

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER

the Resource Management Act 1991 (RMA)

IN THE MATTER

of the Far North Proposed District Plan –

Hearing 11: Energy, Infrastructure, Transport and
Designations

**STATEMENT OF EVIDENCE OF WAYNE ERIC SMITH
ON BEHALF OF FAR NORTH HOLDINGS LIMITED**

PLANNING

14 April 2025

SUMMARY OF EVIDENCE

- a) This evidence has been prepared on behalf of Far North Holdings Limited as it relates to their submission and further submissions on Far North District Council's ("Council") PDP with regard to Hearing 11: Energy, Infrastructure, Transport and Designations. This evidence focuses on responses to the recommendations for the Infrastructure component only, as it relates to the Ngawha Innovation and Enterprise Park Special Purpose Zone.
- b) The evidence comments only on the matters of interest to FNHL and provides commentary on the 42A Report and matters of consideration. The s42A report provides recommendations on all matters raised with recommendations which support, support or oppose in part, or reject the relevant submission matters.
- c) The changes sought by FNHL will enable and result in ensuring that the intent of the Park in providing economic growth, education, and innovation can be delivered for future development and for its consented projects without further and unnecessary consents.
- d) The consented development and proposed Design Guidelines for the Park provide degree of certainty over the scale and location of development in relation to existing infrastructure such as the existing Critical Electricity Lines which are located within the site.

INTRODUCTION

1. My full name is Wayne Eric Smith. I am principal planner and Director of Zenith Planning Consultants Limited. I hold the qualification of Bachelor Planning obtained from Auckland University in 1994 and a Bachelor of Social Sciences (Geography) from the University of Waikato. I am a full member of the New Zealand Planning Institute.
2. I have over 30 years of experience in the planning profession within both New Zealand and the United Kingdom. I have worked as an independent planning consultant for the past 7½ years establishing Zenith Planning Consultants and have previously held senior and team leader roles within several district councils within New Zealand and the United Kingdom.
3. I have been involved in numerous land use and subdivision proposals involving coastal, commercial, and residential land, and district plan review processes from a district council perspective. The vast majority of planning work and experience within New Zealand has been within in the Far North District but have also completed work within both Whangarei, Kaipara, and Auckland. I have been the Far North District Council's planning expert witness in several Environment Court hearings and the comparable expert planner for matters attended to by the UK Planning Inspectorate for West Berkshire Council in the United Kingdom.
4. Zenith Planning Consultants was engaged by Far North Holdings Limited (FNHL) in November 2018 to assist in the aspirations of creating a regionally important business development park near to both Ngawha and Kaikohe and which would provide the basis for economic development, employment opportunities, and skills based training and education. The first stages of the Park have been established and operating in accordance with the overall vision for the site.
5. FNHL role is described on their website as follows:

Far North Holdings Limited (FNHL) is the commercial trading and asset management arm of Far North District Council (FNDC). We manage a diverse range of property, maritime and transport assets right across the district on behalf of Far North ratepayers.

But we also play another important role, using our assets and expertise to boost investment and employment in the region for the benefit of our communities and our local businesses.
6. The establishment of the Ngawha Innovation and Enterprise Park has to date been established and developed via a series of resource consent applications lodged to both Far North District Council and Northland Regional Council with some of the components of these consents still to be fully completed. The location of some of these remaining sites approved for development are immediately adjacent to the proposed Critical Electricity Lines which are located along the western boundary of the Innovation and Education hub.
7. In a parallel process to the various resource consents secured was the establishment of the Ngawha Innovation and Enterprise Special Purpose

Zone. Following substantial supporting reports and a Section 32 report, the Special Purpose Zone was approved for inclusion within the Proposed District Plan. The Hearing for the Special Purpose Zone was Hearing 3 where the focus of the proceedings was fine tuning zone objectives and policies and the rules which would enable development within the site.

8. Central government was utilised to establish core infrastructure for Park via the Provincial Growth Fund (PGF). This funding provided key infrastructure required for the Park including roading, stormwater management, wastewater, bulk earthworks and other development required to establish the Park. The Matawii dam located to the north of the site and located mostly within the Park property was integrated and subdivided off the property when the water trusts set up to manage the dam was created.
9. Within the Innovation Park there are a number of development areas scattered throughout the site and these were established following a detailed series of reports analysing ecological, cultural, infrastructural and related constraints. Tied into the process was the Design Guidelines for the Park and the important relationship with Ngati Rangī who have been involved in the preliminary park establishment but who have an ongoing involvement through monitoring and mitigation works. One of the key matters to factor into the design was the existing power lines which are located within the park property. These lines are located on the western boundary of the Innovation and Education hub and then head northwest through an undeveloped portion of the Park property.
10. When designing the development envelopes careful consideration of the lines were included and as a result there were not only setbacks established but also provision for core landscaping to be established which integrated the development proposals into the receiving environment. FNHL therefore contend that there has been sufficient measures put in place within the Park's sites design to allow for the lines which are proposed to be protected with the Critical Electricity Line overlay and related provisions.

