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Sent: Thursday, 4 March 2021 09:04 a.m.
To: District Plan Submissions
Subject: Submission on Variation 2 (DIS-2021-1) on behalf of Aurora Energy Limited
Attachments: Submission on Variation 2 - Aurora Energy Limited.pdf

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Hello,

Please find **attached** a submission on the Dunedin City Council Second Generation Plan – Variation 2 – Additional Housing Capacity (DIS-2021-1) on behalf of Aurora Energy Limited.

I would be grateful if you could confirm receipt of this submission.

Kind regards,

Simon Peirce

Solicitor

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Submission to Dunedin City Council on behalf of Aurora Energy Limited

TO: Dunedin City Council

SUBMITTER: Aurora Energy Limited

SUBMISSION ON: Dunedin City Council Second Generation Plan – Variation 2 – Additional Housing Capacity

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DATE: 4 March 2021

1. This is a submission on the Dunedin City Council (**Council**) Second Generation Plan (**2GP**) – Variation 2 – Additional Housing Capacity (**Variation 2**).
2. Aurora Energy Limited (**Aurora**) could not gain an advantage in trade competition through this submission.

About Aurora

3. Aurora depends upon, and fully supports, the principles of sustainable management and efficient use of resources as outlined in Part 2 of the Resource Management Act (**RMA**). Aurora has interests in ensuring that the Variation 2 enables the continued and efficient operation of electricity connections to existing and proposed development which is encouraged through Variation 2. Aurora is supportive of Variation 2 and suggests modifications to ensure that the purpose of the variation, which is to provide additional housing capacity – is realised. The specific submissions and changes sought are included in this submission as **Appendix 1**.
4. By way of background Aurora owns, operates and maintains an electricity distribution network in the Dunedin and Central Otago regions. This network carries electricity from the National Grid to more than 90,000 homes and businesses across Dunedin City and the Central Otago region. Aurora owns substations, lines and cables located in public road reserve, as well as on private property. In addition to the distribution network, Aurora has the capacity to own and operate high voltage (up to 110kV) transmission lines, and associated structures in future, and may be required to do so as regional electricity demand grows.

Aurora is committed to providing its customers in the region with an effective and secure supply of electricity which, in doing so, provides a critical service to customers, as well as a public good to local communities including hospitals, schools, offices and residential dwellings.

Infrastructure Overview

5. The electricity network works provided by Aurora, which have the potential to impact on land and vegetation resources, includes the excavation of land/earthworks and vegetation clearance associated with the erection, placement, upgrade, repair and maintenance of its infrastructure both on land and within the beds and margins of lakes and rivers. Aurora is responsible for the construction and maintenance of an efficient and safe electricity network, which involves the following infrastructure:
 - (a) Placement of underground cables;
 - (b) Installation of overhead lines;
 - (c) Zone Substations/transformers/kiosks;
 - (d) Electricity structures (poles/pylons, earth rods and associated buildings); and
 - (e) Access tracks.
6. Aurora's key area of concern relates to its ability to maintain, inspect and upgrade (where necessary) its network up to a point of supply as defined by the Electricity Act 1992. This is discussed in more detail below.
7. Currently Aurora undertakes these activities in accordance with strict industry codes of practice, Local Authority requirements, and electricity network technical specification standards. Those requirements, which sit outside the District Plan, have guided the relief sought in this submission.

Aurora's involvement in the 2GP

8. Aurora filed an appeal against the decisions of the Council on the 2GP that were released in November 2018 (*Aurora Energy Limited v Dunedin City Council* ENV-2018-CHC-277). That appeal sought various amendments to the 2GP to enable the operation, development and upgrade of Aurora's electricity network. In particular, Aurora sought corridor setbacks from its Critical Electricity Infrastructure (being specified 11kV and 33kV high voltage lines) to prevent certain activities from locating in proximity to that infrastructure and requiring consideration of the adverse effects of those activities on the operation of Aurora's network.
9. Aurora has engaged with the Council informally and in Environment Court mediation to resolve its appeal. The outcome of that appeal remains the subject of mediation privilege so cannot be relied on in support of this submission. However, it is hoped that by the time that submissions are heard that consent memorandum will be with the Court for approval, or consent orders granted.

