

Online Further Submission

FS114

Further Submitters Name	Far North Holdings Limited
Further Submitter Number	FS114
Wish to be heard	Yes
FS qualifier	a person who has an interest in the proposal that is greater than the interest the general public has (e.g. land owner, resource user)
FS qualifier reason	The Ngawha Innovation and Enterprise Park is managed and being developed by Far North Holdings Limited. Submissions relating to the Park have been received and for adjoining/ adjacent properties to which FNHL has an interest in on behalf of the NIEP Park development.
Joint presentation	Yes
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Online further submitter?	Yes
Date raw FS lodged	04/09/2023 3:00pm

FS114.001-.019

Further submission points

Raw FS number	Original submitter	Related Submission Point	Plan section	Provision	OS Decision Requested	SupportOppose	FS Decision requested	Reasons
FS114.1	Birta Kortner and Jonas Kortner	S387.001	Planning maps	Rural Residential Zone	Amend the zoning on 4 Wallis Rd from Rural Production to Rural Residential	Support	Allow	Land within the immediate area (excluding the Innovation Park) is rural residential in nature and the proposed zoning is not reflective of this current and future use. The Park has largely completed its development adjacent to the property and mitigation measures are in place to enable more intensive development of the adjoining sites to occur should this be proposed in the future.

FS114.2	Birta Kortner and Jonas Kortner	S387.001	Planning maps	Rural Residential Zone	Amend the zoning on 4 Wallis Rd from Rural Production to Rural Residential	Support	Allow	<p>The site is adjacent to the Innovation Park and is too small to be used for productive purposes. The site is opposite sites with a Rural Residential Zoning and which exhibit the same site characteristics.</p> <p>The site is also within the area of benefit for some of Council's reticulated services.</p>
FS114.3	Top Energy Limited	S483.045	Infrastructure	I-P7	<p>Amend Policy I-P7 as follows:</p> <p>Protect nationally and regionally significant infrastructure and local infrastructure from the effects of incompatible land use and subdivision, including reverse sensitivity effects, which may compromise the operation and capacity of infrastructure by:</p> <p>a...</p> <p>e. Identifying Critical Electricity Lines as a mapped overlay and managing landuse and subdivision activities in proximity to Critical Electricity Lines to:</p> <p>i...</p> <p>ii. ensure that future buildings and building alterations, earthworks, planting of trees and construction activities do not compromise the effective operation of the electricity distribution network and maintain safe electrical clearance distances under all electricity distribution line operating conditions...</p>	Support in part	Allow in part	<p>FNHL support the protection of Critical Infrastructure but seeks that the Critical Electricity overlay not apply to the Ngawha Innovation Park. The Park property includes both 110kV and 33kV lines and development to date has had some flexibility in both development and retention of electricity supply. The proposed protection measures make many of the approved and future development areas unable to be developed to their potential and removes potential alternative options to enable both development and the protection of the Critical Electricity Lines. FNHL would be interested in securing an MOU with Top Energy Limited for sites where the Critical Electricity Lines are located. This would be outside the district plan process.</p>

FS114.4	Top Energy Limited	S483.062	Infrastructure	I-R5	Amend Rule 1-R5 as follows (or to same effect): <ul style="list-style-type: none"> • Include Ngawha Innovation Zone and Rural Settlement Zone; • Amend PER -1 to read as follows: The poles don't exceed a maximum of 25m in height above ground level; • Amend activity status for non-compliance with PER – 1 to restricted discretionary activity; and • Amend activity status for non-compliance with PER – 2 to discretionary. 	Oppose	Disallow	FNHL opposes the inclusion of the Ngawha Innovation and Enterprise Zone within I-R5 as proposed within the submission from Top Energy. While the location of the Park is surrounded by rural and rural residential activities, the Park has many urban elements particularly in the Innovation Hub. The Park also has a mixture of overhead and underground power supply depending on the onsite requirements for the development site. FNHL would prefer to see a MOU created or similar agreement which provides details, flexibility, and guidelines for future development within the Park and how electricity needs will be satisfied.
FS114.5	Top Energy Limited	S483.064	Infrastructure	I-R7	Amend Rule I-R7 as follows: <ul style="list-style-type: none"> • Include Ngawha Innovation Zone and Rural Settlement Zone. • Amend PER -1 to read as follows: The poles don't exceed a maximum of 25m in height above ground level. • Amend PER – 2 to read as follows: Towers do not exceed a height of 15m above ground level • Amend activity status for non-compliance with PER – 1 & 2 to restricted discretionary activity. 	Oppose	Disallow	FNHL opposes the inclusion of the Ngawha Innovation and Enterprise Zone within I-R7 as proposed within the submission from Top Energy. While the location of the Park is surrounded by rural and rural residential activities the Park has many urban elements particularly in the Innovation Hub. FNHL would prefer to see a MOU created or similar agreement which provides detail and guidelines for future development within the Park. The Top Energy submission justification that NIEP is rural in nature is incorrect from an infrastructure perspective. Presently NIEP has ~3km of underground 11kV and 33kV lines, ~2km underground LV cables, and ~1km new above ground 11kV lines. Whether new lines are above or below ground within NIEP is essentially a situation dependent exercise and a blanket rule requiring all to be above ground is not considered to be appropriate.