CODE OF CONDUCT

11. Although this is not a hearing before the Environment Court, I record that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

SCOPE: HEARING 11

12. I have been asked by FNHL to provide planning evidence in respect of its submission on the Proposed Plan. This evidence relates to Hearing 11: Energy, Infrastructure, Transport and Designations. This evidence only

relates to the Infrastructure component as it relates to the Ngawha Innovation and Enterprise Park and primarily focuses on the provisions around Critical Electricity Lines.

13. The submission points are made as a further submission and in response to submissions made by Top Energy Limited and Transpower.
14. My evidence addresses FNHL's submission points and gives my expert planning opinion on the stated positions. The evidence will follow the order of the s42A report and provide commentary as necessary on the matters for consideration as well as my conclusions.

REVIEW OF SECTION 42A REPORT ANALYSIS

15. The s42A report details the key issues for Infrastructure as evaluated in response to submissions made to the PDP in either the original submission period or the further submission period. An evaluation of the relief sought within the submissions has been provided and recommended changes or confirmation of the status quo has been provided. In considering this statement of evidence, the submissions are noted and have been reviewed as well as the recommendations noted.
16. The Reporting Officer's approach has been to impose the Critical Electricity Lines Overlay over all zones within the Proposed Plan. This results in an easy outcome for many aspects and plan users but not for all. This approach does not take into account, the deliberate design elements and locations for the development areas within the Park and which provided an acceptable setback for all development within the development platforms from aspects such as the CE lines.
17. FNHL remains of the view that there is no advantage or need to impose the Critical Electricity Overlay over land within this Ngawha Innovation and Enterprise Park Special Purpose Zone as there is already sufficient measures in place which protect the existing lines and which the park has deliberately accounted for within the development envelopes.
18. The CEL overlay provides little certainty over several key aspects for the Park and its future activities or development. This includes the width of the overlay and how this may impact the consented development and the approved development platforms/ envelopes. There remains uncertainty for the approved mitigation measures such as the core and targeted landscaping which are reflected in the consented development and for the proposed development platforms as noted within the Parks Design Guidelines. It is also simply a recommendation on where the distances could be measured for with the definition and final setback distance still to be determined.
19. There is however a high level of certainty for the development platform locations within the Park and there has been no discussions or submissions within the proposed plan process on their locations. No changes or amendments to these development areas have been sought by any parties. With a high level of uncertainty on these key aspects including

the eventual width of these corridors and their location will depend on what impact this may have on the Park and its future developments.

20. The Definition of CEL Overlay has not been confirmed with a recommendation provided as part of new definitions for the chapter. It has also been suggested that the distances specified be measured from the centreline for the overlay but these are not clear on exactly where they are located in relation to the actual physical line location. A separation distance from the line conductors such as that which was applied to within the Park provides greater certainty than a corridor with no specified or agreed width and indicative positioning on the planning maps. Development within the Park is limited to the approved platform areas only.
21. For the Park it is important to offer certainty for prospective park tenants and clear guidance on expansion options with many seeking a staged approach. This staging and likely impacts on vacant development areas are the primary concerns particularly if these changes sought exceed what has already been factored into the accepted development areas. If the envelopes did not exist, then the imposition of the overlay would be totally appropriate. FNHL request that the CEL Overlay not apply to the Park.
22. The s42A categorises the relevant matters into key issues but it is only Key Issue 8 which remains of concern to FNHL. The remaining points are accepted as generally recommended or do not pose any significant implications for the Park and its operations.

KEY ISSUE 8: RULES I-R11 TO I-R13, I, R18, I-R20, I-R21 – NATIONAL GRID YARD AND CRITICAL ELECTRICITY LINES

23. Although FNHL's position is that the CEL Overlay should not apply to the Ngawha Innovation and Enterprise Special Purpose Zone it would be remiss not to comment on the updated provisions as it applies to the park.
24. The updated and recommended provisions are as follows:

I-R12 New buildings or structures, and extensions to existing buildings or structures, and earthworks within 10m of a Critical Electricity Lines Overlay

The following applies to all zones

Activity status: Permitted Where:

PER-1 1. The building or structure is less than 3m in height above ground level does not require a building consent; or

2. The extension of the building or structure does not exceed the envelope or footprint of the existing building or structure.