Submission

10. This submission relates to:
 - (a) Change D1
 - (b) Change E5
 - (c) Change E6
 - (d) Change F1-1; F1-3; F2-2; F2-4; F3-1; F3-2; F3-4; and F4-1.
11. As foreshadowed above, Aurora has specific requirements under regulations and legislation that sit outside the District Plan that it must comply with. The obligations and requirements seek to provide for the ongoing health, safety and wellbeing of individuals to which the electricity is provided and for any persons that may come in proximity to it. There are two key obligations relevant to this submission:
 - (a) To provide an electricity connection up to the "Point of Supply" (**POS**) on a property boundary when requested by landowners.
 - (b) To maintain and operate the electricity supply up to the POS.
12. This submission primarily seeks to enable Aurora's ability to carry out the second obligation.
13. POS is defined by section 2(3) the Electricity Act 1992. Enclosed with this submission as Appendix 2 is an extract of the Electricity Act 1992 with the definition of POS.
14. The POS definition is quite detailed as it attempts to manage the interface between the various types of infrastructure that forms part of an electricity distribution network and the ways in which property can be owned (i.e. by way of leasehold, freehold, or unit title subdivision). For the purpose of summarising the issue that this submission seeks to address, the normative definition of POS in relation to a property is the "point or points on the boundary of the property at which exclusive fittings enter that property". The exclusive fittings are those parts of the infrastructure (i.e. an underground cable or overhead line) that supply electricity to that property only.
15. In most cases, the POS will be the point between the boundary of the legal road and where the line or cable crosses the cadastral boundary of a Record of Title. In the case of an underground cable that provides an electricity connection to a property, the POS is demarcated by a pillar box. This is described in Image 1 below:

