



SECTION 42A REPORT DESIGNATIONS

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Appendix 2: Officer’s Recommended decisions on submissions - Designations



List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S158	Department of Corrections	Ara Poutama Aotearoa the Department of Corrections
S282	Telco Companies	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited
S246	FNDC - Infrastructure Planning	Far North District Council, Infrastructure and Asset Management - Infrastructure Planning
S416	Kiwi Rail	Kiwi Rail Holdings Ltd
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S359	NRC	Northland Regional Council
S489	RNZ	Radio New Zealand
S483	Top Energy	Top Energy Ltd
S356	NZTA	Waka Kotahi NZ Transport Agency

Note: This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. Designations is located in Part three of the PDP.
2. Designations authorise the use of land for a particular project or public work (such as a school, police station, state highway, substation or other infrastructure). Designations enable work to be undertaken by requiring authorise without the need to comply with section 9 (3) of the RMA. This means the rules of the DP or PDP do not apply to a public work, project or work undertaken by a requiring authority pursuant to the designation.
3. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the DP or PDP do apply. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work.
4. 19 requiring authorities lodged notices under Clause 4 of the Act to include 158 designations in the PDP.
5. There were 10 original submitters (with 25 individual submission points) and one further submitter (with one individual submission point) received on Designations.
6. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.

2 Introduction

2.1 Author and qualifications

7. My name is Lynette Morgan, and I am employed as a Policy Planner in the District Planning Team at the Far North District Council.
8. I hold the qualifications of Post Graduate Diploma of Public Policy from the University of Victoria and a Bachelor of Laws from the University of Otago.
9. I have 8 years in central government policy development including the development, report writing, drafting and carriage of Local Government and related Legislation through the New Zealand House of Representatives. I have one year of Local Government policy development formation, drafting and writing of bylaws and delegations and over 25 years of practise in the Law.

2.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted



to consider material facts known to me that might alter or detract from the opinions that I express.

11. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

2.3 Expert Advice

12. In preparing this report I have relied on expert advice from:
 - a. In preparing this report I have relied on expert advice from Jeanette Bosman GIS Analys, Data Analytics Far North District Council who created the interactive app, the link is in this report for the designation changes in respect of Waka Kotahihi which has provided clarity around some of the road widening and amendments sought by Waka Kotahi.

2.4 Scope/Purpose of Report

13. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a. assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b. provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.

2.5 Procedural matters

14. Background:
 - a. When reviewing a district plan, the Council is required to invite requiring authorities that have an existing designation that has not lapsed in the Operative District Plan ("ODP") to give written notice to the Council, stating whether the requiring authority requires the Council to include the designation in its proposed district plan, with or without modification (Clause 4, Schedule 1 RMA). If a requiring authority does not respond the Council's invitation, the designation is not included in the proposed district plan.
15. In March 2021 the Council formally invited requiring authorities to withdraw, rollover or rollover with modification their existing designations and/or to supply notices of requirement for any new designations sought. If this notice is served on the Council within 40 working days of the Council notifying a proposed district plan, it can be included in the proposed district plan. The submission process on designations then runs in parallel to the submission process on all other content in the proposed district plan.
16. There are 19 requiring authorities in the PDP, including FNDC. All requiring authorities with existing designations in the ODP gave notice, within 40 working days of the PDP being notified, in respect of some or all of their existing designations requiring that they be included the PDP (with or without modification).
17. One authority also sought a new designations and notices of requirement for these were served on the Council within 40 working days of the PDP being



notified. These notices of requirement were made available on the Council's website from the date the PDP was notified.

18. Designations have been included in the PDP. 41 of these are rollovers without modification, 145 of these are rollovers with modification and 3 of these are new. A summary of the designations sought by each requiring authority is provided in Table 1 below:

Table 1: Summary of Designations Sought by each Requiring Authority

	Rollover without modifications	Rollover with modifications	New	Total designations
Airways Corporation NZ Ltd	1	0	0	1
Chorus Ltd	0	27	0	27
Far North District Council	27	15	0	42
Far North Holdings	0	1	0	1
Kordia Limited	1	2	0	3
KiwiRail Holdings Limited	0	1	0	1
Minister of Corrections	0	2	0	2
Minister for Courts	0	2	0	2
Minister of Education	0	63	2	65
Minister of Police	5	6	0	11
Northland Regional Council	6	0		6
NZTA	0	5	0	5
Radio NZ	1	0	1	2
Spark	0	4	0	4
Top Energy	0	17	0	17