PER-2: Activities that do not comply with PER-1 or PER-2 provided that:

- i. prior to works notification is provided to Council that the building or structure complies with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). ~~and the proposed activity is being carried out in 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); or~~
- ii. ~~the activity is being carried out by a network utility operator or territorial authority in accordance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).~~

Activity status when compliance not achieved with PER-1 or PER-2:
Restricted Discretionary

Matters of discretion restricted to:

- a. the safe and efficient operation and maintenance of the electricity supply network, including:
 - i. the use, design and location of buildings or structures;
 - ii. compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001);
 - iii. effects on public health and safety; and iv. effects on access to Critical Electricity Lines, designated substations and associated infrastructure for maintenance purposes.

I-R13 Tree planting within 20m of a Critical Electricity Lines Overlay

Activity status: Permitted

Where:

PER-1 The planting of trees is not for the purpose of providing a shelterbelt, plantation forestry or commercial horticultural operations.

PER-2: Activities that do not comply with PER-1 provided that:

- 1. ~~prior to works notification is provided to Council and the proposed activity is being carried out in accordance with the trees will be planted and managed to comply with 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).~~

Activity status when compliance not achieved with PER-1 or PER-2:

Restricted Discretionary

Matters of discretion are restricted to:

- a. the safe and efficient operation and maintenance of the electricity supply network, including:
 - i. the mature size, growth rate, location, and fall zone of any associated tree planting;
 - ii. including landscape planting and shelterbelts;
 - iii. compliance with the Electricity (Hazards from Trees) Regulations 2003 ~~NZECP 34:2001;~~
 - iv. effects on public health and safety; and

v. effects on access to Critical Electricity Lines, designated substations and associated infrastructure for maintenance purposes.

24. The lack of a confirmed definition for Critical Electricity Lines is of significant concern and could be modified in a manner which compromises the Park and its future activities. While there remains uncertainty this aspect there has not been able to be commented on fully and while the hearing process offers some ability to provide a commentary there are significant unknowns. As noted above the Park's design has accounted for the CEL lines within the design and do not require additional uncertainty for the development within the approved platforms/ envelopes.
25. The submitters seeking the CEL provisions such as Top Energy raised no concern through the submission process on the Park development envelopes with some consultation and provisions made for the setbacks involved. Presumably development within these envelopes offers no concerns and therefore the setback required as proposed within this overlay is unnecessary.
26. The development envelopes within the Park cannot be extended beyond what is detailed within the Plan and this offers certainty for all. These envelopes restrict all building locations and the related activities. There is potential for some core landscaping and for revegetation initiatives as noted within the Parks' Design Guidelines to be located outside the building envelopes. There is also some specific references to the western boundary (where the existing lines are located). Within this space the relevant regulations have been factored into the locations and proposed landscaping will meet these requirements.
27. The landscaping plans for the development areas are subject to refinement and Council approval. The core landscaping follows clear guidelines on acceptable plant species and the intent of this core landscaping including the locations and proximity to the development areas and existing attributes such as the CE lines.
28. It is FNHL's position that the building envelope locations are sufficiently located to account for the matters sought to be protected by this set of provisions. The proximity of buildings is constrained within the Park unlike in other zones or locations.
28. Furthermore, there is both core and targeted landscaping approved along the western boundary of the Innovation and Education hub which could be conflicted with by these generic provisions which apply in all other zones. The unique nature of the Park with these development controls provide certainty which these proposed provisions do not particularly with definitions to be confirmed and the final locations of the overlay to be also confirmed.
29. Future development within the approved envelopes for the Ngawha Innovation and Enterprise Special Purpose Zone requires a resource

consent but only for compliance purposes including parking and landscaping unless the activity proposed is beyond the permitted allowances.

CONCLUSION

30. The s42A report by the reporting planner identifies the key considerations for this Infrastructure chapter but does not take into account the attributes of the NIEP Special Purpose Zone or its unique attributes.
31. There remains a high level of uncertainty on key considerations which could threaten the potential of the Park to deliver the vision as proposed. Key definitions are proposed by recommendation and there remains uncertainty over exact the Overlay location and its proposed width.
32. The Special Purpose Zone has already taken into account sufficient setback distances for buildings and development and has landscaping measures approved by Council in relation to the existing CE lines. In this respect it is unnecessary to add a further layer of compliance when these matters have already addressed. As part of this evidence plans will be provided on existing setbacks and zone and its design.
33. It is my recommendation that the Overlay not apply to the Ngawha Innovation and Enterprise Park Special Purpose Zone.
64. The proposed CE Overlay adds a degree of uncertainty with key provisions yet to be finalised and this could be problematic for future development or occupiers of the Parks' approved development areas. The Park should only be encumbered to the point of achieving its goals and aspirations as detailed within the zones' key outcomes and objectives and policies.

Wayne Smith

Dated 14th April 2025