
To: Far North District Council

Re: Further Submission on Proposed Far North District Plan – Ngawha Generation Limited

Full Name: Ngawha Generation Limited

Phone: 09 407 0633

Address for Service: Taryn Collins, taryn.collins@topenergy.co.nz and David Badham
davidb@barker.co.nz

Date: 4 September 2023

FS345

Further Submission Information:

This is a further submission on the Far North District Council's (FNDC) Proposed Far North District Plan (PDP). Ngawha Generation Limited (NGL) has an interest greater than the interest the general public as the submission points identified within this further submission specifically affect NGL interests in the Far North District.

NGL also made an original submission on the PDP (S432).

NGL could not gain an advantage in trade competition through this further submission.

The specific original submission points of the PDP that NGL further submission relates to are attached.

NGL supports or opposes to the specific submission points as listed in the attached document. The reasons are provided in the attached document.

The decisions that NGL wishes FNDC to make with respect to each submission point are also detailed in the attached document.

NGL wishes to be heard in support of this further submission.

Taryn Collins

Ngāwhā Generation Limited

Ngāwhā Generation Limited Further Submission Points on the PDP

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
General					
S483 (All submission points)	Top Energy Limited	Various	Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Adopt all of the relief sought by Top Energy Limited in its submission (S483). FS345.052-245
General/Plan Content/Miscellaneous					
S158.011	Ara Poutama Aotearoa the Department of Corrections.	General/Plan Content/Miscellaneous Insert a special purpose Corrections zone, as per Attachment 1 to the submission.	Support in part	NGL supports in part the inclusion of a Special Purpose Corrections zone provided that any provisions of the zone provide adequate consideration of reverse sensitivity effects in relation to existing and consented activities in the wider area, including those related to renewable energy generation on the adjacent Ngāwhā Generation Land.	Accept in Part FS345.001
Light Industrial Zone					
S338.040	Our Kerikeri Community Charitable Trust	Light Industrial - Overview	Oppose	NGL supports the overview section as notified for the Light Industrial Zone. The proposed amendments are	Reject FS345.002

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				inappropriate, especially with regard to the light industrial zoning at Ngāwhā.	
S371.016	Bunnings Limited	Light Industrial Overview	Support	NGL supports the overview section as notified for the Light Industrial Zone.	Accept FS345.003
S427.027	Kapiro Residents Association	Light Industrial Overview	Oppose	NGL supports the overview section as notified for the Light Industrial Zone. The proposed amendments are inappropriate, especially with regard to the light industrial zoning at Ngāwhā.	Reject FS345.004
S449.040	Kapiro Conservation Trust	Light Industrial Overview	Oppose	NGL supports the overview section as notified for the Light Industrial Zone. The proposed amendments are inappropriate, especially with regard to the light industrial zoning at Ngāwhā.	Reject FS345.005
S522.026	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Light Industrial Overview	Oppose	NGL supports the overview section as notified for the Light Industrial Zone. The proposed amendments are inappropriate, especially with regard to the light industrial zoning at Ngāwhā.	Reject FS345.006
S529.039	Carbon Neutral NZ Trust	Light Industrial Overview	Oppose	NGL supports the overview section as notified for the	Reject FS345.007

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				Light Industrial Zone. The proposed amendments are inappropriate, especially with regard to the light industrial zoning at Ngāwhā.	
S454.118	Transpower Zealand Ltd New	Light Industrial Objectives -	Support	NGL supports Transpower’s proposed new objective for the reasons outlined in its submission.	Accept FS345.008
S509.002	Mainfreight Limited (S509)	Light Industrial Objectives (LIZ-O2(b)) -	Support in part	NGL supports provision for warehouse and logistic facilities within the Light Industrial Zone, but notes NGL’s request for a new definition of “light industrial activities”. If NGL’s new proposed definition of “light industrial activities” is accepted, it will need to be reconciled with any relevant amendments to the LIZ provisions.	Accept in part FS345.009
S331.083	Ministry of Education Te Tāhuhu o Te Mātauranga	Light Industrial Objectives (LIZ-O5) -	Support in part	NGL supports provision for these activities within the zone, but notes NGL’s request for a new definition of “light industrial activities”. If NGL’s new proposed definition of “light industrial activities” is accepted, it will need to be	Accept in part FS345.010

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				reconciled with any relevant amendments to the LIZ provisions.	
S336.024	Z Energy Limited	Light Industrial - Objectives	Support in part	NGL supports this objective as notified, but note the relief sought in NGL’s submission point regarding the definition of light industrial activities. If NGL’s new proposed definition of “light industrial activities” is accepted, it will need to be reconciled with any relevant amendments to the LIZ provisions.	Accept in part FS345.011
S371.017	Bunnings Limited	Light Industrial - Objectives	Support in part	NGL supports the amendments sought, but note the relief sought in NGL’s submission point regarding the definition of light industrial activities. If NGL’s new proposed definition of “light industrial activities” is accepted, it will need to be reconciled with any relevant amendments to the LIZ provisions.	Accept in part FS345.012
S368.019	Far North District Council	Light Industrial - Policies	Support	NGL supports the minor correction.	Accept FS345.013

