mm - comply with the relevant permitted activity rules within the Earthworks chapter; and - are not within 20m of a scheduled Heritage Resource. Note 1: When applying PER-1(1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects. Note 2: The Heritage New Zealand Pouhere Taonga Act 2014 requires all applicants to obtain an authority from Heritage New Zealand Pouhere Taonga before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or whether the activity is permitted under the District Plan or a resource or building consent has been granted.	Activity status where compliance with PER-1 is not achieved: Restricted Discretionary Matters of discretion are restricted to: - whether the proposed earthworks will adversely affect the heritage values of the Heritage Area Overlay; - whether the proposed earthworks will adversely affect the heritage values of any nearby adjacent scheduled Heritage Resource; - any adverse effects on any archaeological site; - any assessments or advice from a suitably qualified and experienced heritage or cultural expert; - any methods of site rehabilitation; - whether or not EW-S3 Accidental Discovery Protocol has been met; and - any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and - any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).
All zones	PER-2	

protection of these features at this point in time at such a late stage in the PDP process, without this topic being considered through a full schedule 1 process.

We also heard evidence that it may be difficult to distinguish between a stone wall that may have been recently constructed using natural stone on a property and one that has heritage significance. We therefore do not agree with the HNZPT evidence and prefer the reasoning within the Council's recommendation reporting to us – with no changes to the PDP recommended.

Infrastructure (specifically relating to rule HH-R6) – Ms McGrath provided planning evidence on behalf of Top Energy seeking further amendments (to those recommended in the Council's hearing report) to better align rule HH-R6 with revised rules HA-R6 and HA-R10. These amendments include changing the proposed activity status from discretionary to restricted discretionary, with matters of discretion focussed on heritage effects and the operational needs of infrastructure. In addition, the submission requested that underground infrastructure, infrastructure within 3m of its original alignment, and new infrastructure within road reserves be excluded from the rule.

The Council's right of reply agreed that exemptions can be added to HH-R6 for underground infrastructure setback 20m from a scheduled Heritage Resource and that the activity status can be amended from discretionary to restricted discretionary; however, increasing the 1m location flexibility to 3m was not supported. We agree with the Council's right of reply analysis on this matter but our recommendation is that the metric be changed from 1m to 2m to provide for some flexibility.

Matters not in contention

For all other matters that were not in contention at the hearing, relating to the overview, objectives, policies, rules, standards of the Historic heritage chapter and spatial extents of items listed in the schedule, we adopt the recommendations set out in the Council's hearing report for this topic.

4.6.3 Hearings Panel Recommendations

The Hearings Panel recommend that:

- a) The PDP be amended as per the recommendations within the Council's hearing report for the Historic Heritage Area provisions; and for the metric within Rule HH-R6 to be amended from 1m to 2m; all as identified in **Appendix 2.3**.
- b) The Schedule 2 (SCHED2) – Schedule of historic sites, buildings and objects be amended to correct details for Site 176.
- c) That four new sites be added to Schedule 2 (SCHED2) – Schedule of historic sites, buildings and objects, relating to Hobsons Memorial, the Treaty House, the Flag pole and the Whare Runanga, as identified in **Appendix 3.2** and **Appendix 4**.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as identified in **Appendix 5.2**.

6.7.2 Hearings Panel Evaluation

We agree with the Council's hearing report recommendation to reject the submission seeking to schedule the Moringaihe waterfall and stream as insufficient locational detail, limited site information, and lack of landowner engagement mean the proposal does not meet the criteria of the RPS policy 4.5.3 for inclusion in SCHED3. Further assessment and consultation would be needed before considering any future scheduling of these features associated with Moringaehe.

We agree with the Council's hearing report recommendation to include Moringaehe located at 1 Wharo Way, Ahipara with a legal description of Lot 1 DP381292, in the PDP SCHED3 for Sites and Areas of Significance to Māori. The site has confirmed cultural, historical and ancestral significance to Ahipara hapū, and formal scheduling provides appropriate recognition and protection consistent with the gazetted status as a Local Purpose (Historic) Reserve. Inclusion in Schedule 3 complements the co-management approach with Ngā Hapū o Ahipara and ensures the sites values are clearly identified and safeguarded through the District Plan framework.

