

IN THE MATTER of the Whangarei District Plan and the Resource Management Act 1991 (RMA)

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IN THE MATTER of the following Urban, Services & Open Space plan changes to the Whangarei District Plan:
Plan changes 88, 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88J, 143, 144, 145, 115, 148, 109, 136, 147, 82A, 82B

BEFORE **THE HEARING PANEL**
WHANGAREI DISTRICT COUNCIL
URBAN, SERVICES & OPEN SPACE PLAN CHANGES

**SUBMISSIONS OF COUNSEL FOR WHANGAREI DISTRICT COUNCIL
ON CONFLICT OF INTEREST
(FIRST SUPPLEMENTARY)**

DATED: 26th November 2019



Counsel acting:
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MAY IT PLEASE THE COMMISSIONERS

1. On Monday 25th November Ms Edwards presented to the Panel with respect to her concerns about conflict of interest. Later that day Ms Edwards’ written notes were circulated.
2. Having heard Ms Edwards’ presentation and read her circulated written notes, the only new matter that appears to have been raised is whether four further submissions prepared by Barker & Associates related to primary submissions which were “on” PC82A & 82B. I asked Ms McGrath to check the submissions and further submissions and prepare the following table:

Submission	Possible submission against PC82A/PC82B?	Further submitter (B&A)	Scope of further submission
#227.2 Clarkes	Consequential amendments as necessary to address the concerns set out in the submission	X338 Foodstuffs	Support amendment of MU-O2 & MU-R2
		X337 University of Auckland	Support amendment of MU-O2, MU-O3, MU-P1, MU-P2, MU-P3, MU-R2 and MU-R31
#180.4 REDG #194.3 Pyle #251.2 Advance Developments	Relief from compliance with provisions in PCs 82A, 82B, 88, 88A-J, 109, 115, 136, 147, 148 where those provisions are inconsistent with outcomes sought in the submissions	X359 Southpark	Opposed all zoning requested and opposed the consequential statement

3. Submission points 272.2 (Clarkes), 180.4 (REDG), 194.3 (Pyle) and 251.2 (Advance Developments) were addressed, along with all other requests for generic consequential amendments, in section E of Part 1 of the section 42A report (page 19) authored by Council staff Ms McGrath and Mr Pickering.
4. Below is the recommendation table from that report with the relevant submissions highlighted for ease of reference:

Submitter	Submission# & Point #	Accept/Reject	Recommendation
NIWA	77.16	Reject	a
PNTJV	142.2	Reject	a
Kneehy	144.4	Reject	a
SCS	145.2	Reject	a
SOM	146.2	Reject	a
NDC	147.9	Reject	a
Boys High	148.2	Reject	a
Classic	149.2	Reject	a
Workman	150.2	Reject	a
BBM	151.2	Reject	a
Quality	157.2	Reject	a
EB	179.2	Reject	a
REDG	180.4	Reject	a
C & K Pyle	194.3	Reject	a
Fonterra	202.40	Reject	a
Summerset	205.36	Reject	a
NDHB	206.31	Reject	a
Goal	208.2	Reject	a
Downer	217.23	Reject	a
PNJV	224.3 & 40	Reject	a
Clarkes	227.1 & 2	Reject	a
Udy	241.2	Reject	a
Homeworld	244.2 & 3	Reject	a
ADL	251.2	Reject	a
Circa	256.4	Reject	a
Mark Cromie	258.4	Reject	a
MMH	259.9 & 10	Reject	a
Refining NZ	260.31	Reject	a
Kamo Vets	261.2	Reject	a
SSDL	263.2	Reject	a
Housing NZ	268.1	Reject	a

5. Neither Mr Badham nor any other Barker & Associates consultant was involved in the preparation of Part 1 of the section 42A report responding to these submission points. The Council's position with respect to the alleged conflict of interest is therefore unchanged.

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Sarah Shaw
 Counsel for Whangarei District Council
 Date: 26th November 2019