

Tabled 5/12

**Before the Whangarei District Council Hearings Committee**

**In the Matter**

of the Resource Management Act 1991 (RMA)

**And**

**In the Matter**

of Proposed Plan Changes 88, 109, 115, 136, 144 and 148 (Whangarei District Plan).

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**Tabled Evidence of Brett Lewis Hood on behalf of Advance Developments Ltd**

**Dated 5 December 2019**

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### **The Primary Submission**

1. The ADL primary submission requested that the ADL land be zoned 'Light Industrial' with a Marsden Technology Park Precinct overlay (precinct). The proposed precinct provisions were comprehensive, to the extent that very few of the underlying LIZ provisions were applicable.
2. The proposed precinct was designed and (importantly) located to take advantage of the proximity of the Hawaiki fibre optic cable linking Australia, New Zealand, American Samoa, Hawaii and the US West Coast. The purpose of the requested precinct was to create a work and play zone, where a range of digital, technology, innovation and research-based activities are enabled along with supporting amenities to enhance the work environment. Ultimately, what is envisaged as a unique 'campus' or 'business park' type development that is conducive to the overall purpose of the zone.

### **The Section 42A report**

3. The s42A report recommends that the site be zoned 'Light Industrial' with a more 'watered down' version of the precinct overlay provisions. As I understand it, the Council officer ultimately determined that the proposed precinct provisions ended up being closely aligned to the proposed LIZ, hence the reduction in the number of precinct provisions.

### **Comments on the Council recommended precinct and related LIZ provisions**

4. The precinct and LIZ recommended by the Council are generally acceptable with the following exceptions/clarifications.

#### Data centres

5. The core activity driving the requested precinct in zone is data storage (data centres). Data centres utilising the security now provided by the Hawaiki fibre optic cable are seen as the catalyst for the subsequent agglomeration of digital, technology, innovation and research-based activities within the precinct. To that end, it is not clear to me whether these have been provided for as a permitted activity. They are not provided for in the precinct provisions, meaning that they are subject to the general LIZ provisions. Of those, there is

a possibility that they fall within the definition of 'Manufacturing and Storage', but that is debatable. There is also a possibility that they may fall within the definition of 'Commercial Services', but even if they did, the limit of 250 m<sup>2</sup> GFA is not appropriate. In my view, one way or another, data centres need to be provided for as a permitted activity in this precinct and/or the LIZ.

#### Educational facilities

6. Educational facilities are not provided for in the proposed precinct and are a non-complying activity in the LIZ. In my opinion, educational facilities are closely related to technology, innovation, and research-based activities, and should therefore be provided for in this zone (at the very least they should not be a non-complying activity). There is also a potential issue with the proposed definition of educational facilities which appears to limit them to teaching or training by child-care services, schools, and tertiary education services.

#### Offices

7. Offices fall within the definition of 'Commercial Services'. The proposed general LIZ provisions limit the permitted office GFA to 250 m<sup>2</sup>, there after defaulting to a discretionary activity. In my opinion, given that the precinct is intended to enable a range of activities that will likely be largely office based, this is too restrictive. If the 250 m<sup>2</sup> GFA restriction is removed for the precinct, the requirement for the office to be ancillary to a permitted activity on the site will prevent general office activities establishing on the site without prior consideration under a resource consent.

#### Health Care Facilities

8. Health Care Facilities fall within the definition of Commercial Services. Commercial Services are provided for as a permitted activity in the zone, providing *inter-alia* the activity is ancillary to a permitted activity on the site. Ancillary is proposed to be defined as "*means an activity that supports and is subsidiary to a primary activity*". It is not clear to me whether a healthcare facility, albeit located to support the other activities on the site, would be viewed as an ancillary activity for the purposes of this rule. For the avoidance

of any doubt, a more specific rule could be included for the precinct. Without clarification, convincing the consents <sup>planners</sup> ~~cleaners~~ that a healthcare facility is ancillary to other permitted activities on the site (even though there is an indirect connection) may be difficult.



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Brett Hood (Planner)

This 5<sup>th</sup> day of December 2019