6.7.3 Hearings Panel Recommendations

1. For the reasons set out above, we recommend that the submission points from:
 - (a) Ahipara Takiwa (S576.002 and S579.002); Moringai Whānau (S577.001); Kuia, kaumātua and whānau of Moringai Whānau (S575.002); and Roma Marae (S578.001) be accepted in part.

We also recommend the following amendments to SCHED3 Sites and Areas of Significance to Māori, as set out at **Appendix 3.3** of this recommendation report, which acknowledge the relief sought from the submitters to include the site Moringaehe in SCHED3.

SCHED3 – Schedule 3: Schedule of Sites and Areas of Significance to Māori

Place #	Location	Name/Description	Requesting party	Legal Description
MS-NEW	Ahipara	Moringaehe - Local Purpose (Historic) Reserve.	Moringaehe Management Committee	Lot 1 DP381292

For the reasons outlined in the evaluation above, and in brief, the inclusion of Moringaehe at 1 Wharo Way, into SCHED3 is supported due to its confirmed cultural, historical and ancestral significance to Ahipara hapū and its gazetted status as a Local Purpose (Historic) Reserve, which together warrant formal planning recognition and protection.

6.8 Key Issue 4: Infrastructure – Amendments to Objectives, Policies and Rules

6.8.1 Matters Raised in Submissions

Several submissions from Top Energy Ltd (S483.140 to S483.144) and Transpower (S454.082) sought amendments to allow new and existing infrastructure to be located within Sites and Areas of Significance to Māori (**SASM**) where operational need is demonstrated and effects can be managed. Top Energy requested new objectives, policies, and rules to provide for operation, maintenance, repair and upgrades. Transpower sought

a policy recognising infrastructure location requirements. These submissions were supported by further submitters and opposed by others.

The Council's hearing report initially recommended to reject these requests on the basis that new provisions for infrastructure belong in the District-Wide Infrastructure chapter rather than the SASM chapter.

At the hearing, evidence from Ms McGrath clarified that the PDP contains no explicit provisions for infrastructure within SASM, and that the Infrastructure chapter does not apply to activities located inside SASM overlays. Ms McGrath proposed SASM specific provisions, including enabling existing infrastructure and recognising the operational need for upgrades. Supplementary evidence from Ms Collins (4 June 2025) outlined Top Energy's operational protocols for protecting sensitive environments, supporting the request for clearer provisions. The Council's right of reply, acknowledged that these matters were not addressed in the original infrastructure S42A report.

Amendments are now proposed to the Infrastructure chapter, specifically the 'Overview' and 'Advice Note 2', to clarify that Infrastructure within SASM is managed by the Infrastructure chapter in conjunction with other District-Wide chapters. These updates confirm that stricter SASM protections apply where relevant.

Infrastructure Chapter Amendments (Extracts)

- *Overview* – clarifies that infrastructure is also subject to other District-Wide chapters, including SASM, Historic Heritage, Biodiversity, Natural Character, Natural Features and Landscapes, and the Coastal Environment.
- *Advice Note 2* – directs plan users to check other District Wide chapters, which may contain more stringent rules applying to infrastructure activities.

These clarifications provide the framework for assessing the appropriateness of additional SASM provisions for infrastructure.

New Infrastructure within SASM

The Council's right of reply considered new infrastructure should not be enabled within SASM. These areas comprise approximately 1.3% of the district, represent highly sensitive cultural sites, and require robust protection. The Infrastructure chapter already signals that more restrictive rules apply in SASM, and avoiding new infrastructure in these locations is the most effective way to prevent adverse cultural effects. For these reasons, the report recommended that no new objectives, policies, or rules be added to enable new infrastructure within SASM.

