

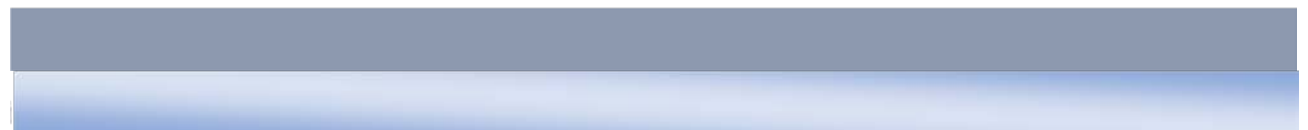


FS351

## 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*



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)*

<b>Full name of individual/organisation making further submission:</b>	A.W & D.M Simpson
<b>Contact person</b> <i>(if different from above):</i>	Arran Warrick Simpson
<b>Email address:</b>	calf_mum@yahoo.co.nz
<b>Postal address:</b>	136 McIntyre Road RD2 Kaikohe  <b>Postcode 0200</b>
<b>Preferred method of contact:</b>	Email
<b>Phone contact:</b>	<b>Daytime:</b> 021407254 <b>Mobile:</b>

**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](mailto: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](http://pdp.fndc.govt.nz) for further information and updates.**

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

As an affected land owner I am opposing Top Energy's attempt to rewrite the proposed district plan to allow them to breach and circumnavigate the national environmental standards, human rights, Health and safety regulations/standards (national and international), breach historic areas, basic landowner property rights, Māori cultural values/land rights and gain financial advantage. The majority of submissions by Top Energy that we oppose are intertwined.

What they are proposing upon their own admission is more restrictive than what is covered by the national standards through various legislation made by central government that pertain to the upgrade, protection and maintenance of significant regional infrastructure and CEL.

On numerous occasions they refer back to the Whangarei district Council plan as a benchmark which is less restrictive than what they are proposing. The FNDC Proposed district plan in regards to CEL and significant and regional infrastructure is a very similar in regards to necessary provisions to achieve this. So we see no reason why the PDP should go beyond this to satisfy Top Energy.

What Top Energy is proposing in a lot of areas will make large areas of the far north unusually obtrusive.

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.

In addition this portion of the plan in regards to CEL has been improperly notified through its late inclusion and misleading reference to section 32 which confused many of those notified affected parties. As a consequence, insufficient time has been given to respond to this issue.

**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, <a href="mailto:taryn.collins@topenergy.co.nz">taryn.collins@topenergy.co.nz</a> & David Badham <a href="mailto:davidb@barker.co.nz">davidb@barker.co.nz</a>	483	483.001  483.015  483.016  483.017	Oppose  Oppose  Oppose  Oppose	Seeking to interpreted wanting to rewrite the plan for commercial advantage  Footprint is a clear layman's term for the public to understand.  Adopting this definition risks the plan being reinterpreted by Top Energy to navigate around the intent of the PDP.  It is not within FNDC jurisdiction to define.	No change as definitions are adequate.  FS351.001  No change as definitions are adequate.  FS351.002  Do not adopt "operational need" definition as written by Top energy.  FS351.003  A definition is not required as Top Energy's suggested definition is not fit for

						purpose. <b>FS351.004</b>
			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. <b>FS351.005</b>
			483.023	Oppose	Provisions currently appear to assign or imply powers to override environmental standards and values.	Amend to protect environmental standards and values. <b>FS351.006</b>
			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. <b>FS351.007</b>
			483.028	Oppose	Concern that the changing of the language removes the intent to balance infrastructure needs against the enhancement	Keep "...to enhance economic, cultural environmental and social well-being in the district". <b>FS351.008</b>

			483.030	Oppose	<p>obligations to community and district well-being.</p> <p>Top Energy appears to be seeking discretion to override existing constraints the PDP endeavours to use to protect such as historical, cultural natural and coastal values.</p>	<p>Retain as is which requires Top Energy to properly engage and consult the land owners and mana whenua.</p> <p>FS351.009</p>
			483.032	Oppose	<p>Top Energy seeks discretion to interpret what “Does not constrain” means for their own interest.</p>	<p>Retain as is which requires Top Energy to properly engage and consult the land owners and mana whenua.</p> <p>FS351.010</p>
			483.039	Oppose	<p>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.</p>	<p>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.</p> <p>FS351.011</p>
			483.043	Oppose	<p>Top Energy seeks to reserve the power to develop</p>	<p>No change for ammendments. Current wording is adequate and</p>

