

UNDER the Resource Management Act 1991 (**RMA**)
IN THE MATTER Proposed Far North District Plan (**PDP**)

**STATEMENT OF EVIDENCE OF DAVID BADHAM ON BEHALF OF NGĀWHĀ
GENERATION LIMITED**

PLANNING

9 June 2025

1. INTRODUCTION

- 1.1 This evidence has been prepared on behalf of Ngāwhā Generation Limited (**NGL**) as it relates to its submission on the PDP – Hearing Stream 15C, Rezoning General. My evidence focuses on responses to the guidance criteria outlined in Final Minute 14 and provides supporting section 32AA evaluation as it relates to NGL’s refined rezoning relief sought.
- 1.2 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.

Qualifications and experience

- 1.3 I have a Bachelor of Planning with Honours (1st Class) from the University of Auckland (2010). I have been a Full Member of the New Zealand Planning Institute since April 2015.
- 1.4 I have over 14 years’ experience in planning. During this time, I have been employed in various resource management positions in local government and private companies within New Zealand and Australia including experience with:
- (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts.
 - (b) Consideration of submissions and formulation of policy advice for Council, Kaipara District Council, and private clients.

- (c) Providing planning advice, and engaging in consultation with and on behalf of iwi organisations and being involved in the preparation of cultural impact assessments.
- (d) Monitoring and compliance of consent conditions in operational mining environments in Queensland Australia.
- (e) Preparing expert evidence in the Environment Court for cases relating to kauri dieback provisions in the Whangārei District Plan, for private Plan Change 78 – Mangawhai Central to the Kaipara District Plan and most recently for a resource consent for a private client in Mangawhai.

Purpose and scope of evidence

1.5 This evidence is in respect of a submission by NGL on the PDP to rezone land to Light Industry Zone.

1.6 My evidence will address the following topics:

- (a) My involvement with the PDP on behalf of NGL (Section 2).
- (b) Refined Relief (Section 3).
- (c) Reasons for NGL's Refined Rezoning Request (Section 4).
- (d) Consistency of NGL's Rezoning Request with the PDP Strategic Direction (Section 5).
- (e) Alignment of NGL's Rezoning Request with the PDP Light Industry Zone Outcomes (Section 6).
- (f) Analysis of NGL's Rezoning Request against Higher Order Direction (Section 7).
- (g) Assessment of Site Suitability (Section 8).
- (h) Assessment of how NGL's Rezoning Request can be Serviced by Adequate Infrastructure (Three Waters) (Section 9).
- (i) Assessment of how NGL's Rezoning Request will be Supported by Existing or Proposed Transport Infrastructure (Section 10).

- (j) Responses to Consultation and Further Submissions (Section 11).
- (k) Section 32AA Evaluation (Section 12).
- (l) Conclusion (Section 13).

1.7 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. I have no conflict of interest to declare.

2. INVOLVEMENT WITH PDP ON BEHALF OF NGĀWHĀ GENERATION LIMITED

2.1 I have been engaged by NGL to provide independent planning evidence on their behalf for the PDP. I was initially engaged by NGL in early 2021 to:

- (a) Prepare written feedback on the draft PDP;
- (b) Prepare NGL's original submission on the PDP; and
- (c) Provide ongoing planning advice associated with those submissions and the hearings related to those submissions.

2.2 I confirm that I have reviewed the Final Minute 14 in relation to Hearing 15C.

3. REFINED RELIEF

NGL Landholdings at Ngāwhā

3.1 NGL's landholdings at Ngāwhā are extensive – see **Figure 1**. The operation and administration of the Ngāwhā Geothermal Power Plant are the primary activity undertaken on the utilised landholdings in this area.

3.2 The Ngāwhā geothermal power station is considered by the RMA as a physical resource and considered by the NRPS as “regionally significant infrastructure”.¹ The Ngāwhā power station provides renewable electricity for the Far North and will export into the national grid over 95% of the time.

¹ Pursuant to clause 1) (f) of Appendix 3 of the RPS, “Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local distribution network” are considered to be regionally significant infrastructure.