2.6 Evaluation and recommendation process

19. In assessing notices of requirement included in a proposed district plan, the Council makes a recommendation or decision, depending on who has lodged the notice of requirement.
20. If the notice of requirement is received from the Council in its capacity as a requiring authority (referred to as "FNDC" in this report), the Hearings Panel hear the notice of requirement and make a recommendation to FNDC to confirm, modify or withdraw the requirement. FNDC will then make its decision.
21. In terms of those notices of requirement lodged by other requiring authorities, the Hearings Panel hear the notice of requirement and make a recommendation



to the Council to confirm, modify or cancel the requirement. The Council then decides to accept or reject this recommendation. If the Hearings Panel recommendation is accepted, the Council then makes a recommendation and the requiring authority then makes the decision whether to accept the recommendation, accept it in part, or reject it, with reasons and advises the Council of this decision. If the Hearings Panel recommendation is rejected by the Council, then the Council decides the next steps (e.g. return the matter to the Hearings Panel for further consideration).

22. In making its recommendation on a notice of requirement lodged by a requiring authority, the Council is required to either:
 - confirm the requirement;
 - modify the requirement;
 - impose conditions; or
 - withdraw (reject) the requirement.
23. When making a recommendation or decision on a notice of requirement, the Council must have regard to matters listed in Section 171(1) of the RMA. The Council must provide reasons for the recommendation or decision.
24. At the end of each Authority's section my recommendation for the Authority is made.
25. For those notices of requirement that are included without modification and on which the Council has received no submissions, the Council is not allowed to make a recommendation. It must simply include the 'roll over' designation in the PDP. A list of all designations is contained in Appendix 1.

2.6.1 Resource Management Act

26. The Government elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22nd of December 2023 and has reinstated the RMA as Zealand's primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

2.6.2 National Policy Statements

2.6.2.1 National Policy Statements Gazetted since Notification of the PDP

27. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be "prepared in accordance with" and "give effect to" a National Policy Statement,



the implications of the relevant National Policy Statements on the PDP must be considered.

28. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe.
29. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022, The NPS-HPL has a single objective: Highly productive land is protected for use in land-based primary production, both now and for future generations. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, and subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and requirements to protect highly productive land from inappropriate use and development.

2.6.2.2 National Policy Statements – Announced Future Changes

30. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements (summarised in Table 1 below). The below NPS are of general relevance to the submissions received on the Delegation topic.

Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as at March 2024)

National Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Freshwater Management (NPS-FM)		<ul style="list-style-type: none"> • Changes to hierarchy of obligations in Te Mana o Te Wai provisions • Amendments to NPS-FM, which will include a robust and full consultation process with all stakeholders including iwi and the public 	<p>End of 2024</p> <p>2024 - 2026</p>
National Policy Statement on Indigenous Biodiversity (NPS-IB)		<ul style="list-style-type: none"> • Amendments to the NPS-IB • Work to stop/cease implementation of new Significant Natural Areas 	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)		<ul style="list-style-type: none"> • Amendments to NPS-UD, including requirements for Tier 1 and 2 Council to 'live zone' enough land for 30 years of housing growth, and making it easier for mixed use zoning around transport nodes. 	By end of 2024
National Policy Statement for Renewable Electricity Generation (NPS-REG)		<ul style="list-style-type: none"> • Amendments to NPS-REG, to allow renewable energy production to be doubled 	By end of 2024



National Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> Amendments to NPS-ET, but at this stage direction and amendments are unclear. 	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility 	2024 - 2025
Proposed National Policy Statement for Natural Hazards (NPS-NH)		<ul style="list-style-type: none"> No update on progress has been provided by current government. 	Unknown

2.7 Council's Response to Current Statutory Context

31. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
32. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process, and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
33. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
34. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

2.7.1 National Planning Standards

35. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Delegation provisions proposed and recommended in this report follow this guidance.



2.7.2 Treaty Settlements

36. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

2.7.3 Iwi Management Plans – Update

37. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022.

The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022.

2.7.4 Pre hearing meetings

38. On 18 December 2024, a prehearing meeting was held with Louise Wilson, Senior Infrastructure Planner, Infrastructure Consenting to discuss the Hihi Wastewater Treatment Plant (Hihi WWTP), their submission and the Reserves Act status of the land.
39. The issues discussed included the mapping extent and description in respect of designation FN164 for Hihi WWTP and other matters related to the Reserves Act 1997. Issues with respect to the Reserves Act 1977 are outside the scope of the PDP. In respect of the mapping extent and description matters those are addressed in paragraphs 76-80.
40. **Clarification sought** - I sought clarification from New Zealand Transport Agency ("Waka Kotahi") in respect of their submission and the subsequent shape file provided to FNDC. This was in respect to the boundaries Waka Kotahi were seeking to amend for several state highways in the district. The shape file was not easily accessible for the public and did not make the changes being sought by Waka Kotahi easily identifiable. To assist the hearings panel and the public Jeanette Bosman GIS Analys, FNDC created an interactive map of the changes which is referred to in the recommendation discussion in 3.2.12.

