

7 November 2019

Whangarei District Council

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Whangarei

via email: Eden Edwardson eden.edwardson@wdc.govt.nz

Attention: Chair of the Hearing Panel

Re: Whangarei District Council Urban & Services Plan Changes – Tabled Statement on Behalf of Northpower Limited (Submission 127 and Further Submission X381)

Introduction

I write on behalf of Northpower Limited, Northpower LFC2 Limited and Northpower Fibre Limited (**Northpower Ltd**) who made a submission (127) on Whangarei District Council's (**WDC**) Urban and Services Plan Changes (**the Plan Changes**) before the submission deadline on 3 July 2019. Northpower Ltd also lodged a further submission (X381) on 27 August 2019.

On 21 October 2019, WDC released its s42A Hearing Reports for the proposed Plan Changes. These reports contain the recommendations of council staff to all of the submissions and further submissions made. Northpower Ltd generally support the recommendations of the s42As as they relate to its submission points, however there are still several points for which further relief is sought. Comment on these points is provided below.

Recommendations of the s42A Report Supported by Northpower Ltd

The recommendations of the s42A Reports supported by Northpower Ltd (using Northpower submission points as reference) are as follows:

- 127.1 – retention of SD-O3 as notified (paragraph 102 of Part 2 s42A);
- 127.2 – splitting of objective SD-O22 into two objectives (paragraph 180 of Part 2 s42A) and adding offsetting to SD-O23 (paragraph 194 of Part 2 s42A);
- 127.3 – amendments to SD-P15 (paragraph 306 of Part 2 s42A);
- 127.4 – amendments to SD-P16 (paragraph 331 of Part 2 s42A) and retention of SD-P17 (paragraph 346 of Part 2 s42A);
- 127.5 – retention of SUB-O4 (paragraph 453 of Part 2 s42A) and amendment of SUB-P4 (paragraph 482 of Part 2 s42A);
- 127.8 – amendments to SUB-R2(3)
- 127.9 – retention of SUB-R2(8) and (9) as notified (paragraph 525 of Part 2 s42A);
- 127.11 – amendments to SCZ-P10 as requested (paragraph 402 of Part 3 s42A);
- 127.12 – amendments to TRA-P1 (paragraph 128 of Part 9 s42A);
- 127.13 – amendments to TRA-P12 (paragraph 128 of Part 9 s42A); and
- 127.14 – amendments to TRA-R13 (paragraph 227 of Part 9 s42A).



Northpower Ltd also supports all of the recommendations made in the s42A reports relating to its further submission (X381).

In Northpower Ltd's view, the above recommendations will efficiently and effectively achieve the objectives of the proposed Plan Changes and the purpose of Resource Management Act 1991.

Further relief still sought by Northpower Ltd

There are three discreet submission points that Northpower Ltd would request that the Commissioners and reporting planners consider in greater detail. These are addressed below.

127.7 – SUB-R2 Provision of Electricity and Telecommunications at the Time of Subdivision

Northpower Ltd strongly support the following recommended amendments to SUB-R2:

- Requirement for “A connection, or the ability to connect to a wireless, above ground or underground telecommunications system” in SUB-R2.3-6; and
- Inclusion of the term “of the allotment” SUB-R2.3-6.

Electricity and telecommunications are critical life-supporting infrastructure. Northpower support the requirement for electricity and telecommunication supply to be provided at the time of subdivision, as it represents the most efficient and effective time to consider the provision of electricity supply. The above changes provide for the logical provision of this infrastructure at the time of subdivision, and therefore Northpower Ltd support the recommended changes.

The reporting planner has recommended that Northpower Ltd's request for the addition of “underground or above ground” in SUB-R2.3-5 be rejected. Northpower Ltd still seek these amendments and consider that flexibility is crucial in determining what type of connection is required, as in some cases underground and above ground connections can already exist and may be the most efficient and effective connection based on case by case basis. In Northpower Ltd's view, this is an important amendment and clearly specifies that both options are available. These further amendments will also efficiently and effectively achieve the proposed objectives of the proposed Plan Changes and the purpose of Resource Management Act 1991.

127.8 – SUB-R2 Provision of Electricity and Telecommunications in the Rural Village Industrial Zone (RVIZ) or Rural Village Centre Zone (RVCZ)

In submission point 127.8, Northpower identified an error with how the Rural Village Industrial Zone (RVIZ) and Rural Village Centre Zone (RVCZ) are provided for. The reporting planner has recommended that SUB-R2.3 be amended to exclude these zones. However, it appears that the recommended provisions have deleted the RVCZ and RVIZ from clause SUB-R2.6 and 7. As such, it appears that there are now no specific requirements for connection for properties located within RVIZ or RVCZ. The recommended changes relating to Northpower's submission point 127.8 are discussed in paragraph 524 of the Part 2 s42A as follows:

“Northpower also seeks to clarify which provision applies to the RVCZ and RVIZ. Given that these are existing zones with historical development I consider that these zones should have the flexibility to not require underground connections and recommend changes to SUB-R(3) to reflect this.”

Based on the above discussion, I consider it likely that RCVZ and RVIZ have been deleted out of the recommended SUB-R2.6 and 7 in error. As such, on behalf of Northpower Ltd, I would recommend that RCVZ and RVIZ are re-added to these clauses to ensure that electricity connections are required for properties within the RVIZ or RVCZ. Northpower support the flexibility to not require underground connections within these existing zones.

127.10 – How the Plan Works reference

The reporting planner has clarified in paragraph 492 of the Part 2 s42A that the matters of control referenced in the How the Plan Works (HPW) chapter are those located within HPW-R7. When viewing the consequential amendments to the HPW chapter in Attachment 1 of the Part 1 s42A, it appears that HPW-R7 refers to the “Application of Activity Definitions.” I assume that the correct reference is HPW-R9 “Additional Matters Over Which Control Has Been Reserved of Discretion Restricted”. Northpower Ltd request that SUB-R2 is amended as follows (additions highlighted by underline):

Matters over which control is reserved:

Matters listed in HPW-R9 in the How the Plan Works Chapter.

The above amendment will avoid any confusion or ambiguity as to the correct location of matters of control in the HPW chapter. This will assist with interpretation for plan users and improve the consistent application of the proposed plan provisions.

Conclusion

On behalf of Northpower Ltd, thank you for the opportunity to table the above statement. Should the Commissioners or WDC staff have any queries or require any clarifications regarding the above or Northpower Ltd’s submissions and further submissions, please do not hesitate to contact me via my details below.



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B&A

Urban & Environmental