3.3 There are more geothermal generation opportunities at Ngāwhā Springs, with another power station consented, subject to a monitoring period to prove the sustainability of the geothermal resource, which would grow the production to from 57MW to 88MW by approximately 2027. In summary the following further works have been consented at Ngāwhā Springs:

- (a) Construct OEC5 power station;
- (b) Drill production and reinjection wells; and
- (c) Install interconnecting overland pipe.

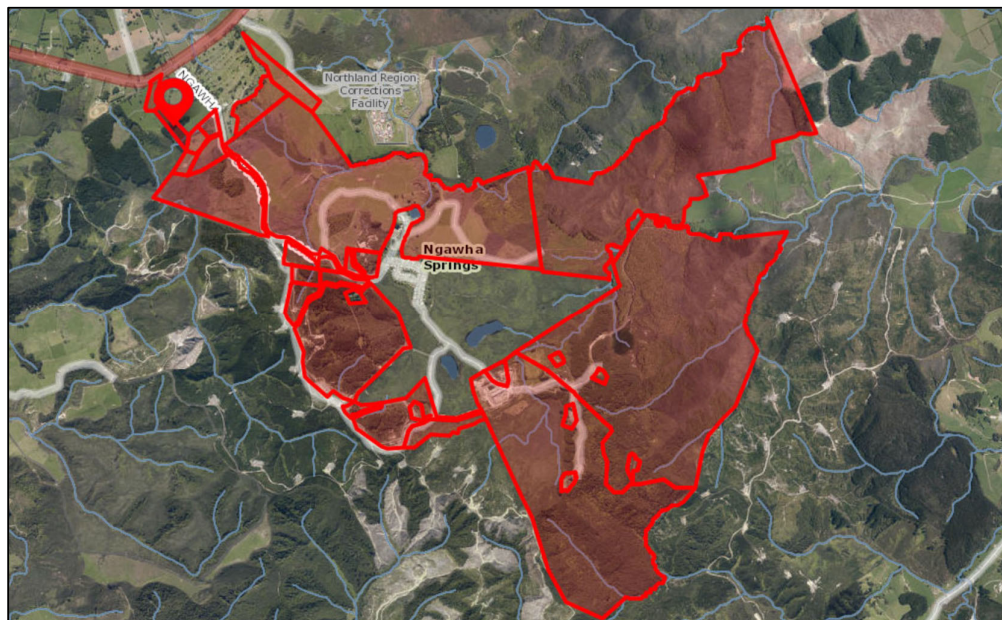


Figure 1 - NGL owned Land at Ngāwhā Springs (Source: EMaps)

3.4 NGL also has further plans for its land which could include:

- (a) Solar generation and other forms of renewable energy generation;
- (b) Further transmission lines to connect the Ngāwhā Geothermal Power Plant to the National Grid;
- (c) Further geothermal generation wells and associated interconnecting piping, representing major construction activities with significant local employment opportunities; and
- (d) Other activities on site associated with the generation and distribution of renewable energy.

- 3.5 The protection of existing infrastructure and enabling future growth of renewable power generation assets are vital in order to support growth and development in the Far North District and must be provided for in the PDP.
- 3.6 Reliable electricity supply is of critical importance to the growth of Northland's economy and to communities, and has a key role in opening up new economic and social opportunities. Electricity infrastructure, and renewable energy generation such as that provided by Ngāwhā Geothermal Power Station also has a vital role to play in the decarbonisation of New Zealand's economy.
- 3.7 The Ngāwhā Geothermal Power Station is also critical to the Far North District and wider Northland region's energy resilience, and reduced reliance on transmission from elsewhere around the country.