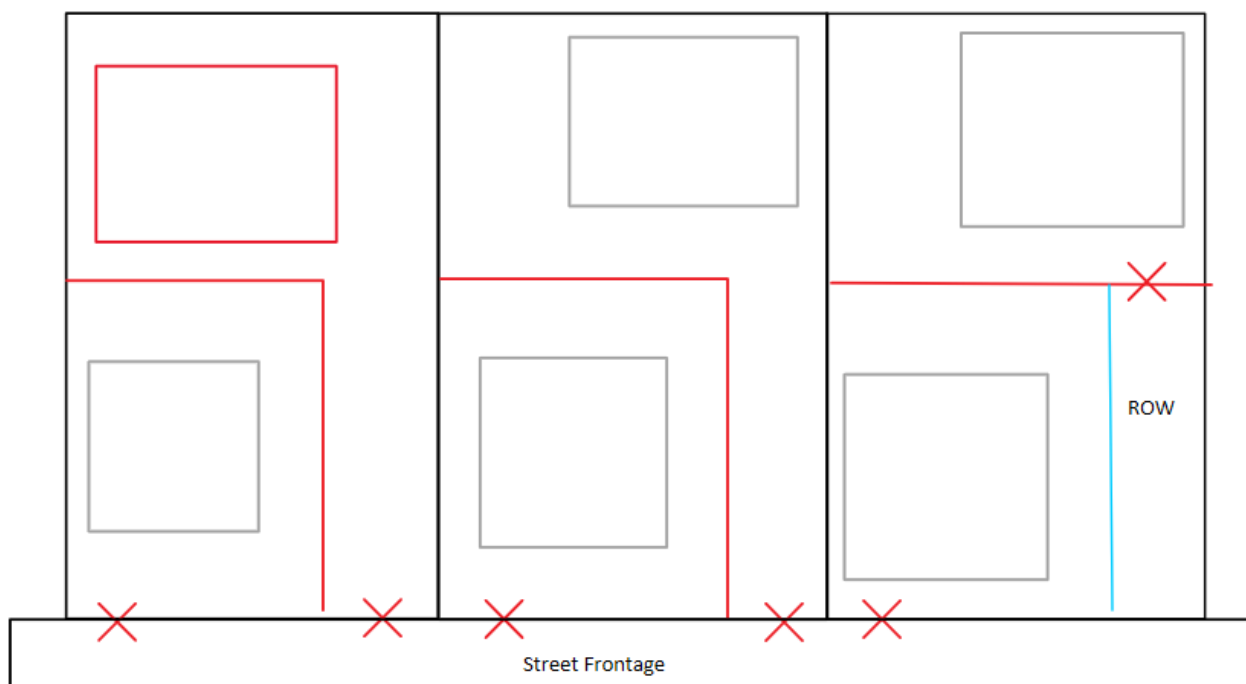


Image 1: Plan identifying various points of supply at three properties which are being subdivided

16. The colour of the lines in Image 1 refer to the following:
 - (a) Black = existing lot boundaries
 - (b) Grey = existing residential dwellings
 - (c) Red = proposed dwellings and lot boundaries.
 - (d) Red crosses = points of supply.
 - (e) Blue = boundary of right of way
17. The first two properties identify a POS at the street frontage. This is the most common scenario as properties either entirely adjoin a street frontage or, in the case of a back-lot own the accessway to the street. Section 24 of the Electricity Act provides Aurora with the right to construct or maintain works within legal road.
18. However, in many instances, a subdivision is designed in a way that grants a right of way access to an allotment that does not adjoin legal road. For example, at Image 1 Property 3 above the POS is located on private property at the end of the private right of way.
19. Aurora's ability to operate and maintain infrastructure up to a POS within private property can only be provided for by way of an easement in gross in favour of Aurora. The easement in gross is often in addition to a private easement between the burdened land and the benefitted land which secures the backlots rights to have its electricity connection. A private easement between neighbouring landowners does not provide Aurora any rights of access to maintain or operate infrastructure that is located within private property.
20. Aurora addresses the requirement for easements in gross for new residential subdivisions at the time that electricity connections are requested. However, there are instances in which a subdivision does not require any additional electricity connections (see Image 1, property 3) and so Aurora does not have an opportunity to require easements and the subdivision

often proceeds, which in turn, creates a new point of supply within private property. This presents the following risks in terms of the provision of electricity to the resultant site:

- (a) In the event of fault, Aurora does not have any legal rights of access to the infrastructure.
 - (b) The relevant landowners may place buildings or structures, or plant trees over the cable, or in proximity to an overhead line, inadvertently increasing the risk of a fault occurring or creating a new hazard that Aurora cannot ignore (regardless of whether it has caused a fault).
 - (c) Aurora is required to accept ownership of an existing cable that may be defective but would have no information of the quality or age of the cable at the time that the subdivision occurs.
 - (d) In terms of an underground cable, Aurora may have no information about its location to assist in reducing the level of excavation required to maintain the cable.
21. Aurora did not lodge a submission on this issue when the 2GP was notified. At the time, Dunedin's population was relatively stable and the provisions of the 2GP did not promote dense infill development (subdivision of a Record of Title with two or more dwellings into separate Records of Title) compared to what is being promoted through Variation 2. Aurora supports the provisions of additional housing capacity and the purpose of Variation 2 but seeks to provide for its ability to maintain and operate electricity connections up to the POS which is created as a result of the subdivision.
22. This issue has been addressed in the Queenstown Lakes District Proposed District Plan at a policy and rule level requiring applications for subdivision consent to consider the requirement for easements in relation to energy supply and telecommunications. The relevant rule reserves a matter of discretion in relation to the provision of easements in favour of electricity and telecommunication providers. This practice has worked well in Queenstown to ensure that where a subdivision is designed to have an electricity connection over a private property, that Aurora is provided access by way of an easement in gross. This often results in a condition of subdivision consent that requires easements in gross be identified in the memorandum of a Land Transfer Survey Plan (**LT Plan**).
23. Presently, the 2GP does not provide an opportunity for the consideration of easements in gross for electricity connections over private land. However, the 2GP and Variation 2, does contain a requirement for easements in relation to three waters infrastructure, as shown below in relation to Rule 9.5.3.11 (Change F2-3):

Conditions that may be imposed include:

AA. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with a stormwater management plan.

