



## Memorandum

To Urban and Services Plan Changes Hearing Panel  
From Melissa McGrath, District Plan Manager, Whangarei District Council  
Copies  
Subject ***Procedural Matter – Expressed Concern with Respect to Conflict of Interest***  
Date 13 November 2019  
Ref

Mrs Jenny Edwards (Submitter 193) has expressed concern with respect to conflict of interest of NZPI planner Mr David Badham of Barker and Associates contracted to assist the Council in the Urban Plan Change Process.

Mrs Edwards has identified that Barker and Associates:

- Prepared resource consent application SL1900012: Housing New Zealand, Construction of 37 residential units and associated subdivision.
- Prepared submissions on behalf of submitters to the Urban and Services Plan Changes.

Following the assertion of conflict of interest, I prepared the following tables as detailed in Attachment 1:

A Record of Urban and Services Plan Changes Reporting Planners

B Record of Original Submissions prepared by Barker and Associates on the Urban and Services Plan Changes

C Record of Further Submissions prepared by Barker and Associates on Urban and Services Plan Changes

D Application SL1900012 prepared by Barker and Associates

E Record of Original Submissions from Housing New Zealand on the Urban and Services Plan Changes

F Record of Further Submissions from Housing New Zealand on the Urban and Services Plan Changes

Having considered these tables I am satisfied that no conflict of interest arises.

Barker and Associates provide a written statement in Attachment 2.

Melissa McGrath

## Attachment 1

### A. Record of Urban and Services Plan Changes Reporting Planners:

<b>Urban and Services Plan Changes s42A Reports</b>	<b>Barker and Associates Consultant Engaged to Author on Behalf of WDC:</b>
Part 7 PC143 Airport Zone	David Badham (Planner)
Part 7 PC145 Hospital Zone	
Part 7 PC144 Port Zone	Briar Belgrave (Planner)
Part 10 PC82A Signs	
Part 10 PC82B Lighting	Alice Hosted and David Badham (Planners)
Part 12 Precincts – Peer Review of Port Nikau Development Plan Urban Design	Matt Riley (Urban Designer)

### B. Record of Original Submissions Prepared by Barker and Associates on Urban and Services Plan Changes

<b>Original Submissions prepared by Barkers and Associates</b>	<b>Submissions relate to the following plan changes</b>	<b>S42A Reporting Planner on behalf of WDC</b>	<b>Barker and Associates Hearing Evidence Author</b>
127 Northpower	PC148: Strategic Direction: objectives and policies for regionally significant infrastructure	Evan Cook	David Badham (statement)
	PC148: Subdivision: Rules for provision of electricity	Evan Cook	
	PC88F: Shopping Centre Zone: Reference to network utilities in SCZ-P11	Sarah Brownie	
	PC109 Transport (TRA) policy.	Robert Burgoyne	
154 Southpark Corporation Limited	PC88E: Local Commercial Zone: Zoning, Overview, Objectives, Policies and Rules	Evan Cook	Nicholas Roberts
	PC148 Strategic Direction: Objectives and Policies		
	PC109 Transport (TRA) policy.	Robert Burgoyne	
248 The University of Auckland	PC88 Definitions: Educational facilities, Research Facilities and Regionally Significant Infrastructure	Melissa McGrath	David Badham
	PC88B Mixed Use Zone: Zoning, Policies and Rules	Sarah Brownie	

	PC109: Transport: Rules	Robert Burgoyne	
	PC148 Strategic Direction: Objectives and Policies	Evan Cook	
210 Commercial Centres Ltd	PC88I: Medium Density Residential Zone: Zoning, Objectives, Policies and Rules	Robert Burgoyne	Nil
	PC88G: Light Industrial Zone: Zoning, Rules	Melissa McGrath	
	PC88E: Local Commercial Zone: Zoning, Policies and Rules	Evan Cook and Melissa McGrath	
	PC109 Transport: Rules	Robert Burgoyne	
225 Foodstuffs Northland Island Limited	PC88 Definitions of Grocery Store	Melissa McGrath	Stacey Sharp and Matt Norwell
	PC88E Local Commercial Zone and Neighbourhood Commercial Zone: Zoning, Objectives, Policies and Rules	Evan Cook	
	PC88B Mixed Use Zone: Police and Rules	Robert Burgoyne	
	PC88A City Centre Zone: Objectives and Rules	Sarah Brownie	
	PC88C Waterfront Zone: Rules		
	PC88D Commercial Zone: Policies and Rules		
	PC88F: Shopping Centre Zone: Policies, Rules and Information Requirements		
	PC88G: Light Industrial Zone: Rules	Melissa McGrath	
	PC109: Transport: Rules	Robert Burgoyne	
60 Bunnings Limited	PC88 Definitions	Melissa McGrath	David Badham (statement)
	PC88G Light Industrial Zone: Zoning		
	PC88H: Heavy Industrial Zone: Rules		
	PC88A: City Centre Zone: Rules	Sarah Brownie	
	PC88B: Mixed Use Zone: Rules		
	PC88D: Commercial Zone: Rules		
	PC88F: Shopping Centre Zone: Rules		