					<p>across whenua Maori for their own interests asides the plans intent to protect Whenua Maori.</p> <p>requires Top Energy to properly engage and consult the land owners and mana whenua otherwise.</p> <p><b>FS351.012</b></p>
			483.044	Oppose	<p>Top Energy seeks to impose obligations on FNDC and the rate payers to "...provide for... "</p> <p>" Recognition" alone is adequate and puts onus back on Top Energy to substantiate benefits over other interests.</p> <p>No change for amendments. Current wording is adequate.</p> <p><b>FS351.013</b></p>
			483.045	Oppose	<p>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</p> <p>No change to paragraph a.</p> <p><b>FS351.014</b></p>
			483.048	Oppose	<p>There are a number of concerns with their proposal to assign discretionary</p> <p>Status Quo. No change to wording or PDP.</p> <p><b>FS351.015</b></p>



			483.060	Oppose	<p>activities status. The rule is there to regulate network utilities.</p> <p>Far to restrictive on existing building platforms and future developments this will ultimately result in major conflict</p>	<p>Retain as notified by PDP and inline with WDP which Top Energy consistently refers back to.</p> <p>FS351.016</p>
			483.061	Oppose	<p>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.</p>	<p>Do not include proposed amendment of "is less than...height and"</p> <p>FS351.017</p>
			483.062	Oppose	<p>Again, Top energy is encroaching on land owners existing rights and ability to manage their properties where there are lines.</p>	<p>Status Quo. No change to wording or PDP.</p> <p>FS351.018</p>
			483.063	Oppose	<p>"...for consistency..."Inadequate explanation as to why and how Rural Lifestyle should be included.</p>	<p>Status Quo. No change to wording or PDP.</p> <p>FS351.019</p>

			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.  FS351.020
			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.  FS351.021
			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.  FS351.022
			483.112	Oppose	Top Energy appears	Status Quo. No change to wording or PDP.  FS351.023

			483.120	Oppose	<p>to be seeking discretion to override existing constrains the PDP endeavours to use to protect Notable trees.</p> <p>Top Energy seeks to reserve the power to develop across whenua Maori for their own interests asides the plans intent to protect Whenua Maori.</p>	<p>No change for amendments. Current wording is adequate and requires Top Energy to properly engage and consult the land owners and mana whenua otherwise.</p> <p>FS351.024</p>
			483.135	Oppose	<p>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.</p>	<p>Status Quo. No change to wording or PDP.</p> <p>FS351.025</p>
			483.136	Oppose	<p>Top Energy is seeking to obligate a developer in what already a onerous and challenging</p>	<p>Status Quo. No change to wording or PDP.</p> <p>FS351.026</p>

			483.138	Oppose	<p>process which discourages development or depends on Top Energy approval.</p> <p>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.</p>	<p>Status Quo. No change to wording or PDP.</p> <p>FS351.027</p>
			483.139	Oppose	<p>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.</p>	<p>Status Quo. No change to wording or PDP.</p> <p>FS351.028</p>
			483.141	Oppose	<p>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</p>	<p>Change to 20 meters and discard top energy proposal to try classify where activity is not achieved as "Non-compliance".</p> <p>FS351.029</p>

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*Use additional sheets if necessary.*

As a group we are opposing Top Energy's attempt to rewrite the proposed district plan to allow them to breach and circumnavigate the national environmental standards, human rights, financial advantage, identify history areas, basic landowner property rights and Māori cultural values/land rights. The majority of submissions by Top Energy that we opposed are intertwined.

What they are proposing upon their own admission is more restrictive than what is covered by the national standards through various legislation made by central government that pertain to the upgrade, protection and maintenance of significant regional infrastructure and see CEL.

On numerous occasions they refer back to the Whangarei district Council plan is a benchmark which is the final list restrictive than what they are proposing. The FNDC Proposed district plan in regards to CEL and significant and regional infrastructure is a very similar in regards to necessary provisions to achieve this. So we see no reason why the PDP should go beyond this to satisfy Top Energy.

What Top Energy is proposing in a lot of areas with make large areas of the far north unusually obtrusive.

We also believe that disputes will arise from Top Energy submission if they were to be accepted in a lot of instances resulting in the financial burden to the ratepayer of final district Council.

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