AB. A requirement for on-site stormwater management, such as the installation of detention devices required in accordance with the approved stormwater management plan. {Change F2-3}

24. Additionally, at 9.6.2.Y (change F3-2):

Conditions that may be imposed:

- (v) *A requirement for the communal on-site wastewater detention system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA.*
 - (vi) *A requirement for the communal on-site wastewater detention system to be vested in the DCC, along with a site containing it which is of a minimum 500m² in area and suitable for residential development.*
 - (vii) *A requirement for necessary easements and a fixed maintenance or defect period agreement to be in place prior to vesting the communal on-site wastewater detention system and associated land. {Change F3-2}*
25. There is not a similar requirement in the 2GP to provide for easements in gross in favour of Aurora for its electricity infrastructure.
26. This submission requests a decision from the Council that provides for the consideration of easements in gross in favour of the electricity provider. Aurora proposes to give effect to this submission by way of amendment to Section 9 Public Health and Safety, and in particular, in relation to the provision of service connections.

Decision sought

27. Aurora therefore seeks the following decision from the Council:
- (a) That the amendments to the 2GP outlined at Appendix 1 be accepted; OR
 - (b) Any further, other, or consequential relief which give effect to the issues raised by this submission and the general relief sought.
28. For the avoidance of doubt, the suggested amendments outlined at **Appendix 1** are to be read as suggestions to address the issues raised by this submission. Aurora invites alternative suggestions by the Council to address this issue in a way that more closely follows the 2GP Style Guide and/or drafting protocol.

Appendix 1: Relevant provisions, text, and comments

No.	Provision	Text	Discussion	Submission – decision sought by Council
1	Policy 2.6.2.AA Change D1, Change E5 & Change E6	<u>Ensure that any plan change that proposes a new residential zoning area (in accordance with Policy 2.6.2.1) or a new rural residential zoning area (in accordance with policies 2.6.1.3 to 2.6.1.5) best achieves the objectives of this Plan by application of any necessary overlay zones or mapped areas (including structure plan mapped areas and/or new development mapped areas) and related provisions as part of the plan change, including where necessary to:</u> a. <u>manage risks or effects (for example relating to natural hazards or network utilities);</u> b. <u>manage constraints within or beyond the area (for example relating to reverse sensitivity); or</u> c. <u>protect values (for example relating to coastal character, landscape, or biodiversity).</u> {Change D1, Change E5 & Change E6}	Aurora sought relief through its appeal to impose a new Critical Electricity Mapped Area and supports this relief which would require that mapped area be imposed in an area of residential zoning that is advanced through a plan change.	Aurora supports the inclusion of this policy and seeks that it be included in the 2GP.
2	Policy 9.2.1.3 Change F1-3	Require subdivision activities to provide any available water supply and wastewater infrastructure services to all resultant sites that can be developed, unless on site or multi-site services are proposed that will have positive effects on the overall public water supply and/or wastewater infrastructure services, or any adverse effects on them are insignificant. ensure future land use and development activities: <u>X. have access to National Grid electricity network and telecommunications network; and</u> <u>Y. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability;</u> <u>Z. unless, for either (X) or (Y), allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant.</u> {Change F1-3}	We understand that this policy has been re-drafted to be more consistent with Performance Standard 9.3.7 related to service connections. Point X is unusual in that it refers to connections to the "National Grid Electricity Network". While all electricity connections are in a way connected to the National Grid, the inclusion of the words "National Grid" implies that land use and development activities will connect directly to the transmission network. This drafting is unclear and does not recognise Aurora's distribution network which is currently the only method that consumers can connect to the National Grid.	Aurora opposes Policy 9.2.1.3.X to the extent that it includes the words "National Grid". Aurora otherwise supports Policy 9.2.1.3 and seeks the policy be amended to delete the words "National Grid".
3	Rule 9.3.7.2 Service Connections Change F1-1	<u>All subdivision activities must supply service connections to resultant sites in accordance with rules 9.3.7.X - 9.3.7.AA, Except that this rule does not apply to for resultant sites created and used solely for the following purposes</u> {Change F1-1} : a. Scheduled ASBV or QEII covenant; b. reserves; c. access; d. <u>network utilities;</u> or e. roads.		Aurora supports this Rule and seeks that it be included in the 2GP.
4	Rule 9.3.7.X	<u>9.3.7.X Telecommunications and power</u> {Change F1-1}	This rule requires resultant sites to be provided with an electricity connection to the boundary of the property.	Aurora conditionally supports this Rule subject to an additional amendment that requires that