Existing Infrastructure within SASM

Existing infrastructure located within SASM must continue to function safely. Given that 53 of 380 scheduled SASM already contain Top Energy assets, it is appropriate to provide for their operation, maintenance, repair and upgrading, provided cultural effects are avoided or minimised. The Council's right of reply recommended to accept in part, the submission of Top Energy, with the addition of new enabling provisions in the SASM chapter as outlined below:

SASM-O6

The safe and efficient use, operation, maintenance, repair and upgrading of existing infrastructure within scheduled sites and areas of significance to Māori, is provided for.

SASM-P10

Provide for the use, operation, maintenance, repair and upgrading of existing infrastructure within scheduled sites and areas of significance to Māori in a manner that avoids, remedies or mitigates adverse effects on the cultural values of these sites and areas.

SASM-R1	<u>New buildings or structures, relocated buildings or extensions or alterations to an⁹ existing buildings or structures, earthworks or indigenous vegetation clearance</u>	
<i>Scheduled sites and areas of significance to Māori</i>	<i>Activity status: Permitted Where: PER-1 The activity is undertaken by the requesting party listed in Schedule 3. PER-2 Any indigenous vegetation clearance is for customary purposes. PER-3 The activity is undertaken by a network utility provider for the operation, maintenance, repair, or upgrading of existing above ground infrastructure where this is: no greater than the height of the existing structure; no greater than 20% of the GFA of the existing lawfully established building of structure; and) not replacing a pole with a pole.</i>	<i>Activity status where compliance not achieved with PER 1 or PER 2: Restricted Discretionary Matters of discretion are restricted to:</i>

Clarification of SASM-R1 PER-3

In responding to Panel queries on the PER-3 wording, the reporting officer clarified that subclauses (i) to (iii) were added to clearly define the scope of permitted upgrades and ensure cultural values are protected. Although this wording expands on the submitters proposed text it remains within scope as it relates only to existing infrastructure. These refinements were developed with the authors of the Infrastructure and Coastal Environment chapters to ensure consistency with similar PDP rules (such as CE-R1, PER-4) and to provide clearer implementation guidance.

An error was identified in subclause (iii), which the reporting officer confirmed should read:

“(iii) not replacing a pole with a Pi pole”.

This correction ensures the rule functions as intended and aligns with the Panel concerns.

6.8.2 Hearings Panel Evaluation

We agree with the reporting officer that amendments to the policy and rule framework are appropriate to provide for the operation, maintenance, repair, and upgrading of existing infrastructure within SASM.

The recommended new policy SASM-P10 and rule refinements to SASM-R1 offer a practical and effects based pathway for managing existing infrastructure, while ensuring cultural values remain protected. The rule amendments, including subclauses (i) to (iii), are technically consistent with CE-R1 PER-4 and remain within the scope of Top Energy’s submission. The correction to subclause (iii) where “(iii) not replacing a pole with a Pi pole”, appropriately resolves the drafting error identified by the Panel.

However, we do not support the reporting officer’s proposed wording for the new objective SASM-O6 to provide for existing infrastructure within SASM as drafted above. The wording does not clearly express the dual purpose required, to enable the functional role of existing infrastructure and recognising and protecting cultural values of the SASM.

We propose to revise the new proposed objective as follows:

SASM-O6 (revised)

The ~~cultural values of safe and efficient use, operation, maintenance, repair and upgrading of existing infrastructure within~~ scheduled ~~s~~Sites and ~~a~~Areas of ~~s~~Significance to Māori are protected, is provided for while existing infrastructure continues to operate and be maintained, repaired and upgraded.

It is our finding this objective ensures a clear balance between protecting the cultural values of SASM and enabling essential existing infrastructure to function. It reflects statutory duties to safeguard Māori cultural heritage and gives effect to Te Tiriti principle of active protection. By requiring adverse effects to be avoided, remedied or mitigated, it provides a consistent effects based approach that prevents incremental loss of cultural values, supports meaningful mana whenua involvement, and ensures infrastructure works proceed in a culturally appropriate and responsible manner.