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S454.119	Transpower New Zealand Limited	Light Industrial - Policies	Support	NGL supports the new policy to provide for infrastructure that has a functional or operational need to locate in the zone.	Accept FS345.014
S331.084	Ministry of Education Te Tāhuhu o Te Mātauranga	Light Industrial - Policies – LIZ-P3	Support in part	NGL generally supports the changes sought within this submission point, but note the relief sought in NGL’s submission point regarding the definition of light industrial activities.	Accept in part FS345.015
S372.003	Grant Alan Billington and Georgina McGarry	Light Industrial - Policies	Oppose	NGL opposes the submission as NGL considers that residential activities should be avoided in the Light Industrial Zone.	Reject FS345.016
S331.085	Ministry of Education Te Tāhuhu o Te Mātauranga	Light Industrial - Policies – LIZ-P4	Support in part	NGL generally supports the changes sought within this submission point, but notes the relief sought in NGL’s submission point regarding the definition of light industrial activities.	Accept in part FS345.017
S336.025	Z Energy Limited	Light Industrial - Policies	Support in part	NGL generally supports the policy as drafted, but notes the relief sought in NGL’s submission point regarding	Accept in part FS345.018

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				the definition of light industrial activities.	
S509.003	Mainfreight Limited	Light Industrial Policies -	Oppose	NGL generally supports the policy as drafted, but notes the relief sought in its submission point regarding the definition of light industrial activities.	Reject FS345.019
S271.037	Our Kerikeri Community Charitable Trust	Light Industrial Policies (LIZ-P6) -	Oppose	NGL opposes the relief sought as the amended wording sought is incongruous with the purpose and strategic direction for the Light Industrial Zone.	Reject FS345.020
S416.051	KiwiRail Holdings Limited	Light Industrial Policies (LIZ-P6) -	Oppose	NGL opposes the relief sought currently as there is insufficient detail provided to understand the implications of what is sought.	Reject FS345.021
S446.038	Kapiro Conservation Trust	Light Industrial Policies -	Oppose	NGL opposes the relief sought as the amended wording sought is incongruous with the purpose and strategic direction for the Light Industrial Zone.	Reject FS345.022
S524.037	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	Light Industrial Policies -	Oppose	NGL opposes the relief sought as the amended wording sought is incongruous with the purpose and strategic	Reject FS345.023

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				direction for the Light Industrial Zone.	
S529.102	Carbon Neutral NZ Trust	Light Industrial - Policies	Oppose	NGL opposes the relief sought as the amended wording sought is incongruous with the purpose and strategic direction for the Light Industrial Zone.	Reject FS345.024
S371.018	Bunnings Limited	Light Industrial – Rules	Support in part	NGL supports making provision for light industrial activities within the zone, subject to there being an appropriate definition in accordance with NGL’s original submission.	Accept in part FS345.025
S372.002	Grant Alan Billington and Georgina McGarry	Light Industrial – Rules	Oppose in part	NGL opposes this submission point insofar as it could relate to the broader Light Industrial Zone or NGL landholdings.	Reject in part FS345.026
S436.009	Northland Fish and Game Council	Light Industrial – Rules	Oppose	NGL opposes the relief sought as it is vague, unjustified and will be impossible to implement.	Reject FS345.027
S438.018	New Zealand Motor Caravan Association	Light Industrial – Rules	Oppose	NGL does not consider that specific provision should be made for camping grounds in the Light Industrial Zone. This will create reverse sensitivity effects on established	Reject FS345.028

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				industrial activities within the zone.	
S438.019	New Zealand Motor Caravan Association	Light Industrial – Rules	Oppose	NGL does not consider that specific provision should be made for camping sites in the Light Industrial Zone. This will create reverse sensitivity effects on established industrial activities within the zone.	Reject FS345.029
S45.002	Puketona Business Park	Light Industrial – Rules (LIZ-R1, PER-1)	Support in Part	NGL agrees that the 450m ² GFA limit in this rule is an unnecessary restriction and should be deleted for the reasons outlined in its own submission.	Accept in part FS345.030
S360.012	Waste Management NZ Limited	Light Industrial – Rules (LIZ-R1, PER-1)	Support	NGL agrees that the 450m ² GFA limit in this rule is an unnecessary restriction and should be deleted for the reasons outlined in its own submission.	Accept FS345.031
S368.011	Far North District Council	Light Industrial – Rules (LIZ-R1, PER-3)	Oppose in part	NGL opposes provision being made for pedestrian frontages within the Light Industrial Zone, insofar as it relates to the NGL land. This land is not appropriate to allow pedestrian frontage	Reject FS345.032

