



Remember
further
submissions
close at **5pm**,
Monday 4th
September

Proposed Far North District Plan further submission form.

Form 6: Further submission in support of, or in opposition to, submission(s) on the notified Proposed Far North District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

To: Far North District Council

This is a further submission in support of or in opposition to submission(s) on the Proposed Far North District Plan.

1. Further submitter details (mandatory information)	
Full name of individual/organisation making further submission:	Oromahoe Land Owners: <i>AW & DM Simpson R.A.S. Ltd Arran Trust Garry Stanners Errol McIntyre SW Halliday SJ & PM Boys Oromahoe 18R2B2B2 Trust Tapuaetahi Incorporation</i>
Contact person (if different from above):	Arran Simpson
Email address:	calf_mum@yahoo.co.nz mariao@tapuaetahi.com administrator@oromahoetrust.co.nz Garry.Stanners@xtra.co.nz swedesaver@gmail.com
Postal address:	
Preferred method of contact:	Email
Phone contact:	Daytime: 027 504 0704 Mobile:

2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8)

We are :

A person who has an interest in the proposal greater than the interest that the general public has.

My reasons for selecting the category ticked above are:

We are Landowners that are directly affected by plan provisions. There is serious risks to our property, asset values and future interests.

For example: Any person representing a relevant aspect of the public interest would likely include public interest environmental groups

Any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has is likely to include owners of land and users of resources directly affected by plan provisions. It is also likely to include iwi and hapu where their interests are directly affected.

3. Request to be heard at hearing

Yes, I wish to be heard at the hearing in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Y Yes

Signature of further submitter:

(or person authorised to sign on behalf of further submitter)

AW Simpson

Date: 4 September 2023

(A signature is not required if you are making your further submission by electronic means) **Important information:**

1. A copy of your further submission must be served on the original submitter within five working days after it is served on Far North District Council.
2. The Far North District Council must receive this further submission before the closing date and time for further submissions (**5pm Monday, 4 September 2023**)
3. Please note that further submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your further submission will only be used for the purpose of the District Plan review.
4. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this further submission form). If you don't have an email address, it will be posted.

Please note that your further submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Send your further submission to:

Post to: Proposed Far North District Plan
Planning and Policy, Far North District Council
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this further submission form to any Far North District Council service centre or library (check the Council website for opening hours).

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Proposed Far North District Plan
Planning and Policy, Far North District Council
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

CC: Top Energy Level 2, 60 Kerikeri Road, Kerikeri
Taryn Collins, taryn.collins@topenergy.co.nz & David Badham davidb@barker.co.nz

4 September 2023

Regarding: Objection to Top Energy submission for Proposed District Plan

We are a group of affected landowners in the Oromahoe District comprising of the following parties:

- AW & DM Simpson
- R.A.S. Ltd
- Arran Trust
- Garry Stanners
- Errol McIntyre
- SW Halliday
- SJ & PM Boys
- Tapuaetahi Incorporation
- Oromahoe 18R2B2B2 Trust

As a group we are submitting a “further submission” to Top Energy’s submission on the proposed Far North District Plan (Form 6).

Top Energy’s submission attempts to rewrite the proposed district plan to circumnavigate the national environmental standards, human rights, basic landowner property rights and Māori cultural values/land rights. The majority of submission points by Top Energy are intertwined therefore we oppose their submission in its entirety. Due to the improper notification, lack of engagement with affected parties, a misleading reference to Section 32 we have had insufficient time to respond to this issue in full.

We as landowners are all affected by Top Energy’s proposal to elevate the 33kv lines to the same status as the National grid lines, creating larger setbacks, new constraints on subdivisions, plantings and general land use.

Provision needs to be considered to protect landowners and where they are affected through planned changes. Due compensation should be paid for the loss of commercial interests over the affected space and its potential. For instance, Top Energy seeks to re-classify the 33 kW lines as critical electrical lines (CEL). Allowing the re-classification of the lines along with other proposed requirements to protect their interest, will result in increased profit to Top Energy and loss to our private economic investments, interests and rights for their own private shareholder commercial interests and profit.

As we understand, any new or upgraded lines need to pay compensation to the landowners. We believe that adding capacity or security would be considered as an upgrade. This should be included in the definitions of the plan to protect landowners' rights and interest.

On several submission points Top Energy refer back to the Whangarei District Council plan as a benchmark - which is less restrictive than what Top Energy are proposing. The FNDC Proposed District Plan in regards to CEL and significant and regional infrastructure is very similar in regards to necessary provisions to achieve this. As such we see no reason why the PDP should go beyond this to satisfy Top Energy.

We also believe that disputes will arise if the Top Energy submission were to be accepted, resulting in the financial burden to the ratepayer of the Far North District Council.

Following is some additional opposition on Top Energy's submission on a point by point basis. It is by no means complete, due to the short amount of time we have had to research their submission, but it does identify a number of things we oppose and that we have not fully covered within this cover letter and supporting attachment.

Thank you.