Accordingly, we do not support the recommended wording for SASM-O6 as drafted by the Council officer and instead recommend adopting the revised SASM-O6 objective wording set out above.

6.8.3 Hearings Panel Recommendations

1. For the reasons set out above, we recommend that the submission points from:

(a) Top Energy Ltd (S483.140-144) and Transpower (S454.082) be accepted in part.

We also recommend the following amendments to SASM-O6, SASM-P10 and SASM-R1, as set out at **Appendix 2.5**, to acknowledge the submission relief requested by Top Energy and Transpower:

SASM-O6

The cultural values of scheduled Sites and Areas of Significance to Māori are protected, while existing infrastructure continues to operate and be maintained, repaired and upgraded.

SASM-P10

Provide for the use, operation, maintenance, repair and upgrading of existing infrastructure within scheduled Sites and Areas of Significance to Māori in a manner that avoids, remedies or mitigates adverse effects on the cultural values of these sites and areas.

SASM-R1	<u>New buildings or structures, relocated buildings or extensions or alterations to an⁹ existing buildings or structures, earthworks or indigenous vegetation clearance</u>	
<i>Scheduled sites and areas of significance to Māori</i>	<i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>The activity is undertaken by the requesting party listed in Schedule 3.</i> <i>PER-2</i> <i>Any indigenous vegetation clearance is for customary purposes.</i> <i>PER-3</i> <i>The activity is undertaken by a network utility provider for the operation, maintenance, repair, or upgrading of existing above ground infrastructure where this is:</i> <i>(i) no greater than the height of the existing structure;</i> <i>(ii) no greater than 20% of the GFA of the existing lawfully established building of structure; and</i> <i>(iii) not replacing a pole with a Pi pole.</i>	<i>Activity status where compliance not achieved with PER 1 or PER 2: Restricted Discretionary</i> <i>Matters of discretion are restricted to:</i> <i>.....</i>

For the reasons described in the evaluation above relating to the revised SASM-O6 objective and the amendments to rule SASM-R1 PER-3, we recommend these be adopted because these amendments ensure clear, consistent implementation of the PDP and more

effective management of adverse effects for the use, operation, maintenance, repair and upgrade of existing infrastructure located within SASM.

6.9 Key Issue 5: Part 1 General Provisions Tangata Whenua TW-P1, TW-P2 and TW-P3

6.9.1 Matters Raised in Submissions

Submissions received on the SASM objectives and policies broadly supported the intent of the chapter but sought targeted refinements to better recognise tangata whenua values, participation, and Treaty principles, particularly under section 6(e) of the RMA (NZTA S356.059; HMKT S394.024; and Taituha, Tane and Apiata S389.012). As a result, the hearing report recommends limited amendments to SASM-O2 and SASM-P2 to strengthen recognition of tangata whenua, culture, traditions, relationships and mātauranga māori, while retaining key terminology for internal consistency and aligning related provisions such as SASM-O1. These amendments are supported by a significant number of further submitters and are intended to clarify and strengthen policy direction rather than change the overall intent. Where changes to the SASM chapter objectives and policies have occurred, the hearing report identifies and recommends corresponding amendments to the Tangata Whenua chapter in Part 1, specifically TW-P1, TW-P2, and TW-P3, to ensure internal consistency across the PDP, give coherent effect to Te Tiriti principles, and reinforce the strategic role of the Tangata Whenua chapter as the foundation for managing Sites and Areas of Significance to Māori.

6.9.2 Hearings Panel Evaluation

On the review of the hearing report and submissions, we concur with the hearing report recommendations, as they appropriately address submission matters, strengthen alignment with section 6(e) of the RMA and Te Tiriti principles, and improve consistency across the PDP. The aligned amendments to the SASM (SASM-P6 and SASM-P10) and the Tangata Whenua policies in Part 1 (TW-P1, TW-P2, and TW-P3), provide clear, coherent policy direction for the recognition and protection of Sites and Areas of Significance to Māori.