NGL's Refined Relief Sought

- 3.8 Amongst other submission points in its original submission, NGL sought the rezoning of some of its additional landholdings to Light Industrial or Special Purpose Zone in accordance with the map in **Figure 2**.
- 3.9 Since the notification of the PDP and the preparation of its submission and further submission, NGL have advised that they no longer wish to pursue all of the rezoning sought in their original submission. NGL's revised relief sought is outlined below:
- (a) NGL only seeks that the land (highlighted by blue outline in **Figure 2** below) is rezoned to Light Industry to reflect the operative plan zoning – see **Figure 3** below.
 - (b) NGL no longer seek that the remaining landholdings (covered by the purple hatching without blue outline in **Figure 2** below) be rezoned.
 - (c) NGL no longer seek a Special Purpose Zone for any of its landholdings.

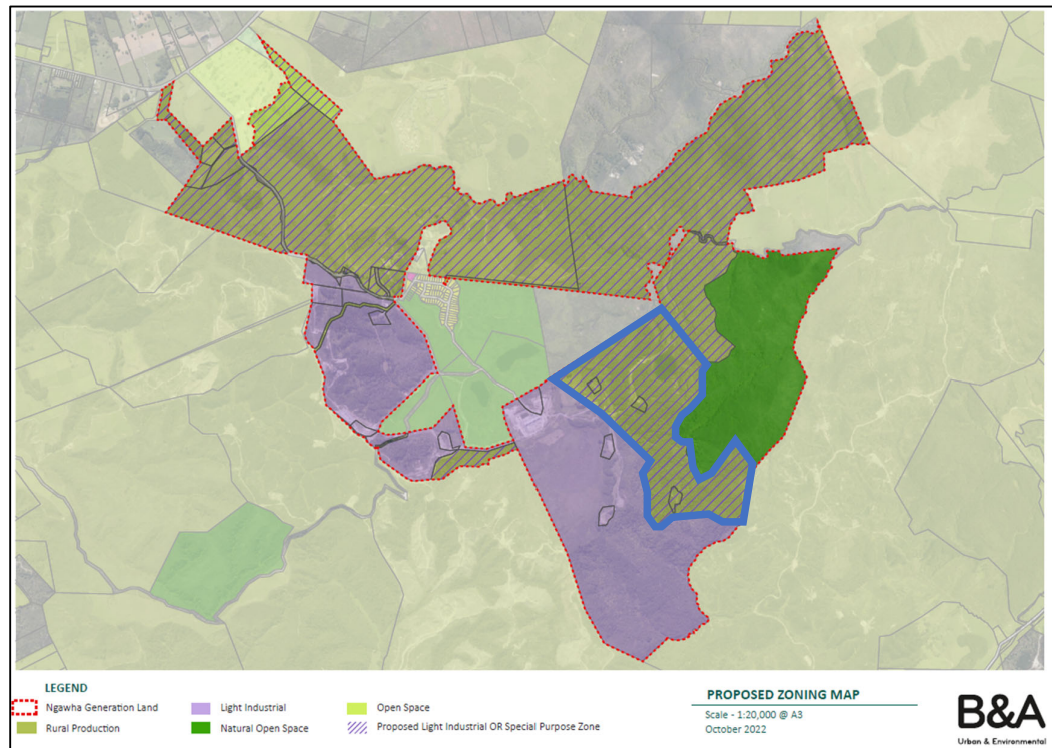


Figure 1 – Requested Rezoning from NGL submission – see Attachment 2 of the original submission for full scale version. Blue outline represents NGL's refined relief.