The specific submission(s) on the Proposed Far North District Plan that this further submission relates to:

Name of original submitter	Address of original submitter	Original submitter number	Original submission point number	Support or oppose	Reasons for supporting or opposing	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed) <i>Give precise details</i>
<i>Example</i> John Smith	<i>Example</i> 60 Kerikeri Road Kerikeri 0230	<i>Example</i> 600	<i>Example</i> 600.001	<i>Example</i> Support	<i>Example</i> I support because I believe	<i>Example</i> I seek that the whole of the submission point be allowed
Top Energy	Level 2, 60 Kerikeri Road, Kerikeri Taryn Collins, taryn.collins@topenergy.co.nz & David Badham davidb@barker.co.nz	483	483.001	Oppose	Seeking to interpreted wanting to rewrite the plan for commercial advantage	No change as definitions are adequate. FS131.001
			483.015	Oppose	Footprint is a clear layman's term for the pubic to understand.	No change as definitions are adequate. FS131.002
			483.016	Oppose	Adopting this definition risks the plan being reinterpreted by Top Energy to navigate around the intent of the PDP.	Do not adopt "operational need" definition as written by Top energy. FS131.003
			483.017	Oppose	We are not sure if it within FNDC jurisdiction to define.	No change as definitions are adequate – the suggested definition is not fit for purpose. FS131.004
			483.018	Oppose	This risks Top Energy being able to override all environmental, landowner rights, Māori cultural and human rights.	Retain as is which requires Top Energy to properly engage and consult the land owners and mana whenua. FS131.005
			483.023	Oppose	Provisions currently appear to assign or imply powers to override environmental standards and values.	Amend to protect environmental standards and values. FS131.006

			483.025	Oppose	Top Energy appears to be attempting to embed its interpretation strategically to contextualise its other requests for greater powers, controls over private proprietary rights as well as existing constrains the PDP poses.	Do not adopt new objective as proposed by Top energy. FS131.007
			483.028	Oppose	Concern that the changing of the language removes the intent to balance infrastructure needs against the enhancement obligations to community and district well-being.	Keep "...to enhance economic, cultural environmental and social well-being in the district". FS131.008
			483.030	Oppose	Top Energy appears to be seeking discretion to override existing constrains the PDP endeavours to use to protect such as historical, cultural natural and coastal values.	Retain as is which requires Top Energy to properly engage and consult the land owners and mana whenua. FS131.009
			483.032	Oppose	Top Energy seeks discretion to interpret what " Does not constrain" means for their own interest.	Retain as is which requires Top Energy to properly engage and consult the land owners and mana whenua. FS131.0010
			483.039	Oppose	33 kW should not be classified as a Critical Electricity Line CEL so that it can then be mapped and afforded the same powers to constrain land owners in the uses of their properties.	Retain as originally notified or Top Energy should be required to compensate owners on the impacts this will have to property and its historical or potential development. FS131.011
			483.043	Oppose	Top Energy seeks to reserve the power to develop across whenua Maori for their own interests asides the plans intent to protect Whenua Maori.	No change for ammendments. Current wording is adequate and requires Top Energy to properly engage and

			483.044	Oppose	Top Energy seeks to impose obligations on FNDC and the rate payers to "...provide for..." "Recognition" alone is adequate and puts onus back on Top Energy to substantiate benefits over other interests.	consult the land owners and mana whenua otherwise. FS131.012 No change for amendments. Current wording is adequate. FS131.013
			483.045	Oppose	The full suite of effects management "offsetting or compensating" should be the local authorities instruments to utilise not a private company's to use as a lever to buy their way around the PNP constraints	No change to paragraph a. FS131.014
			483.048	Oppose	There are a number of concerns with their proposal to assign discretionary activities status. The rule is there to regulate network utilities.	Status Quo. No change to wording or PDP. FS131.015
			483.060	Oppose	Far too restricting on existing building platforms and future developments, ultimately resulting in conflict.	Status Quo. No change to wording or PDP. FS131.016
			483.061	Oppose	Top energy is encroaching on land owners existing rights, especially for farmers, where structures may not require a building consent or have existing use rights.	Do not include proposed amendment of "is less than...height and" FS131.017
			483.062	Oppose	Again, Top energy is encroaching on land owners existing rights and	Status Quo. No change to wording or PDP. FS131.018

			483.063	Oppose	ability to manage their properties where there are lines. “...for consistency...”Inadequate explanation as to why and how Rural Lifestyle should be included.	Status Quo. No change to wording or PDP. FS131.01
			483.069	Oppose	The current wording is clear and Top Energy is attempting to remove the directive by the PDP to avoid or minimise. Managing adverse effects is inappropriate and undermines the original intent.	Status Quo. No change to wording or PDP. FS131.0 0
			483.070	Oppose	Unclear how maintenance doesn't capture repair unless repair is being used as a vehicle for upgrading. Top Energy seeks to mitigate when encroaching on others interests but seek to refuse others, generally the land owner, the same.	Status Quo. No change to wording or PDP. FS131.0 1
			483.108	Oppose	Top Energy appears to be seeking discretion to override existing constrains the PDP endeavours to use to protect Notable trees.	Status Quo. No change to wording or PDP. FS131.0 2
			483.112	Oppose	Top Energy appears to be seeking discretion to override existing constrains the PDP endeavours to use to protect Notable trees.	Status Quo. No change to wording or PDP. FS131.0 3
			483.120	Oppose	Top Energy seeks to reserve the power to develop across whenua Maori for their own interests asides the plans intent to protect Whenua Maori.	No change for amendments. Current wording is adequate and requires Top Energy to properly engage and consult the land owners

					opposite effect by placing restrictions on land owners rights.	
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Use additional sheets if necessary.