6.9.3 Hearings Panel Recommendations

1. For the reasons in the evaluation above in relation to proposed amendments to the SASM objectives and policies, we recommend that the submission points from:

- (a) NZTA (S356.059); HMKT (S394.024); and Taituha, Tane and Apiata (S389.012) be accepted in part.

We also recommend consequential amendments to policies TW-P1, P2 and P3 in the Tangata Whenua chapter in Part 1. These amendments have been set out in the Tangata Whenua chapter provisions in **Appendix 2.3 of Recommendation Report 1**.

7. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to: Notable Trees; Heritage Areas overlay and Historic heritage; Kororāreka Russell Township zone; and Sites and areas of significance to Māori.



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 13

Hearing 13: Hazards and Risk

March 2026

Recommendation Report 13

Recommendation Report 13 is to be read in conjunction with the **Preamble Report** and **Recommendations Reports 1, 4, and 16**.

Recommendation Report 13 contains the Panel's recommendations on: Part 2 – District-Wide Matters - Hazards and Risks - Natural Hazards and Hazardous substances. It also contains recommendations on Coastal Hazard Rules in the Coastal Environment Chapter.

Recommendation Report 13 contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 13 also contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered) amendments to the following:

Appendix 2.1 Natural Hazards Chapter

Appendix 2.2 Coastal Hazard Rules in the Coastal Environment Chapter

Appendix 2.3 Hazardous Substances Chapter

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions - Natural Hazards

Appendix 3.2 Recommended Decisions on Submissions - Hazardous Substances

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and Chairperson; Felicity Foy – Council member; and Peter Kensington – Independent panel member.

- Key Issue 1: New objective for existing infrastructure
- Key Issue 2: Rules and standards
- Key Issue 3: Mapping of natural hazards
- Key Issue 4: Questions from the Panel

Our assessment, evaluation and recommendations on each issue follows.

3.6 Key Issue 1 – New objective for existing infrastructure

3.6.1 Matters Raised in Submissions

Mr Badham provided planning evidence to support the submission from Top Energy (S483.110), which continued to request that a new objective be included in the Natural Hazards chapter which states:

“The operation, maintenance, repair and upgrade of existing infrastructure within areas subject to identified natural hazards is enabled to ensure a resilient and reliable network”.

The Council’s right of reply considered this evidence and maintained that such an objective is not required because there is a clear connection between policy NH-P10 (in the Natural Hazards chapter) and the outcomes anticipated by objective I-O1 (in the Infrastructure chapter) which seek to ensure that the Far North District has resilient infrastructure. It was the reporting officer’s evidence to us that the addition of the objective suggested by Mr Badham would create duplication of planning policy within the PDP and was not required.

3.6.2 Hearings Panel Evaluation

Throughout our evaluation of submissions to the PDP and evidence received at the hearings, we have taken a consistent approach that the PDP needs to be read as a whole and to avoid unnecessary duplication of provisions where possible. In that regard, we agree with the analysis and recommendation set out in the right of reply and do not agree with Mr Badham (for Top Energy) that the suggested objective is required.

3.6.3 Hearings Panel Recommendations

As we agree with the right of reply recommendation on this issue, no changes are required to the proposed wording of the objectives.

Accordingly, we recommend that the submission from Top Energy (S483.110) be rejected.

3.7 Key Issue 2 – Rules and Standards

3.7.1 Matters Raised in Submissions

Rule NH-R2 (extensions and alterations to existing buildings or structures) and Rule NH-R3 (new buildings or structures)

Mr Badham provided planning evidence to support the submission from Foodstuffs (S363.012) and Mr McPhee provided planning evidence to support Waipapa Pine and Adrian Broughton Trust (now Fletcher Building) (S342.007), with both opposing the 10m² Gross Floor Area footprint thresholds for buildings and structures within the NH-R2 and

NH-R3 rules. Mr McPhee suggested that the provisions of rule NH-R3 PER-1 should not apply to land within the Heavy Industrial zone.