FS114.6	Top Energy Limited	S483.070	Infrastructure	I-R13	<p>Amend Rule I-R13 to exempt work undertaken by the electricity network utility provider.</p> <p>Review Plan and amend as necessary to ensure the rule applies to all Plan users, not just network utility providers.</p> <p>Include reference to Electricity (Hazard from Trees) Regulations 2003.</p>	Oppose	Disallow in part	<p>FNHL opposes the inclusion of the Ngawha Innovation and Enterprise Zone with respect to I -R13. Landscaping (both core and amenity) form an important part of the Parks' design brief and design guidelines for the zone. This conflict could be overcome by an MOU between both FNHL and Top Energy which ensures that key objectives for landscaping and electricity line protection both parties are addressed. The provision as presented conflicts with consented landscaping, and also offset plantings for the Ngawha Innovation and Enterprise Park and the Matawii Dam.</p>
FS114.7	Top Energy Limited	S483.071	Infrastructure	I-R12	<p>Amend Rule I-R12-PER-1 as follows:</p> <p>1.The building or structure is less than 3m in height and does not require a building consent; or ...</p> <p>Top Energy also seeks that:</p> <ul style="list-style-type: none"> • I-R12 be amended to exempt work undertaken by the electricity network utility provider • I-R12 is replicated in Zones so the rule applies to all development. • Reference to Electricity (Hazard from Trees) Regulations 2003 be included. 	Oppose	Disallow in part	<p>FNHL opposes the inclusion of the Ngawha Innovation and Enterprise Zone with respect to I -R12 - PER1. For the reasons as previously noted in respect to approved development areas and existing development areas. This potential conflict could be overcome by an MOU between both FNHL and Top Energy which ensures that key objectives for both parties are addressed with respect to future development and electricity line protection.</p>

FS114.8	Top Energy Limited	S483.072	Infrastructure	I-R13	<p>Amend Rule I-R13 as follows:</p> <p>PER-1</p> <p>The planting of trees is not for the purpose of providing a shelterbelt, plantation forestry or commercial horticultural operations:</p> <p>PER-2:</p> <p>Activities that do not comply with PER-1 provided that:</p> <p>1. prior to works notification being undertaken confirmation is provided to Council and that the proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010).</p>	Oppose	Disallow	FNHL opposes the inclusion of the Ngawha Innovation and Enterprise Zone with respect to the Critical Electricity Lines and the protection thereof. For the reasons as previously noted in respect to approved development areas and existing development areas. This potential conflict could be overcome by an MOU between both FNHL and Top Energy which ensures that key objectives for both parties are addressed.
FS114.9	Top Energy Limited	S483.073	Infrastructure	I-R15	Amend Rule I-R15 to exclude Rural Lifestyle, Ngawha Innovation Zone and Rural Settlement Zone.	Oppose	Disallow	FNHL opposes the inclusion of the Ngawha Innovation and Enterprise Zone within I -R15 as per the reasons in 483.64

