

FS449

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 <i>(mandatory information)</i>	
Full name of individual/organisation making further submission:	The Proprietors of Tapuaetahi Incorporation.
Contact person <i>(if different from above):</i>	Executive Manager, Mariaio Hohaia
Email address:	mariao@tapuaetahi.com admin@tapuaetahi.com
Postal address:	PO Box 76, Kerikeri. Postcode 0230
Preferred method of contact:	Email
Phone contact:	Daytime: 09 407 6525 Mobile: 0274 776 414

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. In this case, also specify below the grounds for saying that you come within this category; or

My reasons for selecting the category ticked above are:

We are affected Land owners where 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)



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.

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) Give precise details
<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	Appears to be seeking to reinterpreted to rewrite the plan for commercial advantage	No change as definitions are adequate. FS449.001
			483.015	Oppose	Footprint is a clear layman's term for the public to understand.	No change as definitions are adequate. FS449.002
			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. FS449.003
			483.017	Oppose	We are not sure if it within FNDC jurisdiction to define.	No change as definitions are adequate FS449.004
			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. FS449.005
			483.023	Oppose	Provisions currently appear to assign or imply powers to override environmental standards and values.	Amend to protect environmental standards and values. FS449.006

			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. FS449.007
			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". FS449.008
			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. FS449.009
			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. FS449.010
			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. FS449.011

				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 amendments. Current wording is adequate and requires Top Energy to properly engage and consult the land owners and mana whenua otherwise. FS449.012
				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.	No change for amendments. Current wording is adequate. FS449.013
				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. FS449.014
				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. FS449.015
				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. Again, Top energy is encroaching on land owners existing rights and	Do not include proposed amendment of "is less than... height and" FS449.016

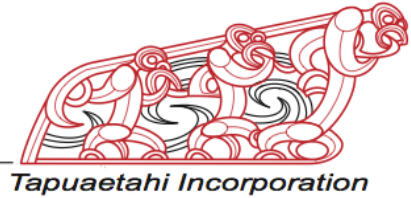
			483.062	Oppose	ability to manage their properties where there are lines.	Status Quo. No change to wording or PDP. FS449.017
			483.063	Oppose	"...for consistency..."Inadequate explanation as to why and how Rural Lifestyle should be included.	Status Quo. No change to wording or PDP. FS449.018
			483.069	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. FS449.019
			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. FS449.020
			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. FS449.021
			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. FS449.022
			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

						and mana whenua otherwise. FS449.023
			483.135	Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Status Quo. No change to wording or PDP. FS449.024
			483.136	Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Status Quo. No change to wording or PDP. FS449.025
			483.138	Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Status Quo. No change to wording or PDP. FS449.026
			483.139	Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Status Quo. No change to wording or PDP. FS449.027
			483.141	Oppose	Extremely restrictive, and excessive to have 32 meters. In addition to a building envelope. WDC has 20m and current practice for electrical safe distance for building is 6–9 m.	Change to 20 meters and discard top energy proposal to try classify where activity is not achieved as "Non-compliance". FS449.028

New Zealand Maritime Parks Ltd		251	S251.009 CE-R10 Coastal environment	Support in part	The PDP seeks to manage the risk from natural hazards to people, property and infrastructure. NZMPL's site of interest is subject to Coastal Flood hazards, while NZMPL appreciate the importance of managing risk from natural hazards, it considers that existing activities and buildings should be recognised and provided for. NZMPL consider that the default performance standard of no increase in GFA or footprint of structures, is overly restrictive and will require unnecessary resource consent applications	FS449.029
Matauri X Incorporation		396	S396.020 CE-02 Coastal environment	Support	Matauri X submit that the Coastal Environment provisions do not appropriately recognise tangata whenua needs for ancestral use of whenua maori as provided for in CE-02. There are no specific provisions which relate back to this objective, so it is unclear how this will be achieved in practice through the provisions. Additional provisions are considered warranted which revolve around the expectation that tangata whenua will develop their landholdings in an appropriate manner.	retain CE-O2 specifically ...e. recognises tangata whenua needs for ancestral use of whenua Maori FS449.030
Matauri X Incorporation		396	S396.001 Overview Māori Purpose	Support in part	Minor changes are proposed in the Overview section associated with the delineation between Maori Purpose Zone Urban and Maori Purpose Zone Rural. The addition of the 'or' enables a more nuanced consideration of areas, such as	amend overviewMāori land is categorised into either: Māori Purpose Zone - Urban, where the land adjoins the General Residential Zone and / or is residential in character