The Council's right of reply analysed these suggestions but ultimately did not support the changes sought for a variety of reasons, including the lack of an alternative provided by Mr Badham and the distinction between the specific provisions of the natural hazards chapter (which seek to address natural hazard risk from flooding, for example) and the lack of similar provisions within underlying zones.

Telecommunication Facilities

Mr Horne provided planning evidence to support the Telco Companies¹ submissions (S282.007-009) seeking a more permissive framework for telecommunications infrastructure within the natural hazards provisions. Essentially, it was Mr Horne's evidence to us that the National Environmental Standards for Telecommunication Facilities 2016 (NES-TF) except such matters. He suggested various further amendments to rules NH-R3 and NH-R9 alongside similar edits to the relevant coastal hazard rules at CE-R12 and CE-R16.

The Council's right of reply broadly supported these suggestions and has recommended amendments to rules NH-R3 and CE-R12 to permit telecommunications poles including any attached antennas, ancillary equipment or line, that are not currently regulated under the NES-TF. However, the reporting officer did not recommend amending rules NH-R9 and CE-R16.

Rule NH-R4 (new buildings or structures (excluding buildings used for a residential activity) ancillary to farming)

Ms Brennan on behalf of the submission by Federated Farmers (S421.077) advised us that buildings that were ancillary to farming are often larger than 100m² for efficiency reasons and, responding to questions from the Panel, opined that linking the size to the Building Act 2004 limits (where ancillary farm buildings up to 110m² were provided for) was supportable.

The reporting officer in the right of reply agreed with this suggestion for amending NH-R4 because it makes sense to align NH-R4 with the 110m² thresholds in the Building Act 2004 given the focus of the rule on ancillary farming buildings and this being a relatively low increase to the notified GFA threshold of 100m².

Standard NH-S1 (information requirements)

Mr Badham on behalf of the submission by Top Energy (S483.118) highlighted two key concerns with the Hearing Report's recommendations for standard NH-S1 and suggested that the standard be amended.

Again, the reporting officer in the right of reply agreed with these suggestions and recommended amendments to standards NH-S1 and CE-S5 to make it clear these standards apply in mapped River Flood Hazard Areas and Coastal Hazard Area respectively. The reporting officer also recommended amendments in response to NH-S1,

¹ Telco Companies: Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited

CE-S5 and the relevant advice notes so that there is no specific requirement for engineering and expert assessments to evaluate relevant objectives and policies.

3.7.2 Hearings Panel Evaluation

Rule NH-R2 (extensions and alterations to existing buildings or structures) and Rule NH-R3 (new buildings or structures)

We agree with the recommendation within the Council's right of reply that 10m² in NH-R3 PER 1 is appropriate and that any greater building footprint would be seen as too enabling within a hazard area and would allow an unacceptable level of permitted risk.

We acknowledge that Councillor Felicity Foy recommends that the 10m² building footprint could be increased to 30m² to allow more flexibility. We record her dissenting opinion and advise that this recommendation was a majority decision by the Hearing Panel.

Telecommunications Facilities

We agree with the recommendation within the Council's right of reply that new PER 3 of NH-R3, relating to telecommunications facilities, is appropriate, with the corresponding consequential amendments to rule CE-R12 also being appropriate.

Rule NH-R4 (new buildings or structures (excluding buildings used for a residential activity) ancillary to farming activity)

We also agree with the recommendation within the Right of Reply Report that the 100m² GFA permitted area be increased to 110m² which is consistent with recommendations we have made on similar issues throughout the PDP consideration (see **Recommendation Report 4**), including rural zones (See **Recommendation Report 9**).

Standard NH-S1 (information requirements)

We also agree with the recommendation within the right of reply that the information requirements at NH-S1 and at CE-S5 be amended as set out within the recommended amendments within **Appendix 2.1 and Appendix 2.2**. This is because the amendments will make it clear that these standards apply in mapped River Flood Hazard Areas and Coastal Hazard Areas respectively; and to confirm that there is no specific requirement for engineering and expert assessments to evaluate relevant objectives and policies.

