

16 February 2026

Hearings Panel
Proposed Kaipara District Plan
Kaipara District Council
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Via email: mwalters@kaipara.govt.nz

Tēnā koutou Commissioners,

Proposed Kaipara District Plan – Hearing 6 (Hazardous Substances) & Hearing 7 (Contaminated Land) – Northpower Limited Submitter Statement

Introduction

This statement is tabled on behalf of Northpower Limited and Northpower Fibre Limited (Northpower). Northpower made a submission (#283) and further submission on the Proposed Kaipara District Plan Review (PDP).

Northpower owns and operates:

- The electricity distribution network (5,200km of overhead lines and 1,300km of underground cables) supplying approximately 65,000 customers across Whangārei and Kaipara districts, including transmission lines;
- An ultra-fast fibre network, servicing urban areas across Whangārei and Kaipara, approximately 25,000 connected customers; and
- Hydro and solar generation in Northland.

Northpower's key activities in the region and Kaipara District include:

- Building, upgrading and maintaining electricity and fibre infrastructure to ensure a safe, secure and reliable service to existing customers and other infrastructure providers, and to support regional growth and development;
- Overseeing the operation of infrastructure in real time, to ensure their effective operation and the safety of those interacting with them;
- Construction, operation and maintenance of renewable generation activities including hydro and solar; and
- Connecting new customers to the network, including load customers and distributed generation.

Northpower's submission included submission points (outlined below) on the PDP Hazardous Substances and Contaminated Land provisions.

Hearing 6 - Hazardous Substances

In accordance with submission points S283.3 & S283.118, Northpower continue to seek the deletion of all rules within the Hazardous Substances Chapter of the PDP, and the consequent amendment of the associated objectives and policies. This relief is sought on the basis that hazardous substances are already comprehensively managed under separate, nationally consistent legislation and standards, and that it is no longer a necessary function of district plans to impose additional controls.

A wide and robust legislative framework already controls the management of hazardous substances. This includes the Hazardous Substances and New Organisms Act 1996 (HSNO), which establishes the general framework for controlling hazardous substances during their entire life cycle. Additional controls are also contained within the Proposed Regional Plan for Northland, the Land Transport Act 1998, the Radiation Safety Act 2016, the Building Act 2004, the Health and Safety at Work Act 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017. Collectively, these instruments provide a comprehensive and integrated system of technical, operational and workplace safety controls that appropriately address the risks associated with hazardous substances.

The Resource Legislation Amendment Act 2017 removed the explicit function for district councils to control the adverse effects of the storage, use, disposal, and transportation of hazardous substances under sections 30 and 31 of the RMA. This legislative change, introduced and directed by the Ministry for the Environment, was specifically intended to prevent duplication between RMA-based controls and the detailed national regulatory framework administered in the abovementioned Acts and Regulations.

Furthermore, Northpower consider that the imposition of an unnecessary consenting framework is inconsistent with, and does not give effect to, new and updated national direction, including the National Policy Statement for Infrastructure (NPS-I) and National Policy Statement for Electricity Networks (NPS-EN) which came into effect on 15 January 2026. At a high level, this national direction acknowledges the strategic importance of infrastructure and the electricity network, which have traditionally been missing from the resource management framework, leading to inconsistent outcomes delays and increased costs. The hazardous substances rules recommended within the PDP will ultimately end up in unnecessary resource consents being triggered for infrastructure providers such as Northpower, with no material benefits in terms of the management of the risk from the use, storage, disposal and transportation of hazardous substances, noting the existing regulatory controls already in place as outlined above.

On this basis, Northpower consider that the Reporting Officer has not provided sufficient justification, supported by a robust section 32 evaluation, to demonstrate that retaining the notified rule framework is necessary or appropriate in light of the 2017 RMA amendments and new and amended national direction. No clear evidence has been presented to show that the PDP rules address residual environmental effects that are not already managed under other legislation. As a result, Northpower do not consider the retention of these rules to be consistent with the 2017 RMA amendments, give effect to the NPS-I or NPS-EN or with overall good regulatory practice. Maintaining a separate set of PDP controls would result in unnecessary duplication, increased compliance costs, and potential confusion for plan users, contrary to the intent of the 2017 RMA amendments and national direction, and they should be deleted on that basis.

Hearing 7 – Contaminated Land

In accordance with submission point S283.115, Northpower accept that the deletion of the Contaminated Land chapter in its entirety is not possible given that Kaipara District Council as a territorial authority has a function under the RMA s31(1)(b)(iia) to control land use for “the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.”

Notwithstanding, Northpower continue to seek amendments to Objective CL-O2 and Policies CL-P2¹ to enable new and existing infrastructure on contaminated land. As stated in their submission, infrastructure can be located on historically contaminated land, and it is important that provision is made for remediation and site management for new and existing infrastructure. Additionally, Northpower considers that earthworks on contaminated land need to be enabled for new and existing infrastructure. The new NPS-I is of relevance to Northpower’s submission. This new national direction has created a strong direction to enable infrastructure and to recognise their operational and functional need to locate in particular environments. It is therefore considered that the requested amendments to the CL-O2 and CL-P2 would be consistent with the strengthened NPS-I direction and enable the PDP to better enable the operation, maintenance, upgrading and development of infrastructure on contaminated land.

In accordance with submission point S283.117, Northpower continue to seek amendments to clause 4 of Policy CL-P3 to recognise that avoidance of adverse effects on human health or on the environment is not always practicable or necessary in every contaminated-soil disposal scenario. Section 17 of the RMA establishes a general duty for all persons to avoid, remedy, or mitigate adverse effects on the environment arising from an activity. Northpower therefore consider that the policy framework should not mandate ‘avoidance’ as the only acceptable outcome; rather, it should allow decision-makers to apply the full effects-management hierarchy, recognising that some effects can be appropriately remedied or mitigated instead of entirely avoided.

Furthermore, regulation 8(3)(e) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) requires that contaminated soil be disposed of at a facility specifically authorised to receive soil of that kind. In Northpower’s view, this regulatory requirement ensures that any adverse effects associated with soil disposal are appropriately managed, whether by avoiding, remedying, or mitigating potential impacts on human health and the environment. As such, the requirement for strict avoidance within Policy CL-P3 is unnecessary and inconsistent with the RMA’s effects-management framework and established national standards for contaminated-soil disposal.

Ultimately, Northpower continues to consider that its requested changes should be made. Contaminated land is often encountered for upgrades to new and existing infrastructure, and it is important that the policy framework within the PDP recognises and provides for that while adequately managing adverse effects, rather than being unnecessarily restrictive by the application of prohibitive language.

Summary

I can confirm that Northpower will not be filing evidence for Hearing 6 or Hearing 7 at this stage and does not wish to be heard at the hearing. However, I am available to answer any questions from the Hearing Panel either in writing or via videoconference if required.

¹ Submission Points S283.114 & S283.116.

Yours sincerely | Nāku noa, nā

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