					Matauri X) which, under the Operative Plan, included a Coastal Residential Zone.	Māori Purpose Rural, where the land adjoins Rural Zones, is rural in character and surrounded by a working rural environment with a wide range of productive activities..... FS449.031
Matauri X Incorporation		396	396.002 MPZ-P2 Māori Purpose	Support in part	In terms of MPZ-P2, the PDP requirement for small scale commercial activities, is considered as disabling. Provided effects can be avoided, remedied, or mitigated, as the rest of the Policy requires, there is considered to be no need for the need for such activities to be exclusively small scale. This supports the changes proposed to the Home Occupation activities considered above.	Amend MPZ-P2 Enable a range of activities on Māori land in the Māori Purpose zone including marae, papakāinga, customary use, cultural and small-scale commercial activities where the adverse effects can be avoided, remedied or mitigated. FS449.032

Use additional sheets if necessary.



Executive Manager
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Kerikeri 0230
0274776414
mariao@tapuaetahi.com

4 September 2023

Proposed Far North District Plan
Planning and Policy, Far North District Council
Private Bag 752
KAIKOHE 0400
pdp@fndc.govt.nz

By Email

Regarding: Objection to Top Energy submission for Proposed District Plan with regard. to our properties situated at 55a and 55b Hupara East Road (formally 379 McIntyre Road), Kawakawa 0472 and 275 McIntyre Road, Kawakawa 0472.

Introduction

“Kia kua te whenua e riro ai”

1. This submission is to Far North District Council and is part of our further submission in opposition to the submission by Top Energy on the notified proposed Far North District Plan (Form 6). The submission is prepared by Mariaio Hohaia, the Executive Manager, on behalf of Incorporation and its Committee of Management.
2. Tapuaetahi Incorporation is a Maori Incorporation comprising of approximately 615 hectares across multiple blocks. The economic arm for the kainga o Te Tii, its purposes are beachfront leases, farming, mining and forestry. While Tapuaetahi Incorporation represents 480 actual shareholders, the descendants of these shareholders number in the thousands.

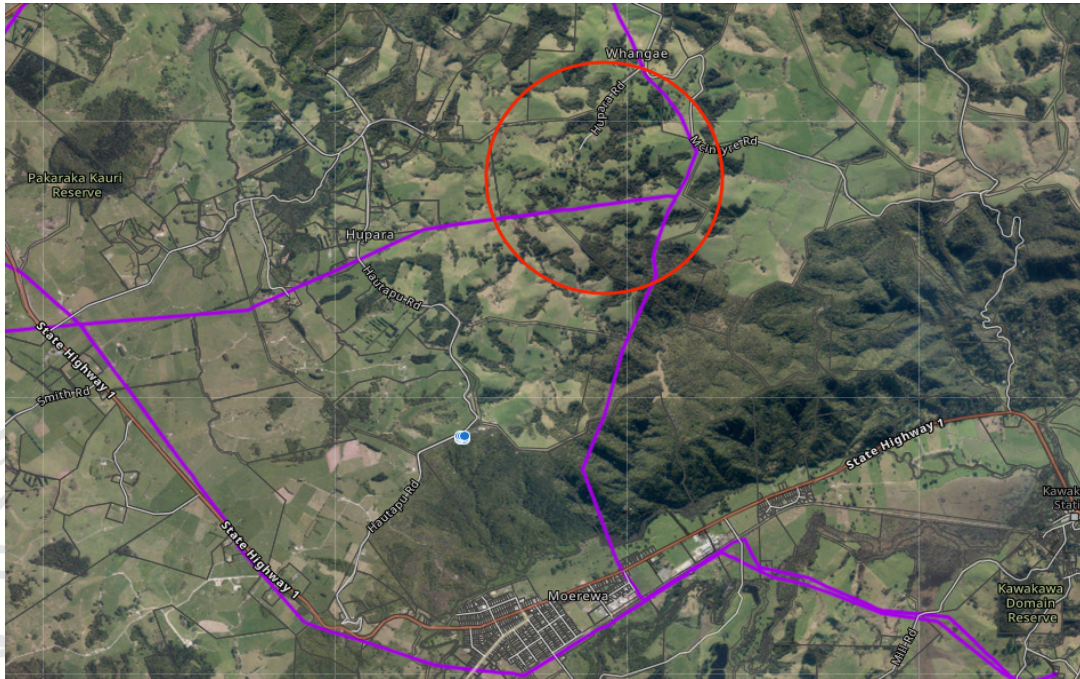
3. Tapuaetahi Incorporation was founded in March 1965, to ensure that the land was never lost and enable development to support our people. Prior to the acquisition of two new freehold blocks, that make up half of the lands, Tapuaetahi coastal block (situated on the Northern side of the Bay of Islands) incurred huge losses due to the rating values that are assessed at what would be around 60% of the gross annual income for a dry stock operation without a farming concession.
4. Achieving economic scale in farming has been the primary focus and challenge over the last decade.