3 Section 32AA evaluation

41. Section 32AA of the RMA requires the Council to undertake a further evaluation for any changes that are proposed to the PDP since the Section 32 report was completed.
42. A further evaluation under section 32AA is not required for the Designations Chapter because the designations themselves, the overview paragraph and conditions do not constitute plan provisions for which any section 32AA evaluation is required.

3.1 Overview of submissions received.

43. A total of 10 original submissions and one further submission were received on the Designation Chapter.



44. This section constitutes the main body of the report. It considers and provides recommendations on the decisions requested in submissions.
45. This report analyses designations in the order that requiring authorities are listed in the Designations Chapter in the PDP, i.e. alphabetical order. I have analyzed any submissions received alongside my analysis on the notices of requirement.
46. At the end of my analysis for each requiring authority I have made a recommendation on whether each designation should be included in the PDP or not and whether any submissions should be accepted or not. My analysis for each requiring authority generally follows the same format except for NPDC's road widening designations where I have used a slightly different approach.

3.2 Recommendations

47. As mentioned previously, for those notices of requirement for the rollover of existing designations without modification that the Council has received no submissions on, the Council is not required to make a recommendation. The Council must simply include the 'rollover' designation in the PDP. A list of these designations is contained in Appendix 1 – Rolled Over Designations with no Modifications not under Submission to this report.
48. A list of recommended decisions on all designations in the Designations Chapter and any submissions and further submissions received is contained in Appendix 1 Recommended Decisions on Designations and Submissions to this report.

3.2.1 AIRWAYS CORPORATION OF NEW ZEALAND LTD (ACNZ)

49. No submissions were received on ACNZ designations.

Discussion and Evaluation

50. ACNZ sought rollover of the designation ACNZ121 without modification.
51. The designation is already in existence and has been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
52. The existing conditions apply to the designation and no new conditions are sought. I do not recommend any new conditions as the activities presently exists, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designation.

Recommendation

53. I recommend the rollover of the designation be confirmed with no new conditions.



3.2.2 CHORUS NEW ZEALAND LIMITED

54. One submission was received on Chorus New Zealand's designation S282.015. The submission was in respect of the name on designation and was seeking the requiring authority name be changed to Spark New Zealand Trading Limited'.

Discussion and Evaluation

55. Chorus New Zealand Limited requested the rollover of twenty-seven designations (TC17 to TC36 and TC127 to 135) with minor corrections relating to the demerger between Chorus New Zealand Limited and the former Telecom New Zealand Limited as well as changes in legislation around telecommunications.
56. All designations are to be transferred to Chorus with designations TC25 (Paihia Exchange), TC28 (Kaikohe Exchange), and designation TC34 (Russell Heights Radio Station) to be granted back to Spark as a secondary designation.
57. I agree with the requiring authority these modifications provide clarity and the corrections to the designation details should be made.
58. All designations are already in existence and have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider them to be part of the existing environment.
59. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going security and resilience of the telecommunication facilities, and to provide for the flexibility of the networks to adapt to changing technologies and community expectations.
60. No existing conditions apply to these designations and no conditions are sought. I do not recommended conditions as the activities presently exist, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designations.

Recommendation

61. I recommend the designations TC17 to TC36 and TC127 to T135 with minor amendments be confirmed. I refer to appendix one which sets out my recommendation to adopt the minor amendments to the schedule which are underlined.
62. I recommend S282.015 be accepted.

3.2.3 FAR NORTH DISTRICT COUNCIL - FNDC

63. Three submissions were received in respect of the FNDC designations. One from FNDC, Infrastructure and Asset Management Planning Group, (S246.001)., one from Northland Planning (S502.099) and one from Lucklaw Farm Ltd (S551.007).

Discussion and Evaluation

64. FNDC has a total of 42 Designations in respect of many infrastructure matters ranging from roads, wastewater treatment plants reservoirs storage, landfills and other Infrastructure matters.