	<p>Change F1-1</p>	<p>a. <u>Subdivision activities must provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, to the site boundary.</u></p> <p>b. <u>Activities that contravene this performance standard are restricted discretionary activities. {Change F1-1}</u></p>	<p>Aurora supports this rule to the extent that it promotes that outcome.</p> <p>Aurora did not lodge a submission on this rule when the 2GP was notified on the basis that infill development was not as widely encouraged through the provisions when they were notified.</p> <p>Variation 2 proposes sweeping amendments for the purpose of providing additional housing capacity in existing residential zones. The outcome of these amendments is likely to be additional infill-development. Aurora supports that goal but wishes to ensure that it is able to maintain and operate its electricity network up to the boundary of the resultant site effectively and efficiently. Aurora is able to do that by way of the provision of easements in gross in its favour.</p> <p>Presently, there are no provisions in the 2GP or notified Variation 2 which provide for easements in gross in favour of the electricity provider where that infrastructure is to be located on private property. This has resulted in a practice whereby applications to subdivide a property are granted without consideration of whether Aurora is able to maintain or operate existing infrastructure over private property up to a point of supply (as defined by the Electricity Act 1992) which has changed as a result of the layout of the subdivision.</p> <p>By way of analogy, Variation 2 proposes a requirement for easements (and other matters) to provide for the effectiveness and efficiency of stormwater management. A similar requirement (limited to easements) is sought in relation to Aurora's infrastructure to provide for its ongoing effectiveness and efficiency.</p>	<p>easements. Suggested drafting is outlined below:</p> <p>9.3.7.X Telecommunications and power {Change F1-1}</p> <p>c. <u>Subdivision activities must provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, and associated easements, to the site boundary.</u></p> <p>d. <u>Activities that contravene this performance standard are restricted discretionary activities. {Change F1-1}</u></p> <p>[yellow highlight refers to additional wording]</p>
5	<p>Advice Note 9.3.7.YA; 9.3.7.ZA; 9.3.7.AAA</p> <p>Changes F2-2; 2-4; F3-1; F3-2; F3-4; F4-1.</p>	<p><u>Note 9.3.7.YA - General advice {Change F4-1}</u></p> <p>A. <u>The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply and conditions of access. There may be a delay including recently rezoned areas in the Bylaw. In these cases, information on access is available by contacting the DCC.</u></p> <p>B. <u>For further information on connections to the public water supply network, please contact the DCC on 03 477 4000. {Change F4-1}</u></p> <p><u>Note 9.3.7.ZA - General advice</u></p> <p>a) <u>The DCC does not provide a wastewater public infrastructure network in all areas of the city. Refer to the definition of 'wastewater serviced area'. {Change F3-1}</u></p> <p>b) <u>In new development mapped areas specified in Rule 9.6.2.Y,</u></p>	<p>Advice notes have been added to provide further information to Applicants on meeting the various performance standards in relation to Three Waters.</p> <p>The advice notes do not refer to any non-municipal infrastructure. To assist in compliance with Aurora's network connection standard, an additional advice note could be included at this section.</p> <p>Aurora has obligations as electricity distribution providers to maintain electricity connections up to a point of supply as defined by the Electricity Act and that easements in favour of the electricity provider are required to ensure that obligation can be fulfilled.</p> <p>My view is that inclusion of these Advice Notes supports</p>	<p>Aurora does not oppose the inclusion of the advice note 9.3.7.YA-ZA and AAA on the basis that this advice, as it relates to municipal infrastructure, does not have a bearing on Aurora's network.</p> <p>However, Aurora seeks that the advice note be amended to include additional information about easements in gross over proposed and existing electricity connections up to the point of supply. Suggested drafting is outlined below:</p> <p>Our view is that this advice note is most appropriately placed below Rule 9.3.7.X and so is framed as 9.3.7.XA</p>

