

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

ENV-2026-AKL-000141

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

IN THE MATTER

of an appeal under Clause 14 of the
First Schedule of the Resource
Management Act 1991

AND IN THE MATTER

of the proposed Far North District Plan

BETWEEN

TOP ENERGY LIMITED
Appellant

AND

FAR NORTH DISTRICT COUNCIL
Respondent

**NOTICE OF INTENTION OF THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED TO BE A PARTY TO APPEAL PROCEEDINGS**

14 September 2026

To: The Registrar
Environment Court
Auckland

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:

Top Energy Ltd v Far North District Council ENV-2026-AKL-000141

2. Forest & Bird made a submission and further submission on the matters included in the appeal.
3. Forest & Bird also has an interest greater than the public generally by virtue of being:
 - a. New Zealand's largest nature conservation non-government organisation with about 70,000 members and supporters; and
 - b. active in RMA processes for many years to achieve improved outcomes for nature conservation.
4. The Environment Court has accepted Forest & Bird's interest as being greater than the public generally for the purposes of s 274, in that it is an incorporated society with a well-known role in the protection of indigenous biodiversity (see *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [30]).
5. Forest & Bird is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
6. Forest & Bird is interested those parts of the Top Energy Limited appeal which concern:
 - a. expanding the definition of Community Scale Renewable Energy Generation, which has more permissive consenting requirements;
 - b. including Strategic Direction for Regionally Significant Infrastructure which potentially cuts across other provisions in the proposed district plan intended to manage adverse environmental effects;

- c. weakening consenting requirements for REG activities, and including an RDIS activity for large scale REG that does not include effects on indigenous biodiversity as a matter of discretion;
 - d. weakening conditions for clearance of indigenous vegetation and earthworks, including in wetlands, riparian margins, and the coastal environment, and removing permitted thresholds for earthworks across the district; and
 - e. weakening the protection of notable trees from adverse effects caused by infrastructure.
7. Specifically, Forest & Bird is interested in the relief sought by Top Energy Ltd with respect to:
- a. Part 1 – Introduction and General Provisions – Interpretation – Definitions: Community Scale Renewable Electricity Generation Activities;
 - b. Part 2 – District-wide Matters – Strategic Direction – New objectives for Regionally Significant Infrastructure;
 - c. Part 2 – District-wide Matters (Energy, infrastructure and transport) – Infrastructure – Policy I-P12;
 - d. Part 2 – District-wide Matters (Energy, infrastructure and transport) – Renewable electricity generation – REG-O1, REG-P9, REG-RX;
 - e. Part 2 – District-wide matters (Historical and cultural values) – Notable Trees;
 - f. Part 2 – District-wide matters (Natural Environment Values) – Ecosystems and indigenous biodiversity;
 - g. Part 2 – District-wide matters (Natural Environment Values) – Natural character;
 - h. Part 2 – District-wide matters (Natural Environment Values) – Natural features and landscapes;
 - i. Part 2 – District-wide matters (General District-wide Matters) – Coastal environment;

- j. Part 2 – District-wide matters (General District-wide Matters) – Earthworks.
8. Forest & Bird opposes that relief as it:
- a. is inconsistent with Part 2 of the RMA;
 - b. is inconsistent with the Council's function under 31(1)(b)(iii) to control the effects of the use of land for the purpose of the maintenance of indigenous biodiversity;
 - c. does not give effect to higher order planning instruments, including the New Zealand Coastal Policy Statement;
 - d. does not represent best resource management practice; or
 - e. any combination of the above matters.
9. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 14 September 2026



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Incorporated

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