65. The FNDC are seeking the rollover of all their designation with minor amendments to the schedule of the following designations:
 - a. FN155 -Houhora Heads Motor Camp Septic Tanks Filter Beds
 - b. FN164 -Hihi Teat & Disposal purposes – this correction is set out
 - c. FN168 Waitangi Forest Natural wetland Kerikeri
 - d. FN169 Bay of Islands Waste water Treatment Plant
 - e. FN171 Kaikohe Anaerobic Pond. Oxidation Pond and Wetland
 - f. FN172 Opononi-Omapere Oxidation Ponds
 - g. FN173 Opononi-Omapere – wetland
 - h. FN180 Paihia Reservoir
 - i. FN181 Kaitaia water con.res – including Kauri Creek dam-Tributary of Okahua Stream (intake)
 - j. FN190 Wairoro Stream intake
 - k. FN194 Moerewa Reservoir
 - l. FN195- Kawakawa -Opua Rd
 - m. FN250 Russell Road Russell
 - n. FN251 Kerikeri Road to Waipapa road
 - o. FN253 Okura Road Kerikeri
66. The amendments are minor corrections to identify sites, add additional information and mapping corrections are set out in the paragraphs 67-74.
67. FN155, Houhora Heads Motor Camp; - 4.96 ha different from current designation which is approx. 3.7ha
 - a. FN170, Kawakawa Oxidation Pond, there is an additional area along boundary of it: Section 1 SO 70768, 2.62 ha. Section 3 SO 70768, 1.28 ha
 - b. FN171, Kaikohe sewage and treatment and disposal purposes, Designated powerline goes through the designation
68. FN174, Rawene sewage and treatment and disposal purposes, the following boundary isn't mapped or included in the designated area: Lot 14 DP 170443, 0.36 ha
69. FN 176, Waitangi-Haruru Falls, additional information - Within an Outstanding Natural Feature
 - a. FN 188, Kaikohe, Water Supply, Storage & Treatment Purposes -, additional information - has designated powerline running through it



- b. FN 190, Kaikohe, Water Supply, Storage & Treatment Purposes- additional information – “according to current designation appendix. Property info only shows the Top Energy site.) Within a Top Energy Designation TE202”
70. FN 213 Opononi/Omapere Water Supply, Storage & Treatment Purposes- additional information - Designated area overlays MS11-17 (Site ID) which is another designated area not done by FNDC.
71. I agree with the requiring authority these modifications provide clarity and the corrections to the designation details should be made.
72. All designations are already in existence and have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider them to be part of the existing environment.
73. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing roads, wastewater treatment plants reservoirs storage, landfills and other Infrastructure operations necessary and give certainty for the community and to meet community expectations.
74. Conditions apply to FN 195, FN 164A FN 159 FN 252 and FN 253. These conditions relate to addressing the environmental impacts of the activities and provided for matters such as traffic movements, hours of operation, noise, allow for a vegetation buffer when work can occur and when it must cease.
75. I support the continuation of those conditions, and no additional conditions are sought. I do not recommend any further conditions as the activity presently exists and the plan process allows for the consideration of future effects for any additional works proposed within the designation.

FN 164 – Hihi Treatment Plant - Submission 246.001 FNDC - Infrastructure and Asset Management Planning Group (FNDC – Infrastructure)

76. Infrastructure submitted the mapped extent of designation FN164 in the PDP is accurate (because it includes the stormwater tanks at the rear of the Wastewater Treatment Plant) but the PDP designation schedule is not and does not match that in the ODP.
77. Infrastructure seeks that the schedule be updated to match the extent of the designation and refer to the correct legal description (rolled over from the accurate legal description described in the Operative District Plan schedule, being Lot 78, DP73991, 0.0401ha and part of lot 71, DP 73991, 0.016ha).
78. I agree with Infrastructure the Designation schedule should be amended to match the proposed and accurate mapped extent of the designation) as follows: Lot 78, DP73991, 0.0401ha and part of lot 71, DP 73991, 0.016ha.
79. This designation is already in existence and has been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
80. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the designation is not changing in boundary.



FN160 Rangiputa Oxidation Pond - Submission 551.007 - Lucklaw Farm Ltd

81. The FNDC requested the rollover of FN160 with no amendments or modifications.
82. Lucklaw Farms Ltd submitted the ponds are likely to require future capital works in order to properly serve the current settlement at Rangiputa and avoid adverse effects on the environment and on Lucklaw Farm. Lucklaw farms sought FNDC provided for planned expansion of the Rangiputa Beach settlement to ensure funding for the necessary capital works in connection with the ponds (or suitable replacements) servicing a wider catchment.
83. Lucklaw Farms Ltd sought that the designation be amended so that it's conditions, address the adverse effects to the environment from the operation of the wastewater ponds for Rangiputa.
84. It is not clear from the submission what the planned expansion may possible be. Designations are to authorise the use of land for a particular project or public work. As there is no planned expansion project and a designation relates to land not capital the designation does not need to be extended.