	PC88E Local Commercial Zone and Neighbourhood Commercial Zone: Rules	Evan Cook	
65 Peter Hill	PC88F: Shopping Centre Zone: Zoning	Sarah Brownie	No longer instructed

C. Record of Further Submissions Prepared by Barker and Associates on Urban and Services Plan Changes:

Further Submissions prepared by Barkers and Associates	Submissions relate to the following original submission and plan change	S42A Reporting Planner on behalf of WDC	Barker and Associates Hearing Evidence Author
X380 Commercial Centres Limited	51 Woolworths, 151 BBM Holdings 165 Fire and Emergency NZ 268 Housing New Zealand  PC88E: Local Commercial and Neighbourhood Commercial Zones	Evan Cook	Nil
	51 Woolworths  PC109 Transport	Robert Burgoyne	
	62 Z Energy  PC88G Light Industrial Zone	Melissa McGrath	
	99 Harvey Norman Properties Ltd 165 Fire and Emergency NZ 160 124 Tauroa Street  PC88G: Light Industrial Zone		
	236 WDC Planning and Development Department –  PC88	Melissa McGrath	
	240- New Zealand Transport Agency, 236 WDC Planning and Development Department 268 Housing New Zealand –	Robert Burgoyne	

	PC109 Transport		
X338 Foodstuffs	101 Z Energy	Evan Cook	Stacey Sharp and Matt Norwell
	PC148 Strategic Direction		
	36 Mitre 10	Sarah Brownie	
	PC88D Commercial Zone		
	51 Woolworths 165 Fire and Emergency NZ 202 Fonterra Limited 240 New Zealand Transport Agency 265 KiwiRail 242 WDC Infrastructure Group 238 Housing New Zealand	Robert Burgoyne	
	PC109 Transport		
	165 Fire and Emergency NZ 227 Clarkes	Sarah Brownie	
	PC88B Mixed Use Zone		
	236 WDC Planning and Development Department	Melissa McGrath	
PC88 Definitions			
241 Udy Investments Ltd	Sarah Brownie		
PC88F Shopping Centre Zone			
X376 Bunnings	165 Fire and Emergency NZ 99 Harvey Norman 160 124 Tauroa Street Limited	Melissa McGrath	David Badham (statement)
	PC88G Light Industrial Zone		
	240 New Zealand Transport Agency 265 KiwiRail	Robert Burgoyne	

	PC109 Transport		
X381 Northpower Limited	48 Trustpower 236 WDC Planning and Development Department	Melissa McGrath	David Badham (statement)
	PC88 Definition		
	48 Trustpower	Evan Cook	
	PC148 Strategic Direction		
X359 Southpark	180 Ruakaka Economic Development Group	Evan Cook Melissa McGrath Robert Burgoyne	Nicholas Roberts
	PC88E, PC88G and PC88I		
	194 C & K Pyle	Robert Burgoyne	
	Various		
	251 Advance Developments Limited	Melissa McGrath	
	PC88G Light Industrial		
240 New Zealand Transport Agency 265 KiwiRail	Robert Burgoyne		
	PC109 Transport		
X336 Peter Hill	241 Udy Investments Ltd	Sarah Brownie	No longer instructed
	PC88F Shopping Centre Zone		
	268 Housing New Zealand	Evan Cook	
	PC148 Strategic Direction		
X337 University of Auckland	48 Trustpower 101 Z Energy	Evan Cook	David Badham
	PC148 Strategic Direction		
	165 Fire and Emergency NZ 227 Clarkes	Sarah Brownie	
	PC88B Mixed Use Zone		

	180 Ruakaka Economic Development Group  Various – Zoning (Education Zone)	Melissa McGrath	
	207 Population Health Unit of NDHB  236 WDC Planning and Development Department  PC88 General (noise), Definitions	Melissa McGrath	
	240- New Zealand Transport Agency  265 – KiwiRail  242 WDC Infrastructure Group  267 Ministry of Education  268 Housing New Zealand  PC109 Transport	Robert Burgoyne	

**D. Application SL1900012 Prepared by Barker and Associates:**

<b>Resource Consent Application</b>	<b>Applicant</b>	<b>Expert Planning Witness for Applicant</b>
SL1900012 Housing New Zealand  Construction of 37 residential units and associated subdivision.	Housing New Zealand	Gerrard Thompson (Barker & Associates)