		<p>immediate connections to the wastewater public infrastructure network will not be available due to network capacity constraints. In these cases, subdivision consent may be refused even if this standard is met where an on-site communal wastewater detention system that serves 50 or more residential units is yet to be approved as a solution to capacity constraints. {Change F3-2}</p> <p>c) Trade and industrial discharges to the wastewater system are subject to the DCC Trade Waste Bylaw. {Change F3-4}</p> <p>d) The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems. {Change F3-4}</p> <p>e) The New Zealand Building Code G13 - Foul Water for building work provides verification methods and acceptable solutions for the storage, treatment, and disposal of wastewater. {Change F3-4}</p> <p>f) For further information on connections to the wastewater public infrastructure network and the design of any wastewater management system, please contact the DCC on 03 477 4000 at the earliest opportunity. {Change F3-1}</p> <p>Note 9.3.7.AAA - General advice and other requirements outside of the District Plan {Change F2-2}</p> <p>a) In a new development mapped area, Policy 9.2.1.Y requires installation of a communal stormwater management system prior to development as part of the assessment of a subdivision consent. The requirements for stormwater management are set out in the Special Information Requirements - Rule 9.9.X. {Change F2-2}</p> <p>b) Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.</p> <p>c) Development that will divert surface water may require resource consent under the Otago Regional Plan: Water.</p> <p>d) Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.</p> <p>e) If development affects the flow of surface water, this effect is also subject to the common law principle of natural servitude.</p> <p>f) Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).</p> <p>g) For further information on connections to the public stormwater network</p>	<p>enabling health and safety of persons and enables the operation of network utilities - which are outcomes that are promoted by the 2GP.</p>	<p>Note 9.3.7.XA General advice and requirements that sit outside the District Plan</p> <p>a. The provision of electricity to resultant sites is controlled by electricity related legislation and regulations. Electricity providers are required to take ownership of new and existing electricity infrastructure up to a "point of supply" as defined by section 2(3) of the Electricity Act 1992.</p> <p>b. In relation to existing electricity infrastructure up to a point of supply, an electricity provider may require information about the location, age, of the infrastructure, including any certificate of compliance issued by an electrician as required by Section 65 of the Electricity (Safety) Regulations 2010.</p>
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		and for assistance with design requirements for stormwater management systems, please contact DCC 3 Waters on 03 477 4000 at the earliest opportunity. {Change F2-4}				
6	Rule 9.5.3.12 Assessment of restricted discretionary activities (performance standard contraventions) Change F1-3	12. Service connections	a. Effects on efficiency and affordability of infrastructure	<p>Relevant objectives and policies:</p> <p>i. <u>Objective 9.2.1</u></p> <p>ii. <u>Subdivision activities provide any available public water supply and wastewater infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall public wastewater and/or water supply infrastructure services, or any adverse effects on them are insignificant (Policy 9.2.1.3); ensure future land use and development activities:</u></p> <p><u>X. have access to the National Grid electricity network and telecommunications network; and</u></p> <p><u>Y. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability;</u></p> <p><u>Z. unless allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant (Policy 9.2.1.3). {Change F1-3}</u></p> <p>General assessment guidance:</p> <p>iii. <u>When assessing the suitability of any proposed on-site or multi-site services, Council will consider any adverse effects on the natural environment and risk from hazards.</u></p> <p>Conditions that may be imposed include:</p> <p><u>.Require on-site systems to be included in the subdivision. {Change F1-3}</u></p>	<p>We understand that this Assessment Matter follows on from Policy 9.2.1.3 and considers the effects on efficiency and affordability of infrastructure. The requirement to assess an application for subdivision consent pursuant to this assessment matter arises where a resultant lot has not been provided with an electricity connection. There may be genuine reasons why an electricity connection is not made available to a resultant lot – such as for a green area or other purpose that does not require electricity. Aurora accepts that this may occur and does not require easements in relation to any resultant lots.</p> <p>The drafting of this performance standard presents the same issues as outlined above at Policy 9.2.1.3. The section 32 Report does not assess this change, and simply says that:</p> <p><i>This is a minor clarification to better align the policy wording with the existing rule and to make some minor clarifications to the policy test. As it is not a substantive change to the plan and is considered to have no measurable effects it has not been reassessed under s32.</i></p> <p>Given that this rule did not appear elsewhere in the plan it remains unclear why point X has been inserted. Furthermore, we cannot locate the original section 32 report which purports to address this issue.</p>	<p>Aurora opposes Rule 9.5.3.12.</p> <p>For the reasons addressed elsewhere in this submission, Aurora seeks that the words “National Grid” be deleted.</p> <p><u>X. have access to the National Grid electricity network and telecommunications network; and</u></p>