Entire District Roding Network – Submission 502.099 – Northland Planning and Development 2020 Ltd (Northland Planning)

85. Northland Planning submitted the designation purpose be amended which covers all 2500km of road network within the district for which the council is responsible for maintaining and includes cycleway and/or shared paths (including but not limited to footpaths and boardwalks), lighting and associated infrastructure.
86. This submission was made to *"enable maintenance and future works to be completed via an Outline Plan or an Outline Plan waiver as opposed to landuse consent."* Northland Planning submitted *"the proposed rules included within the PDP largely capture new footpaths, new installation of a light or any pipework's as needing landuse consent. Given the nature of these works an Outline plan or Outline Plan Waiver would be better suited. The changes sought are in line with the Road Designation on behalf of NZTA."*
87. As set out in paragraph 2 designations authorize the use of land for a particular project or public work (such as a school, police station, state highway, substation or other infrastructure). The inference is there must be a project or public work being planned or occurring before a designation should be confirmed. The submission is general in nature. In my opinion the submission is outside the scope and/or definition of a designation.

Recommendations

88. I recommend the designations in 64 (a)-(o) with minor amendments be confirmed in submission
89. I recommend that the remaining designations in submission 246.001 be confirmed.
90. I recommend submission 551.007 be rejected
91. I recommend submission 502.099 be rejected



3.2.4 FAR NORTH HOLDINGS

92. No submissions were received on Far North Holdings (FNH) designations.

Discussion and Evaluation

93. FNH has one designation FH201. FNH sought the rollover of its only designation with corrections to its purpose. The corrections sought were in respect of designation purpose and the nature of the activities authorised by the designation. FNH sought to broaden the designation and purpose to provide efficiency and certainty around the activities that align with the airport land and activity. FNH sought an amendment to the designation purpose to include the following 6 activities:
- 1) Aircraft operations, private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, aircraft servicing, general aviation airport or aircraft training facilities, and associated offices;
 - 2) Runways, taxiways, aprons, and other aircraft movement areas;
 - 3) Terminal buildings, hangars, control towers, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, cool stores, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances, and associated offices;
 - 4) Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, landscaping, and all related construction and earthwork activities;
 - 5) Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, public transport facilities;
 - 6) Retail activities, commercial and industrial activities provided they are associated with and principally serve, the function and operation of Bay of Islands Airport, and passengers.
94. In terms of the designation purpose I agree with the requiring authority the amendments sought in the purpose in respect of 1-5 provide clarity and the corrections to the designation details should be made.
95. However, in terms of amendments sought to the purpose, I recommend this not be included. As set out in paragraph 2 designations authorise the use of land for a particular project or public work (such as a school, police station, state highway, substation or other infrastructure). Retail activities, commercial and industrial activities even if associated with the Bay of Islands' airport do not meet this definition.
96. The designation is already in existence and have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider them to be part of the existing environment.



97. I consider the designation is necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going activity of airports in the area.
98. No existing conditions apply to these designations and no conditions are sought. I do not recommended conditions as the activities presently exist, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designations.

Recommendation

99. I recommend the designations be confirmed with amendments to the designation purpose to include 1-5 as sought not include 6 as requested. The amendments are shown in appendix 1.

3.2.5 KIWIRAIL HOLDINGS LIMITED

100. Three submissions on this designation was received from KiwiRail Holdings Limited (S416.069 -416.071) on their own designation seeking retention as notified. No further submissions were received.

Discussion and Evaluation

101. KiwiRail Holdings Limited requested the rollover of its only designation with minor corrections. The corrections sought were:
 - a. The requiring authority name changed from 'New Zealand Railways Corporation'. The formal name of the national rail operator is now KiwiRail Holdings Limited. KiwiRail Holdings Limited is the state-owned enterprise responsible for the management and operation of the national railway network. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" in District Plans throughout New Zealand. Requiring Authority status was granted to KiwiRail on 4th March 2013.
 - b. Correct the mapping errors within the District Plan Maps to accurately show the lawfully constructed and operational parts of the railway network.
102. KiwiRail Holdings Limited submission made a submission supporting the retaining of KRH-X as shown.
103. This existing designation has been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
104. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the change to the boundary is less than minor.
105. I consider the designation is necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going security and resilience of the railway corridor.
106. No existing conditions apply to this designation and no conditions are sought. I do not recommend conditions as the activity presently exists, and the outline

plan process allows for the consideration of future effects for any additional works proposed within the designation.

Recommendation

- 107. I recommend the designations with minor amendments be confirmed.
- 108. I recommend that submission point 416.069 – 416-071 be accepted.

3.2.6 KORDIA LIMITED

No submissions were received on Kordia Limited's designation and notice of requirement.

Discussion and Evaluation

- 109. Kordia Limited requested the rollover of all three designations with a modification to BC 228 Hikurangi namely the name of entity that owns the site change to Kordia and remove any reference of ownership by TVNZ Ltd.
- 110. Kordia Ltd also sought an amended to designation BC 230 Flagstaff Road Russell seeking the name of entity that owns the site change to Kordia and remove any reference of ownership by TVNZ Ltd and an increase in the designated area to include an additional 100m radius from the centre of facility as per the plan below. The purpose of the increase is to ensure Kordia is able manage trees or other obstructions that may impact the site.



