

21 October 2025

Hearings Panel
Proposed Far North District Plan
Far North District Council
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Tēnā koutou Commissioners,

**Proposed Far North District Plan – Hearing 17 – General / Miscellaneous / Sweep Up & Tangata Whenua –
Top Energy Limited Submitter Statement**

Introduction

Top Energy Limited (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.

This submitter statement addresses the implications of the PDP for Top Energy, focused specifically on the lack of definitions and the non-provision of nesting tables as addressed within the Hearing 17 s42A Report. – Sweep Up (s42A Report).

Supported Recommendations of the s42A Report

Top Energy supports the Reporting Officer's following recommendations contained in the s42A:

- To accept in part Top Energy's submission point in relation to a new definition for 'Operational Need'.¹ The Reporting Officer has noted that the PDP already contains a definition for 'Operational Need', which aligns with the National Planning Standards definition. This satisfies the relief sought by Top Energy regarding the provision of a new definition for 'Operational Need' which is in alignment with the National Planning Standards definition.
- To accept in part Top Energy's submission point in relation to a new definition for 'upgrading'.² The Reporting Officer for Hearing 11 (Infrastructure) recommended the inclusion of a definition for 'upgrading', noting that it would assist with the interpretation of relevant provisions. The Reporting Officer's recommended wording for this definition is consistent with and satisfies the relief sought by Top Energy in relation to this definition.

¹ S483.020.

² S483.021.

- To accept in part Top Energy’s submission point in relation to requesting a comprehensive review of the PDP’s definitions.³ The Reporting Officer has indicated that a review of the PDP has revealed that certain definitions are not referenced throughout the PDP. As these terms do not contribute to the interpretation or implementation of the PPDP, their presence may lead to unnecessary confusion for plan users. Therefore, the Reporting Officer has recommended for these definitions to be removed to enable clarity and that all included terminology serves a clear and functional purpose within the context of the PDP. This satisfies the relief sought by Top Energy in which they sought for all definitions to be reviewed, and any overlaps to be addressed. However, issues still remain in terms of the lack of nesting tables which are addressed further below.
- To accept Top Energy’s submission point in relation to their requested changes to the Special Purpose Zone mapping colours/symbology to make the zones easier to interpret and distinguish.⁴ The Reporting Officer has noted that amendments to better differentiate between the different zones were made on 13 August 2025. These changes included making shapes a shade darker and spacing shapes closer together so that they show up on the legend ‘patch’. Top Energy are supportive of this recommendation.

Lack of Definition for “Footprint”

Related to the amendments sought above to the definitions chapter, Top Energy also sought a new definition for “footprint.”⁵ In response, the Reporting Officer has rejected the relief sought and not recommended a new definition for “footprint”. Their reasoning is that the PDP has been carefully drafted to distinguish between the “GFA” and “footprint.” They consider that expanding the use of “footprint” or redefining it across the PDP risks triggering additional consent requirements and undermining the clarity of existing rules. Despite this, Top Energy maintains that a new definition for “footprint” is necessary given that it is a term used in multiple provisions throughout the PDP but is currently undefined, which creates ambiguity. Top Energy also continue to maintain that “footprint” is a more appropriate term to use in rules that pertain specifically to structures.

Nesting Tables

Top Energy are also in disagreement with the Reporting Officer’s recommendation to reject the inclusion of nesting tables for key definitions (such as industrial activities, rural production activities, residential activities and commercial activities). Although the Reporting Planner acknowledges that nesting tables can be a valuable tool, they note that such tables are not a requirement under the National Planning Standards, do not carry statutory weight, and are most effective when integrated early in the drafting process, rather than at this late stage, to avoid altering the original intent of the PDP.⁶ Top Energy consider that there is a strong case for the inclusion of nesting tables within PDP for the following reasons:

- (1) The PDP is a hybrid activities and effects based plan, with a much greater focus on activity based provisions (e.g., objectives, policies and rules) that direct, control or restrict certain activities within particular zones compared to the currently operative Far North District Plan. As such, the clear and

³ S483.001.

⁴ S483.184.

⁵ S483.019.

⁶ See paragraph 386 of the s42A.

consistent use of activity based definitions throughout the PDP is important to the clear and consistent application of the provisions.