**E. Record of Original Submissions from Housing New Zealand on Urban and Services Plan Changes:**

<b>Original Submission to Urban and Services Plan Changes</b>	<b>Submissions relate to the following plan changes</b>	<b>S42A Reporting Planner on behalf of WDC</b>
268 Housing New Zealand Corporation prepared by Matt Lindenberg Beca Limited	PC148 Strategic Direction: Objectives and Policies	Evan Cook
	PC148 Subdivision: Objectives, Policies and Rules	
	PC88A City Centre Zone: Overview, Objectives, Policies and Rules	Sarah Brownie
	PC88B Mixed Use Zone: Overview, Objectives, Policies and Rules	
	PC88D Commercial Zone: Policies and Rules	
	PC88E Local Commercial and Neighbourhood Commercial Zone: Zoning, Objectives, Policies and Rules	Evan Cook
	PC88I Residential Zones (All): Zoning, Overview, Objectives, Policies and Rules	Robert Burgoyne
	PC109 Transport: Overview, Objectives, Policies and Rules	
	PC136 Three Waters Management: Overview, Objectives, Policies and Rules	
	PC147 Earthworks Overview, Objectives, Policies and Rules	Melissa McGrath
PC88 General, Definitions		

**F. Record of Further Submissions from Housing New Zealand on Urban and Services Plan Changes:**



Further Submission from Housing New Zealand (x382)	Submissions relate to the following original submission and plan change	S42A Reporting Planner on behalf of WDC
Barclay (37)	PC88I: Residential	Robert Burgoyne
Woolworths New Zealand (51)	PC109: Transport	
	PC88E: Local and Neighbourhood Centres	Evan Cook
Jones (53)	PC88I: Residential	Robert Burgoyne
Jones (54)		
Grundy (73)		
North Haven Hospice Endowment Trust (79)	PC88I: Residential	Robert Burgoyne
Positive Ageing Advisory Group (97)		
The Jessie Trust (104)	PC148: Strategic Direction and Subdivision	Evan Cook
	PC88I: Residential	Robert Burgoyne
Cato Bolam (107)	PC148: Strategic Direction and Subdivision	Evan Cook
	PC88I: Residential	Robert Burgoyne
Warburton Taylor (112)	PC148: Strategic Direction and Subdivision	Evan Cook
	PC88I: Residential	Robert Burgoyne
Jansen (121)	PC143: Airport <i>Ensure that the plan provisions maintain the airport as a good residential neighbour.</i>  <i>Residential neighbours, including ourselves, must continue to have liveable homes with respect to noise from the airport.</i>	David Badham (Barker & Associates)
Northpower Limited Badham (127)	PC148: Strategic Direction and Subdivision	Evan Cook
Atlas Concrete Limited (129)	PC109: Transport	Robert Burgoyne
	PC148: Strategic Direction and Subdivision	Evan Cook
Landowners Coalition Ltd (138)	PC88I: Residential	Robert Burgoyne
Port Nikau Three Joint Venture (142)	PC109: Transport	
	PC136: Three Waters Management	
	PC147: Earthworks	

	PC148: Strategic Direction and Subdivision	Evan Cook
Department of Conservation (143)	PC88I: Residential	Robert Burgoyne
Southpark Corporation (154)	PC109 Transport	
124 Tauroa Street Limited	PC148 Strategic Direction	
	PC88D Commercial Zone	Sarah Brownie
	PC88G Light Industrial Zone	Melissa McGrath
Kotata Developments Ltd (167)	PC109 Transport	Robert Burgoyne
Department of Corrections (168)	PC88 Definitions	Melissa McGrath
	Various CC, MUZ, WZ, COM, LCZ and LIZ	Sarah Brownie Evan Cook Melissa McGrath
	<p>Various</p> <p>Amend the proposed NCZ, SCZ, HIZ, LDRZ, MDRZ, HDRZ, RES, OS, CON, SAR, SPA, SPPO, SPH rules to provide reference to the following as discretionary:</p> <p>Community Corrections Activities.</p> <p><i>Housing New Zealand supports the intent of the proposed amendment and generally supports amendments which assist to clarify the variety of household compositions that may occur within the residential zones.</i></p>	Evan Cook Sarah Brownie Sarah Horton (Consultant) Briar Belgrave (Barker & Associates) David Badham (Barker & Associates)
Patuharakeke Te Iwi Trust Board (173)	PC88I Residential	Robert Burgoyne
King (174)		
M Larkin (175)	PC143 Airport Zone The position of the Outer Control Boundary on proposed Resource Areas Map 76R, needs to be reassessed and redrawn to reflect the current reality and future predictions.	David Badham (Barker & Associates)
C Gilchrist (178)		