- 111. I agree with the requiring authority that these amendments provide clarity and certainty, particularly in respect to allowing Kordia to enable safe use of the site. I agree that the corrections to the designation details should be made.
- 112. This designation is already in existence and has been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
- 113. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the designation is not changing in boundary or extent.

Recommendation

- 114. I recommend the three designations with the minor amendments requested be confirmed. There are no amendments to appendix one as the name was already changed when the PDP was issued.

3.2.7 METEOROLOGICAL SERVICE OF NEW ZEALAND LIMITED

- 115. No submissions were received on the Meteorological Service of New Zealand Limited's designation.

Discussion and Evaluation

- 116. The Meteorological Service of New Zealand Limited ("MetService") requested a rollover of their designations with minor amendments to designation MS123, MS 124 and MS 143. The amendments are to update the legal description on each of those designation to correctly identify the correct locations.
- 117. MS123, the marker of the site at the Cape Regina Automatic Weather Station (AWS) needs to reflect correctly where it is. Specifically, the Cape Reinga Road AWS the black triangle below identifying the MetService designation is incorrectly located and needs to be moved to the location of red triangle.



118. MS124, the marker for the Kaikohe Research Station AWS, needs to be correctly located as per the diagram below, the black triangle identifying the MetService designation is incorrectly located and needs to be moved to the location of red triangle. The Site is no longer an Ag Research Station and is currently managed by LINZ.



119. MS143 The marker for the Paoneone Farm AWS needs to be correctly located as per the diagram below, the black triangle identifying the MetService designation is incorrectly located and needs to be moved to the location of red triangle.



120. I agree with the requiring authority these amendments provide clarity and the corrections to the designations.
121. However the amendment to MS124 and MS143 appears to move the designation onto what appears to be access arrangements for private land. No information has been provided by MetService as to what arrangements have been made under the Public Works Act 1981 to either purchase the land or lease the land from the land owner, nor conditions required to ensure private access can be retained.



122. The writer did attempt to clarify the situation with MetService but at the time of writing the report MetService has not advised what the arrangements are in respect of the landowner.
123. It is acknowledged the works associated with the designations are already in existence and have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment. However, the area affected by the designation has been amended and could have implications for private access.
124. I consider while the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going security and resilience of MetService's activities clarification is required in respect of the private land issue in respect of MS124, the marker for the Kaikohe Research Station and MS143.
125. I would support the amendments if prior to or at the hearing MetService provided the information in respect of appropriate access arrangement and/or conditions private landowners in respect of MS124 and MS143.
126. No existing conditions apply to this designation and no conditions are sought. I do not recommended conditions as the activity presently exists, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designation.

Recommendation

127. I recommend the rollover of MS123 amending the marker of the site at the Cape Regina Automatic Weather Station be confirmed.
128. I do not recommend the rollover of MS124, amending the marker for the Kaikohe Research Station or MS143 amending the marker for the Paoneone Farm with the amendment at this time without information regarding the impact on private land access arrangements.

3.2.8 MINISTER FOR CORRECTIONS - (ARA POUTAMA) - MCOR

129. Two submissions were received from MCOR (S158.017 and 158.018) on their own designations seeking the rollover of both designations with minor modifications be accepted.

Discussion and Evaluation

130. MCOR requested the rollover of its designations with minor corrections. The corrections sought were:

Designation one

- a. The Community Corrections building in Kaikohe formerly known as MCO41 be known as MCOR1
- b. MCOR1 designation purpose be known as Community Corrections Activity.
- c. The site be identified is 17 Station Road East, Kaikohe.



131. The lapse date be, "given effect to"
132. The Designation hierarchy under section 177 of the RMA "be primary"
133. It be noted the rollover designation was formerly MCO41

Designation two

- a. Northland Region Corrections Facility formerly known as MCO230 be known as MCOR2
 - b. MCOR1 designation purpose be known as Northland Region Corrections Facility.
 - c. The site be identified is Ohaeawai Road, SH12, Ngawha.
 - d. The lapse date be, "given effect to"
 - e. The Designation hierarchy under section 177 of the RMA "be primary"
 - f. It be noted the rollover designation was formerly MC230
134. Designation MCOR2 has conditions.
 135. MCRO made submissions supporting the rollover and seeking support of for retaining their delegations with the minor amendments.
 136. The existing designations have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
 137. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the change to the boundary is less than minor.
 138. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going security of their specialised service and activity.
 139. There are existing conditions in respect of designation MCOR2. I support the continuation of those conditions no additional conditions are sought. I do not recommend any further conditions as the activity presently exists and the plan process allows for the consideration of future effects for any additional works proposed within the designation.