FS114.10	Transpower New Zealand Ltd	S454.138	General	General / Plan Content / Miscellaneous	Amend the provisions in the Ngawha Innovation and Enterprise Park Special Purpose zone to ensure that critical infrastructure, such as transmission facilities, is provided for.	Oppose	Disallow	FNHL support the protection of Critical Infrastructure but seeks that the Critical Electricity overlay not apply to the Ngawha Innovation Park. The Park property includes both 110kV and 33kV lines and development to date has had some flexibility in both development and retention of electricity supply. The proposed protection measures make many of the approved and future development areas unable to be developed and removes potential alternative options to enable both development and the protection of the Critical Electricity Lines. FNHL would be looking at securing an MOU with Top Energy Limited for sites where the Critical Electricity Lines are located. This would be outside the district plan process.
FS114.11	Fire and Emergency New Zealand	S512.045	Ngawha Innovation and Enterprise Park	NIEP-R8	<p>amend NIEP-R8</p> <p>CON-2</p> <p>The development platform and buildings are connected to the NIEP internal reticulated 3 waters systems or sufficient onsite provision within the development platform can be demonstrated by a suitably qualified person (except wastewater).</p> <p>Matters of control are limited to:</p> <p>a. the extent to which the building and development is consistent with the 'Ngawha Innovation and Enterprise Park Design Guidelines', dated March 2022;</p> <p>b. the materials used, including consideration of colour, finishing, reflectivity, and permeability;</p> <p>c. the effect of buildings, structures and signage design (including facades and roofs) on the character and amenity of the zone and surrounding rural environment;</p>	Oppose	Disallow	FNHL opposes the inclusion within provision NIEP - R8, CON-2 the following wording "as per the SNZ PAS 4509:2008 New Zealand Fire Service Water Supplies Code of Practice". This standard is currently referenced correctly within Council's Engineering Standards in multiple locations and a requirement for development proposals. This is the most appropriate location for this standard to be located. Future changes to this standard can be made without significant cost if not referenced within the district plan.

d. the siting and separation of buildings;

e. provisions of infrastructure services and the ability of stormwater, water (**as per the SNZ PAS 4509:2008 New Zealand Fire Service Water Supplies Code of Practice**) and wastewater to be managed ~~adequately~~ ^{adequately} and

f. access and onsite manoeuvrability.

FS114.12	Ngati Rangī ki Ngawha Hapu	S304.004	Tangata Whenua	Iwi and hapu planning documents	<p>Amend to ensure consistency with 2.4.1.1 of Ngati Rangī's Hapu Environmental Management Plan: that consenting authorities will not grant consents for activities that involve a risk of contaminants entering soil.</p> <p>Consenting authorities will not grant consents for horticultural activities (including vegetable washing) where that consent allows discharges (diffuse or otherwise) of nutrients, agrichemicals, or sediment to local water bodies (including groundwater)</p>	Support in part	Disallow in part	<p>The role of Ngati Rangī ki Ngawha is clearly stated within the submission.</p> <p>NIEP continue to work with Ngati Rangī for development proposals within the Park. FNHL does however oppose personalised provisions with reference to individuals. FNHL continue to support working with hapu representatives nominated by the Ngati Rangī NIEP governance group. To this extent the Ngati Rangī NIEP governance team and FNHL governance are currently drafting a memorandum of understanding.</p> <p>FNHL also opposes unquantifiable discharge and land use restrictions which imply a level of predetermination. FNHL does support best practice, relevant National Environmental Standards, and the regional and district plan provisions including any consenting requirements under these documents.</p>
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FS114.13	Ngati Rangī ki Ngawha Hapu	S304.005	Hazardous substances	HS-R2	Amend to ensure that relevant authorities will provide feedback to Ngāti Rangī on the use of agrichemicals in the rohe in particular NIEP, and consenting authorities will not grant consents for horticultural activities (including vegetable washing) where that consent allows discharges (diffuse or otherwise) of nutrients, agrichemicals, or sediment to local water bodies (including groundwater).	Support in part	Disallow in part	Similar to submission point 304.004, FNHL supports the intent of the rule and the provisions noted but opposes the discharge comments and the relief sought with respect to discharges. It is reiterated that there is an existing regulatory framework including plans and their provisions which address these matters and enable rural activities to be undertaken in effective and efficient manner with less than minor effects on the environment.
FS114.14	Ngati Rangī ki Ngawha Hapu	S304.006	Ngawha Innovation and Enterprise Park	Rules	Amend to ensure consultation and Compliance with reference and regard to the Ngati Rangī Hapu Cultural Impact Assessment report and the cultural and Hapu Tikanga and Kawa need to be a lot more inclusive and improved. Hapu-mandated representatives in regard to Environmental Management and monitoring need to be consulted and included. These representatives have been nominated and mandated through Hapu Hui, not appointed by or working for FNHL or other subsidiaries of Councils. Liliana Clarke and Josephine Clarke are both mandated hapu representatives for NIEP. This needs to be addressed and reestablished immediately in regard to true tangata whenua relationships and partnerships.	Oppose	Disallow in part	<p>NIEP continue to work with Ngati Rangī for development proposals within the Park. FNHL does however oppose personalised provisions with reference to individuals.</p> <p>FNHL continues to support working with hapu representatives nominated by the Ngati Rangī NIEP governance group. To this extent the Ngati Rangī NIEP governance team and FNHL governance are currently drafting a memorandum of understanding.</p> <p>This is the most appropriate means meet all parties' expectations and enable changes as required to occur without proceeding through a plan change process.</p>

