



FS371

**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.

<b>1. Further submitter details</b> <i>(mandatory information)</i>	
<b>Full name of individual/organisation making further submission:</b>	Oromahoe 18R2B2B2 Trust and its associated Hapu <ul style="list-style-type: none"> <li>Ngati Kawa</li> <li>Te Ngare Hauata</li> <li>Te Matarahurahu</li> <li>Te Whanaurara</li> <li>Ngati Kaihoru</li> <li>Ngati Rahiri</li> </ul>
<b>Contact person</b> <i>(if different from above):</i>	Wiremu Tane
<b>Email address:</b>	<ol style="list-style-type: none"> <li>1. <a href="mailto:chairperson@oromahoetrust.co.nz">chairperson@oromahoetrust.co.nz</a></li> <li>2. <a href="mailto:administrator@oromahoetrust.co.nz">administrator@oromahoetrust.co.nz</a></li> </ol>
<b>Postal address:</b>	PO Box 221, Kerikeri, 0245
<b>Preferred method of contact:</b>	Email
<b>Phone contact:</b>	<b>Daytime: 0204 136 9946</b> <b>Mobile: 027 433 9943</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.***

**My reasons for selecting the category ticked above are:**

***We are affected Land owners and Hapu. There is serious risks to our property, cultural heritage, asset values and future interests.***

***The Oromahoe 18R2B2B2 Trust administers the land on behalf of 1500 shareholders from local Hapu Ngati Kawa, Ngati Rahiri, Te Ngare Hauata, Matarahurahu, Whanaurara***

*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.***



Oromahoe 18R2B2B2 Trust

**Oromahoe 18R2B2B2 Trust**

PO Box 221,  
Kerikeri, 0245  
0204 136 9946

4 September 2023

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

pdp@fndc.govt.nz

C.C Top Energy: Taryn Collins, taryn.collins@topenergy.co.nz, David Badham davidb@barker.co.nz

**Re: Objection to Top Energy submission for Proposed District Plan.**

This submission is to the 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). This submission is prepared by Wiremu Tane, Chairperson Oromahoe 18R2B2B2 Trust on behalf of the Oromahoe 18R2B2B2 Trust Board of Trustees and its associated Hapu; Ngati Kawa, Te Ngare Hauata, Te Matarahurahu, Te Whanaurara, Ngati Kaihoru and Ngati Rahiri.

**Introduction**

The Oromahoe 18R2B2B2 Trust is an Ahu Whenua Trust under the Te Ture Whenua Maori Act 1993. The Trust administers the land on behalf of 1500 shareholders. The whenua spans both sides of State Highway 10 in Oromahoe and is comprised of 1052.79 hectares of Maori Freehold Land. Currently the land is used for beef & sheep farming, investments and forestry however the Trust's goal is to effectively utilise the land in other areas such as horticulture and market gardens for our local whanau hapu.

We estimate that 3.2km of 33kv lines run through the Oromahoe Trust whenua, with a further 1.5km of 33kv lines running along the roadside inside our boundary. Top Energy propose 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. This puts constraints on our land development and directly breaches our rights as Maori in respect of the Te Ture Whenua Maori Act 1993 and importantly the obligations of the Crown and its agency's to uphold the relationships with Maori regarding Te Tiriti.

**Improper Notification**

We did not receive 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. Top Energy should have engaged with landowners and hapu as the proposal will have a direct impact on us.

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

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**

Provision needs to be considered to protect landowners and where they are affected through planned 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.

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.

### **New proposed Setback**

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.

It would be grossly unfair to us as landowners and the potential development of our property for the District Council to consider the Top Energy proposal of 32 meters. Even the proposed setback of 20 meters, which we oppose, is unfair and will directly impact on us and the ongoing responsible cultural management of our lands, waterways, and people.

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

### **Concluding Statement**

While we note some sensible proposed amendments by Top Energy, we still object and oppose their submission in its entirety 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.

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.

Kia ora,



Wiremu Tane  
CHAIRPERSON  
OROMAHOE 18R2B2B2 TRUST



**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	Oppose	Seeking to interpreted wanting to rewrite the plan for commercial advantage	No change as definitions are adequate.  <b>FS371.001</b>
			483.015	Oppose	Footprint is a clear layman’s term for the pubic to understand.	No change as definitions are adequate.  <b>FS371.002</b>
			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.  <b>FS371.003</b>
			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.  <b>FS371.004</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>FS371.005</b>
			483.023	Oppose	Provisions currently appear to assign or imply powers to override environmental standards and	Amend to protect environmental standards and values.  <b>FS371.006</b>

			483.025	Oppose	values. 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>FS371.007</b>
			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". <b>FS371.008</b>
			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. <b>FS371.009</b>
			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. <b>FS371.010</b>
			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. <b>FS371.011</b>
			483.043	Oppose	Top Energy seeks to reserve the power to develop across whenua Maori for their own interests asides	No change for ammendments. Current wording is adequate and



					the plans intent to protect Whenua Maori.	requires Top Energy to properly engage and consult the land owners and mana whenua otherwise. <b>FS371.012</b>
			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. <b>FS371.013</b>
			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. <b>FS371.014</b>
			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. <b>FS371.015</b>
			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. <b>FS371.016</b>
			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" <b>FS371.017</b>

			483.062	Oppose	Again, Top energy is encroaching on land owners existing rights and ability to manage their properties where there are lines.	Status Quo. No change to wording or PDP.  FS371.018
			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.  FS371.019
			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.  FS371.020
			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.  FS371.021
			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.  FS371.022
			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.  FS371.023
			483.120	Oppose	Top Energy seeks to reserve the power to develop across whenua Maori for their own interests asides	No change for amendments. Current wording is adequate and requires Top Energy to

					the plans intent to protect Whenua Maori.	properly engage and consult the land owners and mana whenua otherwise. <b>FS371.024</b>
			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.  <b>FS371.025</b>
			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.  <b>FS371.026</b>
			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.  <b>FS371.027</b>
			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.  <b>FS371.028</b>
			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”.  <b>FS371.029</b>
			483.188	Oppose	Top Energy seeks to protect the 33Kv lines as well as the 110kv lines stating this will result in a	Status Quo. No change to wording or PDP.

					prosperous district (socially and economically). This will have the opposite effect by placing restrictions on land owners rights.	FS371.030
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