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				given the nature of current and anticipated activities undertaken on the site.	
S371.019	Bunnings Limited	Light Industrial – Rules (LIZ-R1)	Support	NGL agrees that the 450m ² GFA limit in this rule is an unnecessary restriction and should be deleted for the reasons outlined in its own submission. NGL supports permitting alterations to existing buildings where they do not increase GFA. NGL also supports the default to a restricted discretionary activity for non-compliance with PER 1 or PER.2	Accept FS345.033
S431.128	John Andrew Riddell	Light Industrial – Rules	Oppose	NGL considers that this is an onerous setback and activity status for circumstances where adverse effects can be adequately managed.	Reject FS345.034
S509.004	Mainfreight Limited	Light Industrial – Rules (LIZ-R1, PER-3)	Support	NGL agrees that the 450m ² GFA limit in this rule is an unnecessary restriction and should be deleted for the reasons outlined in its own submission.	Accept FS345.035
S509.005	Mainfreight Limited	Light Industrial – Rules	Support	NGL supports the clarification that Industrial Activities are	Accept FS345.036

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				permitted with in the Light Industrial Zone.	
S45.031	Puketona Business Park Limited	Light Industrial – Rules	Support	NGL supports the default to a restricted discretionary activity status where zone standards are infringed.	Accept FS345.037
S363.031	Foodstuffs North Island Limited	Light Industrial – Rules	Support	NGL opposes discretionary activity status for commercial activities within the Light Industrial Zone and supports the use of defined terms throughout the plan.	Accept FS345.038
S214.007	Airbnb	Light Industrial – Rules	Oppose	NGL opposes making a permitted activity provision for visitor accommodation within the Light Industrial Zone. Such activities are incompatible with the industrial activities that the zone provides for and will lead to unacceptable reverse sensitivity effects.	Reject FS345.039

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S45.035	Puketona Business Park Limited	Light Industrial – Rules	Support in part	NGL supports the general approach where all new buildings should be able to be accommodated within the Light Industrial Zone without resource consent, unless the proposal infringes specific standards, as identified.	Accept in part FS345.040
S158.016	Ara Poutama Aotearoa the Department of Corrections	Light Industrial – Rules	Support	NGL considers that community corrections activities should be permitted in the Light Industrial Zone, consistent with how those activities are treated in the Light Industrial Zone in the Whangārei District Plan. ¹ These activities exist in the vicinity and are compatible within a Light Industry Zone.	Accept FS345.041
S331.086	Ministry of Education Te Tāhuhu o Te Mātauranga	Light Industrial – Rules	Oppose	NGL supports the activity status for educational facilities as notified.	Reject FS345.042
S371.022	Bunnings Limited	Light Industrial – Rules (LIZ-S2)	Support	NGL supports the retention of LIZ-S2 as notified.	Accept FS345.043
S371.0223	Bunnings Limited	Light Industrial – Rules (LIZ-S3)	Support	NGL supports the retention of LIZ-S3 as notified.	Accept FS345.044

¹ See LIZ-R18 of the Whangārei District Plan Light Industrial Zone.

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S416.063	Kiwi Rail Holdings Limited	Light Industrial – Rules	Oppose	NGL recognises the need to protect the rail corridor. However, NGL seeks to ensure any provisions drafted to give effect to Kiwi Rail’s submission do not restrict existing industrial activities from operating.	Reject FS345.045
S67.017	Michael John Winch	Light Industrial – Rules	Support	NGL supports the deletion of this rule. Alternatively, NGL seeks that it apply only where the Industrial Zoned land adjoins a more sensitive zone.	Accept FS345.046
S134.003	Lynley Newport	Light Industrial – Rules	Support	NGL supports this rule only applying where there is an interface with a sensitive zone.	Accept FS345.047
S371.024	Bunnings Limited	Light Industrial – Rules	Support	NGL supports this rule not applying to an alteration or extension of an existing lawfully established building.	Accept FS345.048
S336.028	Z Energy Limited	Light Industrial – Rules	Support	NGL supports the proposed amendments to the rule to recognise that the functional requirements of some Industrial activities make landscaping inappropriate.	Accept FS345.049

Sites and areas of significance to Māori

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S305.003	Nicole Butler	Sites and areas of significance to Māori	Oppose	NGL oppose the submission as the extent of the area to be rezoned is unclear. If Ms Butler’s relief is granted, NGL seeks that any associated provisions enable the continued use of the site for renewable energy generation.	Reject FS345.050
S305.01	Nicole Butler	Sites and areas of significance to Māori	Oppose	NGL opposes the rezoning of 313 Ngawha Springs Road, Ngawha Springs from Rural Production to Māori Purpose Zone as the extent of the area sought to be rezoned is unclear. Should Ms Butler’s relief be granted, NGL seeks to ensure that any activities enabled by provisions within that zone do not create reverse sensitivity effects on existing and consented activities in the surrounding area.	Reject FS345.051