Recommendation

140. I recommend the designations with minor amendments be confirmed as set out in appendix one.
141. I recommend that submission points 158.017 and 158.018 be accepted.



3.2.9 MINISTER FOR COURTS

142. No submissions were received on the Minister for Courts designation.

Discussion and Evaluation

143. The Minister for Courts requested a rollover of their two designations (MC 39 and MC 40) with a minor amendment. The amendment sought is:

- The designated purpose of the sites be amended to be:
 - Judicial, court, tribunal and related tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for aforementioned purposes

144. The amended designation purpose will provide greater certainty to the public as to what activity is and can occur on the site and will provide a planning framework for assessing activities and development at the Kaitaia and Kaikohe Courthouses. This description also reflects a recent national standardisation of descriptions for designations adopted by the Minister for Courts.

145. I agree with the requiring authority these modifications provide clarity and the corrections to the designation details should be made.

146. The designation is already in existence and has been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.

147. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the designation is not changing in boundary or extent.

148. I consider the designation necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going operation and management of the existing Courthouse.

149. There are existing conditions applying to the two designations but no additional conditions are sought. I do not recommend any further conditions as the activity presently exists.

Recommendation

150. I recommend MC39 and MC 40 be confirmed with the amendment sought as set out in appendix 1.

3.2.10 MINISTER OF EDUCATION

151. Four submissions (331.001 331.114 331.115 and 331.116) were received on the Minister of Education's designations from the Ministry of Education in respect of 63 designations, the two new designations sought the one lapsed designation.



Discussion and Evaluation

152. The Minister of Education (“the MOE”) requested a rollover of 52 designations with minor corrections to the designation. These corrections included:
- Site name changes,
 - A change to the Purpose of all designated sites to being “Education Purposes”.
 - Modifications to the locations, area and names of several designations to ensure each designation is accurately described.
 - The removal of minimum car parking requirements. I refer to paragraph 150 in this respect.
 - Removal of conditions 8 and 9 of ME252. This is discussed in detail in 153.
153. The MOE also sought amendments to the conditions applying to ME252, conditions 8 and 9. ME252 has two conditions requiring the upgrade of the Koutu Loop Road/Koutu Point Road intersection and Koutu Loop Road/SH12 Intersection. The upgrades were to be in accordance with the plans submitted with the Notice of Requirement and to be completed before the school was operational. The intersections have been upgraded. Therefore, Conditions 8 and 9 of ME252 can be removed.
154. The National Policy Statement on Urban Development 2020 (NPS-UD) came into force on 20 July 2020. Among a number of objectives and policies for achieving well-functioning urban environments, the NPSUD requires territorial authorities to remove all minimum car parking requirements from district plans (Policy 11 and Part 3: Subpart 8, Section 3.38). As noted by the author of the S42A report for Transport, in paragraphs 25 and 26, at the time of notification the Far North District does not contain any ‘urban environments’ as defined in the NPS-UD. However, Council acknowledges that once the Kerikeri-Waipapa Spatial Plan – Te Pātukurea (the Spatial Plan) is adopted (anticipated to be in June 2025), Kerikeri and Waipapa will meet the criteria for an area ‘intended to be’ an urban environment under the NPS-UD, which will define Council as a Tier 3 local authority.
155. A number of the designations in respect of the Ministry still have conditions requiring a minimum amount of car parking. Removal of these conditions will be required once the spatial plan is adopted.
156. I agree with the requiring authority these modifications provide clarity and the corrections to the designation details should be made. The designations are already in existence and have been given effect to. I expect any adverse effects on the environment to be no different from the current situation which I consider part of the existing environment.



157. I do not consider alternative sites, routes or methods are necessary as the designations and facilities are already in existence and the designations with boundary adjustments are considered to be less than minor.
158. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going operation and management of the existing schools.
159. Noting the exception of the removal of conditions 8 and 9 of ME252 and the removal of minimum parking conditions, all existing other conditions apply to these designations and no new conditions are sought. I do not recommend any further conditions as the activities presently exist, and the plan process allows for the consideration of future effects for any additional works proposed within the designations.

Notice of Requirement for Kaitaia Abundant Life School and Kaikohe Christian School (new designations)

Nature of public work

160. The MOE requested two new designations for Kaitaia Abundant Life School and Kaikohe Christian School both state integrated co educational existing special character schools. The designations are required to enable the on- going operation, maintenance and development of state integrated education on these existing sites. The designation of existing schools is a technique used nationally by the MOE and is considered to be the most effective way of ensuring that the MOE's interests in a site is protected.