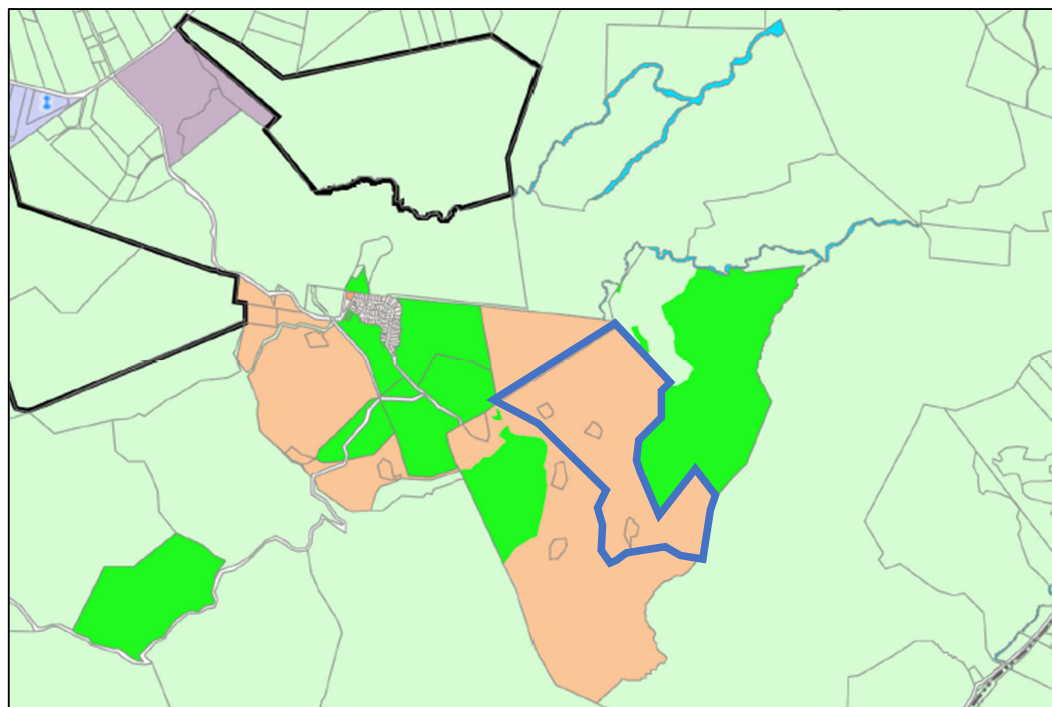


Figure 2 – Operative plan zoning of NGL land, noting that the parcel with Blue outline is within the Industrial Zone.

4. REASONS FOR NGL'S REFINED REZONING REQUEST

- 4.1 The reason for Ngāwhā's refined rezoning request is simple – it seeks to retain the zoning under operative District Plan for the parcel identified in **Figure 2** and opposes the PDP rezoning to Rural Production Zone. Based on my review of the s32 documentation, I can see no justification from FNDC as to why this land should be down-zoned from an industrial zoning to a Rural Production Zoning. Furthermore, such a downzoning does not reflect the importance of the landholding as part of the existing and future Ngāwhā geothermal power operations within its landholdings.

5. CONSISTENCY OF NGL'S REZONING REQUEST WITH THE PDP STRATEGIC DIRECTION

- 5.1 NGL's request to rezone the area identified in **Figure 2** to Light Industrial Zone is consistent with the PDP Strategic Direction because it will:
- (a) Provide support to existing and new industries such as existing and future planned renewable electricity generation activities through the greater enablement of such activities;²
 - (b) Provide for industrial activities such as the future planned renewable electricity generation activities by NGL which will contribute to ensuring that the district economy is responsive, resilient and adaptive to the financial costs of a changing climate;³
 - (c) Efficiently and effectively enable future growth of renewable power generation assets at Ngāwhā Springs. This will provide for new social and economic opportunities as well as a reliable electricity supply for Northland;⁴ and
 - (d) Recognise and provide for the benefits arising from light industrial activities such as the existing and planned infrastructure and renewable electricity generation activities at Ngāwhā Springs.⁵

² SD-EP-O2.

³ SD-EP-O5

⁴ SD-SP-O3 and SD-EP-O5.

⁵ SD-IE-O1.