- (2) Nesting tables, while not mandatory within the National Planning Standards, are commonly used in second generation district plans under the Resource Management Act 1991, featuring for instance in the Auckland Unitary Plan and the Whangārei District Plan. An example of a clear nesting table for a key activity definition such as “industrial activities” is presently utilised within the Whangārei District Plan see **Figure 1** below.⁷ Nesting tables give clear direction that if a more overall activity term is referenced, then it clearly applies to all of the other terms that “nest” under that activity definition. This is incredibly important and helpful, as for example, if an objective or policy refers to “industrial activities” it quite clearly then captures all of the activities (e.g., repair and maintenance services and storage activities as per the example below) within the nesting table. This avoids unnecessary confusion and inconsistency in the interpretation and application of the plan provisions for plan users.

Industrial Activities	General Industry
	Manufacturing
	Repair and Maintenance Services
	Artisan Industrial Activities
	Marine Industry
	Waste Management Facility
	Landfill
	Storage

Figure 1: Industrial Activities Definition Grouping

- (3) There appears to be agreement from the Reporting Officer that nesting tables are useful and helpful⁸, but the issue appears to be that they consider it challenging to include them now because they were not embedded early in the plan-making process. Top Energy consider that this insufficient justification to recommend declining this relief. Top Energy, and a number of other submitters, made clear and consistent requests within their original submissions to include nesting tables. The careful review of definitions and the inclusion of nesting tables can, and arguably should have been undertaken earlier, to avoid or mitigate the risk of broadening or misrepresenting the scope of certain activities. If there is agreement from the Panel to Top Energy and other submitter’s position that the inclusion of nesting

⁷ See **Attachment 1** – for a full copy of the nesting tables used in the Whangārei District Plan.

⁸ See the first sentence of paragraph 385 of the s42A. “In response to the submitters who have requested the inclusion of nesting tables within the PDP, these tables can be a valuable tool when used during the initial drafting of plan provisions, as they help clarify the relationship between activities and definitions, improving transparency and aiding interpretation during consent processes.”

tables will improve the efficiency and effectiveness of the PDP provisions, then the suggestion that this will be challenging or time consuming for Council to do this now is inadequate reasoning to recommend rejection.

Conclusion

I can confirm that Top Energy will not be filing evidence for Hearing 17 at this stage and does not wish to be heard at the hearing. However, I am available to answer any questions from the Hearing Panel either in writing or via videoconference if required.

Yours sincerely | Nāku noa, nā

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Attachment 1 – Nesting Tables Example from Whangārei District Plan

7. There are five “definition groupings” which gather specific land use activities into similar categories. These include: Rural Production Activities, Industrial Activities, Residential Activities, Commercial Activities and Community Activities. Within each grouping, activities are listed with the more general term on the left of Figures 1-5 and the more specific term on the right of Figures 1-5. Where a District Plan rule manages a general activity, that general activity includes all the specific activities listed in the definition grouping unless otherwise specified in the rules. Each definition grouping activity must also comply with any building and built form rules that are relevant to the activity. The five definition groupings are detailed in Figures 1-5 below.

Rural Production Activities	Farming
	Plantation Forestry
	Intensive Livestock Farming
	Farm Quarrying

Figure 1: Rural Production Activities Definition Grouping

Industrial Activities	General Industry
	Manufacturing
	Repair and Maintenance Services
	Artisan Industrial Activities
	Marine Industry
	Waste Management Facility
	Landfill
	Storage

Figure 2: Industrial Activities Definition Grouping

Residential Activities	Residential Unit	Principal Residential Unit
		Minor Residential Unit
	Supported Residential Care	
	Retirement Village	

Figure 3: Residential Activities Definition Grouping

Commercial Activities	Retail Activity	Trade Retail	Marine Retail
			Hire Premise
			Motor Vehicle Sales
			Trade Suppliers
		Drive-Through-Facilities	
		General Retail	
		Grocery Store	
		Commercial Services	
		Food and Beverage Activity	
		Entertainment Facilities	
		Visitor Accommodation	
		Service Stations	
		Funeral Home	
		General Commercial	

Figure 4: Commercial Activities Definition Grouping

Community Activities	Place of Assembly	Community Corrections Activity
	Recreational Facilities	
	Emergency Services	
	Care Centre	
	Educational Facilities	
	Hospital	
	General Community	

Figure 5: Community Activities Definition Grouping