Appendix 2 – Definition of Point of Supply

Electricity Act 1992

2 Interpretation

- (3) In this Act, **point of supply**, in relation to a property, means the point or points on the boundary of the property at which exclusive fittings enter that property, except that,—
- (a) if there are both high voltage lines and a transformer owned by the electricity distributor on the property, the point of supply is the point at which electricity from the transformer enters exclusive fittings; or
 - (b) if there are non-exclusive fittings on the property, the point of supply is the point at which those fittings become exclusive fittings; or
 - (c) if the exclusive fittings on the property are owned by a consumer that is a tenant or licensee of the owner or occupier of the property, the point of supply is the point at which those exclusive fittings enter the area leased or licensed by the consumer; or
 - (d) if there is specific agreement that any other point on the property is the point of supply, the point of supply is the agreed point;—

and, in this definition,—

exclusive fittings means fittings used or intended to be used for the purpose of supplying electricity exclusively to that property

high voltage lines means lines conveying electricity at a voltage of 1000 volts or more

property—

- (a) means the land within the boundary where the electricity is consumed:
- (b) includes the whole of the property, if the property is occupied wholly or partially by tenants or licensees of the owner or occupier:
- (c) includes the whole of any property that has been subdivided under the [Unit Titles Act 2010](#)

specific agreement may be an agreement—

- (a) entered into by—
 - (i) the existing consumer; or
 - (ii) any person with a greater interest in the property than the consumer (such as the consumer's landlord); or
 - (iii) any body corporate under the [Unit Titles Act 2010](#) or the registered owner of the land to which the unit plan relates; and
- (b) entered into by the electricity distributor or the electricity retailer; and
- (c) entered into before or after the date on which this provision comes into force.

(4) The new definition of point of supply in subsection (3)—

- (a) applies on and after the date on which the [Electricity Amendment Act 2001](#) receives the Royal assent if—

- i. an agreement exists between the electricity distributor and the consumer that the point of supply is already located at the point provided for in the new definition; and
 - ii. the consumer has not challenged the existence of that agreement before that date; and
- (b) is, in other cases, subject to the transitional provision in subsection (5).
- (5) The new definition of point of supply in subsection (3) does not apply in any other particular case until the electricity distributor has—
 - (a) brought the fittings for which the consumer will become responsible as a result of the new definition to a reasonable standard of maintenance or repair, if those fittings are not at a reasonable standard at the time when this provision comes into force; and
 - (b) notified the consumer in writing—
 - (i) that the point of supply is as defined in accordance with the new definition; and
 - (ii) the location of that point of supply; and
 - (iii) the effect of the change to the point of supply; and
 - (iv) that the point of supply may not take effect under this Act unless any fittings for which the consumer will become responsible have been brought to a reasonable standard of maintenance and repair; and
 - (v) the date on which the point of supply will change (which must be no less than 20 working days after the date of the notification).