6. ALIGNMENT OF NGL'S REZONING REQUEST WITH THE PDP LIGHT INDUSTRIAL ZONE OUTCOMES

6.1 The relevant provisions of the Light Industrial Zone within the PDP seek the following outcomes:

- (a) The Light Industrial Zone is utilised for the efficient operation of light industrial activities and is managed to ensure its long-term protection from land fragmentation, land sterilisation and reverse sensitivity effects;⁶
- (b) Land use and subdivision are enabled where there is adequacy and capacity or programmed development infrastructure to support it;⁷
- (c) The adverse environmental effects generated by light industrial activities are managed, in particular at zone boundaries;⁸
- (d) A limited range of commercial activities which either support light industrial activities or are not anticipated in the Mixed-Use Zone is accommodated;⁹
- (e) Enable development and operation of light industrial activities in the Light Industrial Zone; and ¹⁰
- (f) Avoid the establishment of activities that do not support the function of the Light Industrial Zone including heavy industrial activities, residential activities, community facilities, retirement villages, education facilities and sport and recreation facilities.¹¹

6.2 I consider that NGL's request to rezone the parcel identified in **Figure 2** to Light Industrial Zone is in alignment with the above PDP Light Industrial Zone objectives, policies and intended outcomes for the following reasons:

- (a) The subject site was previously zoned Industrial in the ODP, and is located in close proximity to other renewable electricity activities, and NGL have potential plans for future such activities on this land under the reasonable expectation created by its operative plan zoning. As such, it is not considered that any land

⁶ Objective LIZ-O1.

⁷ Objective LIZ-O3 and Policy LIP-P2.

⁸ Objective LIZ-O3 and Policy LIZ-P6.

⁹ Objective LIZ-O5 and Policy LIZ-P4.

¹⁰ Objective LIZ-O2 and Policy LIZ-P1.

¹¹ Policy LIZ-P3.

fragmentation, land sterilisation or reverse sensitivity effects will occur as a result of rezoning this land, as this is consistent with the operative plan zoning.

- (b) Any infrastructure adequacy and capacity assessments for future land use on the site can be undertaken at resource consent stage.
- (c) Any adverse effects occurring as a result of future development of light industrial activities on the site can be appropriately managed through the policy and rule framework provided within the Light Industrial Zone.
- (d) NGL do not plan to establish any activities on the site which do not support the function of the Light Industrial Zone. They specifically intend to utilise the land for renewable electricity generation activities which NGL have sought to be included within a new definition for 'light industrial activities' as part of their original submission.

7. ANALYSIS OF NGL'S REZONING REQUEST AGAINST HIGHER ORDER DIRECTION

National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

- 7.1 The purpose of the NPS-REG is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation (90% by 2025 & 100% by 2030).
- 7.2 As I have mentioned above, NGL has future plans to undertake solar generation and other forms of renewable energy generation activities on their land which will contribute to these national targets.
- 7.3 I consider that the objective, policy and rule framework of the requested Light Industrial Zone would better enable renewable electricity generation activities than that of the notified rural production zoning. I therefore consider NGL's request to rezone their site to light-industrial would give effect to objectives and policies within the NPS-REG.

National Policy Statement for Highly Productive Land 2022:

- 7.4 The subject site is classified as LUC Class 6 & LUC Class 7 land (as identified on **Figure 4** below) as mapped by the New Zealand Land Resource Inventory. As such, the site does not contain highly productive soils. Given this, the NPS-HPL is not applicable to the site.