3.7.3 Hearings Panel Recommendations

We agree with the Council's right of reply recommendations on the above issues, including the amendments required to the proposed wording of the relevant rules and standards.

Accordingly, we recommend that:

1. No changes be made to Rules NH-R2 and NH-R3 and that the submissions from Foodstuffs (S363.012) and Waipapa Pine and Adrian Broughton Trust (now Fletcher Building) (S342.007) be rejected.
2. An additional permitted activity clause PER-3 (stating *"the structure is a telecommunications pole including any attached antennas, ancillary equipment or line"*) be added to NH-R3 and CE-R12 and that the submission from the Telco Companies (S282.007-009) is accepted in part.

3. The threshold within Rule NH-R4 for the size of new buildings or structures ancillary to farming be increased from 100m² to 110m² and the submission from Federated Farmers (S421.077) be accepted in part.
4. Amendments are made to NH-S1 and CE-S5 to reference “an area” rather than “a site” with the information requirements under NH-S1 to be amended (as set out below) and the submission from Top Energy (S483.118) be accepted in part.

NH-S1 Information requirements – All natural hazards

Any application for a resource consent in relation to an area ~~site~~ that is ~~potentially affected by natural hazards~~ located within a mapped River Flood Hazard Area must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant ~~objectives, policies, performance standards and matters of control/discretion.~~

CE-S5 Information requirements – Coastal hazard area

Any application for a resource consent in relation to an area ~~site~~ that is ~~potentially affected by a coastal hazard~~ located within a mapped Coastal Hazard Area must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant ~~objectives, policies, performance standards and matters of control/discretion.~~

The amendments are identified in **Appendix 2.1 and Appendix 2.2.**

3.8 Key Issue 3 – Mapping of Natural Hazards

3.8.1 Matters Raised in Submissions

The Council’s right of reply sets out (at paragraphs 45-46) details of statements tabled at the hearing from Elbury Holdings (S541.012) and from Elbury Holdings, Fiona King, LJ King LTD, West Coast Farms and Leah Frieling (S605.003). These statements sought changes to the mapping of natural hazards within the PDP in relation to specific properties, for the reason that more detailed information was available (including from expert engineering reporting) to confirm that the flood risk was no longer a relevant issue.

The reporting officer’s analysis of these submission points, supported by expert advice from Tonkin + Taylor, within the right of reply (at paragraphs 47-49) concluded that there was not enough evidence provided by the submitters to change the recommended mapping. The hearing report (at paragraphs 312-314) also addressed this issue in terms of the fact that the PDP natural hazard maps being based on the NRC RPS mapping, rather than as maps that have been prepared at a detailed scale by the FNDC.

3.8.2 Hearings Panel Evaluation

We agree with the reporting officer’s analysis of these submission points.

3.8.3 Hearings Panel Recommendations

As we agree with the right of reply recommendation on these mapping issues, no changes are required to the PDP mapping of natural hazards in response to these submission



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 16

Hearing 16: Subdivision

March 2026

Recommendation Report 16

Recommendation Report 16 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 9, 14 and 15A**.

Recommendation Report 16 contains the Panel's recommendations on the Subdivision Chapter.

Recommendation Report 16 may contain consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 16 also contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the Subdivision Chapter PDP – tracked from notified version (provisions not subsequently renumbered).

Appendix 3: Recommended Decisions on Submissions - Subdivision

The Independent Hearings Panel for Hearing 16 comprised Robert Scott – Independent panel member and Chairperson; Steve McNally – Council member; and Peter Kensington – Independent panel member.

3.8 Key Issue 5 – Infrastructure (Electricity and Telecommunications)

3.8.1 Matters Raised in Submissions

In addition to evidence from Mr Badham (for Top Energy) (S483) and the Telecommunications providers (S278 and S517)², we received corporate evidence from Messrs McCarrison, Kantor and Clune and planning evidence from Mr Horne on behalf of various telecommunications providers.