FS114.15	Ngati Rangī ki Ngāwha	S515.001	General	General / Process	Amend the Plan to recognise and provide for greater engagement with Ngati Rangī ki Ngāwha hapu, this includes but is not limited to the protection, and enhancement of our significant cultural landscapes, kainga, whenua and taonga in relation to our whakapapa	Oppose	Disallow in part	<p>NIEP continue to work with Ngati Rangī for development proposals within the Park. FNHL does however oppose personalised provisions with reference to individuals.</p> <p>FNHL continues to support working with hapu representatives nominated by the Ngati Rangī NIEP governance group. To this extent the Ngati Rangī NIEP governance team and FNHL governance are currently drafting a memorandum of understanding.</p> <p>This is the most appropriate means meet all parties' expectations and enable changes as required to occur without proceeding through a plan change process.</p>
FS114.16	Ngati Rangī ki Ngāwha	S515.004	General	General / Process	Amend the Plan to assist Ngati Rangī ki Ngāwha hapu to participate in decision making processes within their Rohe (inferred)	Oppose	Disallow	<p>FNHL continues to support working with hapu representatives nominated by the Ngati Rangī NIEP governance group. To this extent the Ngati Rangī NIEP governance team and FNHL governance are currently drafting a memorandum of understanding.</p> <p>This is the most appropriate means meet all parties' expectations and enable changes as required to occur without proceeding through a plan change process.</p> <p>Past applications have been processed by independent consultants (planning and engineering) and application decisions determined by an Independent Planning Commissioner. This was to avoid any potential conflicts of interest.</p>

FS114.17	Ngati Rangī ki Ngawha	S515.009	Tangata Whenua	Iwi and hapu planning documents	<p>Amend to ensure consistency with 2.4.1.1 of Ngati Rangī's Hapu Environmental Management Plan: that consenting authorities will not grant consents for activities that involve a risk of contaminants entering soil.</p> <p>Consenting authorities will not grant consents for horticultural activities (including vegetable washing) where that consent allows discharges (diffuse or otherwise) of nutrients, agrichemicals, or sediment to local water bodies (including groundwater)</p>	Oppose	Disallow in part	FNHL also opposes unquantifiable discharge and land use restrictions which imply a level of predetermination. FNHL does support best practice, relevant National Environmental Standards, and the regional and district plan provisions including any consenting requirements under these documents.
FS114.18	Ngati Rangī ki Ngawha	S515.010	Hazardous substances	HS-R2	<p>Amend to ensure that relevant authorities will provide feedback to Ngāti Rangī on the use of agrichemicals in the rohe in particular NIEP, and consenting authorities will not grant consents for horticultural activities (including vegetable washing) where that consent allows discharges (diffuse or otherwise) of nutrients, agrichemicals, or sediment to local water bodies (including groundwater).</p>	Oppose	Disallow in part	FNHL have no issues with the involvement of Ngati Rangī as per a MOU but does oppose unquantifiable discharge and land use restrictions which imply a level of predetermination. FNHL does support best practice, relevant National Environmental Standards, and the regional and district plan provisions including any consenting requirements under these documents.

FS114.19	Roxanne Drader	S307.001	Ngawha Innovation and Enterprise Park	Rules	Amend NIEP (inferred by requests) to include independent monitoring which includes mana whenua via hapū hui and mandated involvement. Include regular compliance of spray contents and amounts used and provide reports in laymans terms for affected households. NIEP should be responsible for monitoring neighbouring property's water quality. Access from employees should be off Wallis Road which should be sealed and speed limit reduced to 50km/hr. Incorporate hapū objectives and engage with hapū. When an RFS is responded to, sent a report advising of actions taken and remediation completed to the person who lodged RFS and keep public records.	Support in part	Allow in part	<p>There is no relief sought which can be included in the district plan and its provisions, but it is important that effects within and outside of the site are accurately assessed. Past applications have been processed by independent consultants (planning and engineering) and application decisions determined by an Independent Planning Commissioner.</p> <p>With respect to monitoring of conditions, most of the ongoing monitoring is completed by Northland Regional Council. How Council (FNDC) determines compliance is for them to determine. This aspect does not need to be part of the district plan. The applicant will however comply with conditions of consent as imposed within any resource consent decisions.</p>
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