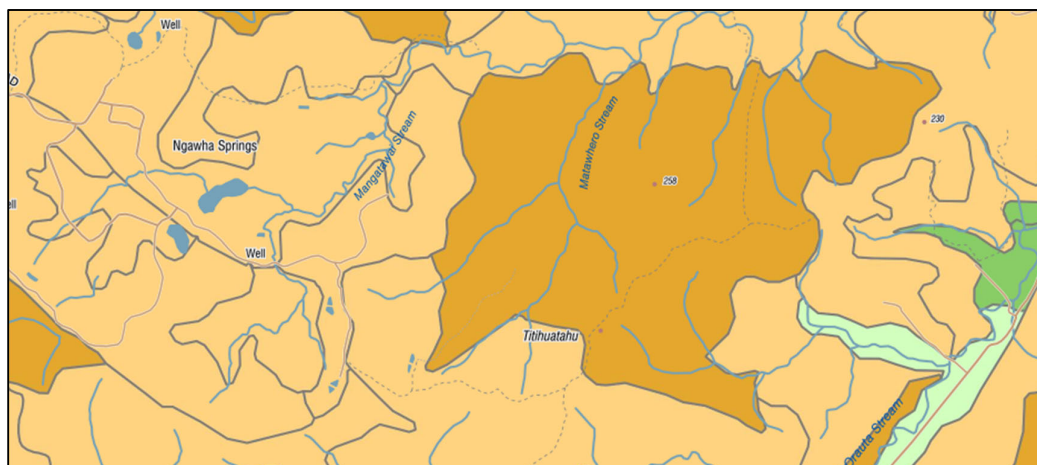


Figure 3: Highly Productive Land Mapping by New Zealand Land Resource Inventory

National Policy Statement for Freshwater Management 2020

- 7.5 The purpose of the NPS-FW is to ensure the life-supporting capacity of freshwater, improve degraded waterbodies, and protect or restore natural wetlands and streams. It provides direction for regional councils to set objectives for the state of freshwater bodies in their regions and set limits on resource use to meet these objectives.
- 7.6 It is acknowledged that the subject site contains some waterbodies, in particular streams. However, the NPS-FW will be given effect to at the time of future development through the requirement to comply with corresponding objectives and provisions set in the Northland Regional Plan, as well as National Environmental Standards for Freshwater.

National Policy Statement for Indigenous Biodiversity 2023

- 7.7 The NPS-IB aims to halt the decline in native biodiversity and ensure at least no net loss of indigenous biodiversity.
- 7.8 As noted in Councils s32 assessment for the Rural Environment¹², the NPS-IB is primarily applicable to significant indigenous biodiversity which I consider can be

¹² FNDC Section 32 Rural Environment, Page 12.

identified, maintained and protected through the commissioning of ecological assessments when applying for resource consent for any future development.

Regional Policy Statement for Northland

- 7.9 The request to rezone the subject site to light industrial gives effect to the RPS as the objectives, policies and rule framework within the Light Industrial Zone will enable activities which provide for efficient and effective infrastructure¹³, security of energy supply¹⁴, and renewable electricity generation activities¹⁵.

8. ASSESSMENT OF SITE SUITABILITY

- 8.1 With regard to site suitability, there are no district-wide overlays within the PDP attributed to the subject site that suggest a light industrial zoning would be inappropriate due to risks from natural hazards, and effects on historical or cultural values or natural environment values.
- 8.2 It is also noted that the subject site was previously zoned Industrial under the ODP and thereby was considered suitable for industrial development purposes.
- 8.3 In terms of reverse sensitivity and compatibility of the rezoning with surrounding sites land-uses, the subject site adjoins PDP notified Light Industrial zoned land to the west, and is located in close proximity to existing renewable electricity generation activities at Ngāwha Springs. Regarding the PDP Rural Production and Natural Open Space zoned land adjoining the site to the north and east, these landholdings are also owned by NGL, thereby eliminating the chance of any reverse sensitivity effects. I therefore consider that the requested rezoning will be compatible with surrounding land uses and that any potential for reverse sensitivity effects can be managed through the provisions of the Light Industrial Zone.
- 8.4 A review of the S32 report relating to the Urban Environment indicates that there is no explanation as to why this piece of land has now been down zoned to Rural Production in the PDP. Although Section 7.2 of the S32 report does identify that there is no future demand for business land in the Kaikohe District and that as a result there is no need for any additional industrial land to be provided in the PDP, this doesn't provide any justification as to why existing industrial zoned land should be removed.

¹³ Objective 3.8 and Policies 5.2.1, 5.2.2 and 5.2.3.

¹⁴ Objective 3.9.

¹⁵ Policy 5.4.1 and 5.4.2.

9. ASSESSMENT OF HOW NGL'S REZONING REQUEST CAN BE SERVICED BY ADEQUATE INFRASTRUCTURE (THREE WATERS)

- 9.1 I acknowledge that there are no existing three waters services located nearby the subject site. Notwithstanding this, I consider that on-site servicing solutions can be addressed at building consent or resource consent stage for any proposed development on the site.