The evidence from Mr Badham included suggestions for strengthening protection of existing electricity infrastructure, including in particular the mapped Critical Electricity Line Overlay, in relation to objective SUB-O2 and other suggestions relating to the proposed subdivision policy provisions. The Council’s right of reply does not agree with these suggestions given that similar objectives and policy intent is already included in the Infrastructure chapter and the Plan is to be read holistically and avoid duplication.

Mr Badham also made useful suggestions for the improvement of standard SUB-S6 in relation to telecommunications and power supply connections, with which the right of reply agrees in part – other than where the standard applies to rural zones – with the addition of the words “Telecommunications and” within CON-1 for rule SUB-R3 in relation to various zones. Mr Horne also made a number of helpful suggestions for recommended amendments to this standard and the right of reply also agrees in principle with these suggestions for certain zones, but not for rural zones (other than the Settlement zone).

The Council right of reply canvases the suggestion to add the wording “reasonably practicable” to the standard, considering this term to be too subjective – preferring more certainty through words such as infrastructure that is “available to the boundary of the site” (being consistent with other district plans).

Overall, after carefully considering the submitters’ suggestions, the Council right of reply (at paragraph 124) recommends various amendments to the proposed provisions.

3.8.2 Hearings Panel Evaluation

We agree with and adopt the Council’s recommendations and reasons in relation to these submission points, noting that this topic was well-canvassed at Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 and standard SUB-S6 which require a consideration of site servicing and infrastructure at subdivision stage. These policies and standard are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

² Telecommunication providers are: Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited, Fortysouth Group LP

3.8.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend the Council make the following amendments to SUB-S6:

SUB-S6	Telecommunications and power supply	
General Residential zone	<u>Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:</u>	Matters of discretion are restricted to: alternative provision of <u>telecommunication and electricity supply.</u>
Medium Density Residential zone	<u>A reticulated electricity supply system at the boundary of the new allotment; and</u> <u>Telecommunications services at the boundary of the new allotment, provided by:</u> <u>An open access fibre network, where it is available to the boundary of each new lot; or</u> <u>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</u> <u>The applicant shall provide, with any subdivision consent application written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</u> <u>At the time of subdivision, sufficient land for telecommunications, transformers, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators will be required.</u>	
Town Centre zone		
Kororāreka Russell Township zone		
Mixed Use zone		
Light Industrial zone		
Heavy Industrial zone		
Settlement zone		
Rural Residential zone	<u>Connections shall be provided at the boundary of the site area of the allotment for:</u> <u>telecommunications</u> <u>Fibre where it is available; or</u> <u>Copper where fibre is not available; and³</u> <u>Electricity supply through the local electricity distribution network.</u>	
Horticulture Processing Facility zone	Note: <u>This standard does not apply to allotments for a utility, road, reserve or for access purposes.</u>	

³ S178.005 and others

In addition, we recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6, SUB-P11 and SUB-S6.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.9 Key Issue 6 – Errors

3.9.1 Matters Raised in Submissions

Mr Tuck, on behalf of Waiaua Bay Farm Limited (S463), identified a drafting error in the proposed subdivision provisions that is not consistent with the considerations at Hearing 15A. The Council’s right of reply acknowledged the drafting error and recommended the exclusion for the Kauri Cliffs Golf Living Sub-zone should be amended to only relate to rule SUB-R20, rather than rule SUB-RXX.

3.9.2 Hearings Panel Evaluation

We agree with the Council’s right of reply and note that this is not a matter in contention following consideration of the issue during Hearing 15A and our related recommendations, which are set out in **Recommendation Report 15A**.

3.9.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council’s right of reply.

We also recommend that the Council should accept the relevant submission point from Waiaua Bay Farm Limited (S463) relating to SUB-R20.

We recommend the following amendments to SUB-R20 and SUB-RXX:

SUB-R20	<i>Subdivision creating one or more additional allotments of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: Not applicable</i>
SUB-RXX	<i>Subdivision of land within 100m of a Mineral Extraction zone</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: N/A</i>

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

APPENDIX D – LIST OF SUBMITTERS TO BE SERVED A COPY OF THIS APPEAL

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