Background

5. We purchased the 198 ha property (120 ha effective) situated at 379 McIntyre Road in 2016. It was purchased as an investment property to grow our farming operation and development opportunities with its large number of individual land titles and small bits of forestry.
6. In 2019 an opportunity came up for us to buy the adjacent property of 74 ha. With this acquisition, we have finally achieved a break even position where the farm pays itself and we can start to consider other development opportunities on the land.
7. I note through some grants and a good deal of our own funds we have invested significant capital into these two properties since we acquired them replacing or developing the infrastructure, improving the assets on the property, environmental restoration and mitigating any potential adverse impacts on the whenua and waterways as a result of farming.
8. In addition to investment, this has required a huge amount of commitment and sacrifice on other development opportunities and projects but we know that all this work has grown these asset both in appeal and value.

Overview

9. Following is an ariel map of the 33Kw lines where our properties are.



10. We estimate around 3.2 km of 33kw lines that runs over our farm, which is only 274 ha in its entirety. We are a little perplexed as to why Top Energy have not come to talk to us personally about their proposal seeking larger setbacks, new constraints on sub divisions, elevating the 33Kv lines to be recognised with the same status as the National Grid and further constraints on land use and development.
11. Looking around the region we see we are one of the most affected parties and this will likely have a huge impact on our investments and the future development potential.

Issues

Improper Notification

12. We did not received proper notification from Top Energy on their submission to the Proposed district plan as an affected party and have not had the time to properly consider the proposal and its full ramifications on our property and interests.
13. Top Energy should have engaged, or at least notified us of their submission, as the proposals will directly impact on us.
14. We recommend that in future any company or organisation, especially regarding Infrastructure, should be required to locate and notify landowners of the ramifications they perceive their proposals will have on that landowners interest and property. Especially when it pertains to infrastructure and whenua Maori where enough land has already been taken through various means under the guise of the public common good.

33Kv lines and Compensation

15. Provision needs to be considered to protect landowners and where they are affected through plan changes, facilitated by parties with economic interests, due compensation should be paid for the loss of commercial interests over the affected space and its potential.
16. 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.
17. 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.

New proposed Setback

18. As we understand the current legislation has a setback of 6 to 9 meters from lines for buildings or structures. While the landowner pays land management costs, including rates, on the set back area, it seems a reasonable range for development consideration.
19. It would be grossly unfair to us as landowners and the potential development of our property for the District Council to consider Top Energy proposal of 32 meters. Even the proposed setback of 20 meters, which we oppose, is unfair and will directly impact on our property development.



20. Any expansion of the current setback should result in due compensation to affected land owners. As you might see in the above map, a 20 meter set back on 3.2 meters of lines will affect our property significantly with regards to sub division (on the many existing titles) forestry, honey production and sustainable

Totara harvesting for which we have our entire property surveyed and registered with Ministry of Primary Industries (with the exclusion of the areas we have covenanted for 25 years under Nga Whenua Rahui.

21. It is for these reasons we oppose any expansion of the current setback.

Concluding Statement

22. While we note some sensible proposed amendments by Top Energy, we still object and oppose their whole submission because of the improper notification and engagement we have had with them over their submission as a significantly affected party and the impact it will have on our business and assets.

23. Following (Part 2) 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.

24. The last five points refer to other submissions relating to our initially submission to do with our Tupuna block, Tapuaetahi Farm and beachfront.

25. We support the complete initial submission by Te Runanga o Ngati Rehia and wish to have this recorded against their points submitted. In particular around mixed zoning and Maori purposes being defined by the owners who are mana whenua.

26. Finally, we note Te Tiriti o Waitangi and the crown (and its agencies) obligations to give effect to this. Especially with "active protection".

Noho ora mai,



Mariaio Hohaia
Executive Manager
For the Proprietors of Tapuaetahi Incorporation