10. ASSESSMENT OF HOW NGL'S REZONING REQUEST WILL BE SUPPORTED BY EXISTING OR PROPOSED TRANSPORT INFRASTRUCTURE

- 10.1 I note that the subject site has a suitably designed accessway onto Bannister Road. The design of this existing accessway can be considered further at resource consent stage.
- 10.2 The capacity of the existing road networks (e.g, Ngāwha Springs Road, Bannister Road, and State Highway 12) in relation to any additional traffic created from future light-industrial activities on this site can be assessed through the resource consent process.

11. RESPONSES TO CONSULTATION AND FURTHER SUBMISSIONS

- 11.1 The Department of Corrections ('**Corrections**') made a further submission¹⁶ to NGL's original submission to amend the zoning at Ngāwha Springs to Light Industrial Zone. They sought that any rezoning of the subject site must be subject to appropriate controls to manage effects of any future light-industrial activities on the Northland Regions Corrections Facility site.
- 11.2 For clarification NGL's original submission sought to rezone a few of its northern landholdings directly adjoining Corrections land. NGL have since revised their approach in which they are only seeking to rezone their landholding to the south. Given the distance between the Corrections land and the parcel sought to be rezoned by NGL in **Figure 2**, I understand that Corrections concerns are addressed

¹⁶ FS571.001.

12. SECTION 32AA EVALUATION

12.1 Section 32AA of the RMA requires further evaluation where changes to provisions or mapping are proposed since the original section 32 evaluation was undertaken. I have recommended a change to the zoning of NGL's land as per **Figure 2** above.

12.2 In summary, I consider that the recommended amendments to the zoning will be the most appropriate way to achieve the purpose of the RMA in accordance with section 32(1)(a) for the following reasons:

- (a) Sustainable management (Section 5): The recommended rezoning will better enable the use and development of existing and future regionally significant infrastructure and renewable energy generation activities on NGL's landholdings at Ngāwhā which will contribute to the social and economic wellbeing of people and communities in the Far North District.
- (b) Efficient Use and Development of Resources (Section 7(b)): By more appropriately enabling RSI and renewable energy generation activities on NGL's landholdings at Ngāwhā, the recommended rezoning supports the efficient use and development of natural and physical resources, important to the wellbeing of people and communities in the Far North District.
- (c) Consistency with Operative Plan Zoning: the Light Industrial Zoning is consistent with the ODP zoning. No specific justification has been provided by FNDC as to why this piece of land has been down-zoned, and there are operational and functional needs for it to retain its existing zoning so that it can be potentially used for future activities consistent with Top Energy's reasonable expectations to utilise this land in accordance with the operative zoning.
- (d) Recognition of RSI: The changes give effect to key directives in the RPS regarding the recognition and provision for the benefits and enablement of the operation, maintenance, development and upgrading of RSI.
- (e) Appropriate management of effects: The existing Light Industrial Zone provisions provide an appropriate framework for managing the adverse effects on the land. They recognise the need for both robust environmental outcomes and the efficient operation of existing and future essential infrastructure.
- (f) Costs and benefits: I consider that the benefits of the recommended rezoning will outweigh the potential costs, and are more appropriate than the RPZ

rezoning under the notified PDP. No justification or specific analysis has been provided by FNDC as to why the down-zoning is justified, and the Light Industrial Zoning is more consistent with the ODP zoning and NGL's potential future aspirations for the site.

13. CONCLUSION

- 13.1 In conclusion, this evidence has focused on the narrowed relief sought by NGL as it relates to its landholdings at Ngāwhā. In my opinion, it is clearly demonstrated that the as notified RPZ zoning applied to the applicable landholdings are inappropriate, and it is clearly more appropriate to include these as Light Industrial Zone which is more consistent with the ODP zoning framework. In my opinion, this change is necessary to give effect to higher order policy documents, promote the sustainable management of natural and physical resources, and provide an enabling framework for existing and future activities on NGL's land at Ngāwhā.

David Eric Badham

Date: 9 June 2025