	<i>Housing New Zealand supports the proposed amendment, to the extent it is consistent with HNZ's primary submission.</i>	
Donaldson (190)	PC88 General	Melissa McGrath
Edwards (193)	PC109 Transport	Robert Burgoyne
	PC88 Definitions	Melissa McGrath
Stallworthy (199)	PC109 Transport	Robert Burgoyne
Fonterra (202)	PC148 Strategic Direction	Evan Cook
NorthChamber (203)	PC88A CC	Sarah Brownie
Summerset Villages (205)	PC148 Strategic Direction	Evan Cook
	PC88I Residential	Robert Burgoyne
Population Health Unit of Northland District Health Board (207)	PC143 Airport Zone	David Badham (Barker & Associates)
	Amend SPA-O3: Manage Mitigate or avoid the adverse effects (including reverse sensitivity effects) associated with Whangarei Airport which could compromise the amenity, health and well-being of the surrounding community.  <i>Housing New Zealand supports the proposed amendment, to the extent it is consistent with HNZ's primary submission.</i>	
	PC148 Strategic Direction	
	PC88I Residential	Robert Burgoyne
Commercial Centres Ltd (210)	PC109 Transport	Robert Burgoyne
Baker (216)	PC88I Residential	
Disability Advisory Group (221)	PC88I Residential	
Port Nikau Joint Venture (224)	PC109 Transport	
	PC147 Earthworks	
	PC88I Residential	
	PC148 Strategic Direction	Evan Cook
Foodstuffs Northland Island Ltd (227)	PC109 Transport	Robert Burgoyne
Morgan (229)	PC136 Three Waters Management	

WDC Planning and Development Department (236)	PC148 Strategic Direction and Subdivision	Evan Cook
	PC109 Transport	Robert Burgoyne
	PC88 Definitions	Melissa McGrath
New Zealand Transport Agency (240)	PC109 Transport	Robert Burgoyne
WDC Infrastructure Group (242)	PC136 Three Waters Management	
Radio New Zealand (243)	PC148 Strategic Direction	Evan Cook
Northland Regional Council (264)	PC147 Earthworks	Robert Burgoyne
KiwiRail (265)	PC109 Transport	Robert Burgoyne
	PC148 Strategic Direction	Evan Cook
	PC88 General	Sam Pickering
Poynter (297)	PC148 Strategic Direction	Evan Cook
	PC88I Residential	Robert Burgoyne
Puriri Park and Maunu Residents Society Inc (301)	PC109 Transport	
	PC88I Residential	
	PC115 Open Space	Sarah Horton (Consultant)
Bernina Northland (309)	PC88 General	Melissa McGrath
Hurman (64)	PC115 Open Space (Zoning)	Sarah Horton (Consultant)
Porter (69)		
Dow (70)		
Gray (74)		
Aiken (87)		

## Attachment 2

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13 November 2019

Rob Furlong  
Chief Executive  
Whangarei District Council

Dear Rob,

### Re: Barker & Associates Whangarei District Council Work – Complaint from Member of the Public

We understand that a member of the public has raised questions regarding work carried out by Barker & Associates in relation to Whangarei District Council's Urban & Services Plan Changes.

Barker & Associates is an independent planning consultancy providing planning and resource management advice and services. We act on behalf of a number of private and public clients throughout the country. Before undertaking any work, we check and confirm if we have any potential conflicts of interest.

In relation to the services provided to Whangarei District Council we note the following:

- B&A staff are reporting planners for the Part 7 and Part 10 section 42A Reports. This includes the Airport, Hospital and Port Zones and the Signs and Lighting Chapters.
- A B&A urban designer has given specific advice for the Part 12 section 42A Report, in particular a peer review of the Port Nikau Development Plan.

B&A has provided planning advice and made submissions, further submissions and in some cases prepared evidence for a number of private clients including Northpower Limited, Southpark Corporation Limited, the University of Auckland, Commercial Centres Limited, Foodstuffs North Island Limited, Bunnings Limited and Peter Hill.

None of the submissions, further submissions or evidence that Barker & Associates have made on behalf of our private clients relate to the matters that we have covered in our s42A Reports for Whangarei District Council.

Therefore, we do not consider that there is any conflict of interest in relation to our involvement with our work for Whangarei District Council on the plan changes.

Ngā Mihi | Kind Regards,



**David Badham**  
Associate/Whangarei Office Manager



**Nick Roberts**  
Director

**Barker & Associates Ltd**

# B&A

Urban & Environmental