Kaitaia Abundant Life School

Environmental effects

161. In terms of adverse effects, there are no immediate works proposed to be carried out. All notices of requirement state that projections by the MOE indicate that the current rolls will remain relatively stable.

Visual Effects

162. The school has existed on the site for many years and redevelopment, additions and modernisation have taken place during this time. Most of the school buildings are single storey, the exception being administration Block which is in the centre of the school site and is two stories. At the road frontage is the Child Care Centre and a dwelling which are not integrated buildings. There are three main classroom blocks, two in the northern part of the site and one in the south. The two-storey hall block is in the centre of the school with hard courts around it. The site is fenced on the eastern side. There is a single wide entrance to the school from North Road and extensive on site parking and a bus pick up area on site.

Traffic Flows

163. Access to the School is from North Road which is an arterial road with a single lane in each directions, wide shoulders and good visibility in both directions. The existing on site parking is 51 parking spaces.



Kaikohe Christian School

Environmental effects

164. The school is located to the south of the centre of Kaikohe. It has been operating as a school for many years.

Visual effects

165. All the school buildings are single storey. A number of the buildings that front the site are former houses. A paved car park is located at the road frontage. To the south is Northland College teacher accommodation and playing fields and to the north is a paddock and then residential properties.

Traffic Flows

166. The access to Kaikohe Christian School is from Mangakahia Road which is State Highway 15 and therefore is an important arterial road. The road is single lane in each direction with shoulders. Many of the students travel to school by bus and there are two dedicated school bus routes. Buses drop off and pick up at the southern most school gate.
167. While I accept crossing the busy state highway at the beginning and end of a school day is not ideal given the use of the buses by students I consider the traffic issues are mitigated.

Alternative sites, routes or methods

168. I do not consider alternative sites, routes or methods are necessary as the schools are already in existence. Adverse effects on the environment are expected to be less than minor.

Designation or work is considered reasonably necessary

169. I consider the designations reasonably necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going operation and management of the existing schools.

Conditions

170. No conditions are sought. I do not recommend conditions as the activities presently exist, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designations.

Notice of Lapsed Designation ME251 – Waipapa Road

171. This designation was not given effect to and has now lapsed.

Recommendations

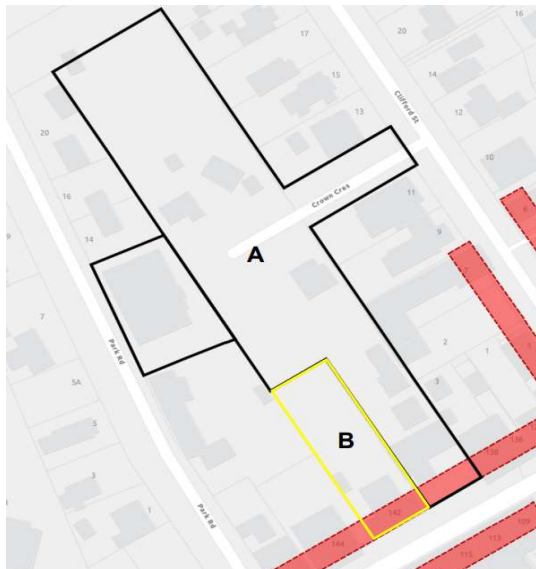
172. I recommend ME51 Designation with minor modifications be confirmed.
173. I recommend the removal of conditions 8 and 9 of ME252
174. I recommend two new designations for Kaitaia Abundant Life School and Kaikohe Christian School be confirmed
175. I recommend that submission points S331.001 S331.114 S331.115 and S331.116 be accepted.

3.2.11 MINISTER OF POLICE

176. No submissions were received on the Minister of Police designations.

Discussion and Evaluation

177. The Minister of Police sought a rollover of its designation with amendments to update the legal description and street addresses of all the designations. In respect of MPOL46, Kaikohe Police station, the Minister sought a modification to include the correct legal description as Part Section 4, Block XV, Omapere Survey District and show the correct area as 1.214ha. The current designation only showed one parcel of land but the designation is made up of two parcels of land covered by the same legal description. Below is a map showing Part A and Part B. The Police Station forms part of both A and B.



178. I agree with the requiring authority these amendments provide clarity and the modification and correction to MPOL46 should be made.



179. The designations are already in existence and have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
180. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going Policing activities provided.
181. Only one designation has an existing condition, which is designation MPOL231 the Russell Police station. No conditions are sought in respect of the other designations. I do not recommended conditions as the activities presently exists, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designations.

Recommendation

182. I recommend the designations with the amendments and the modification to MPOL46 be confirmed as set out in appendix 1.

3.2.12 **NORTHLAND REGIONAL COUNCIL**

183. No submissions were received on Northland Regional Council (NRC) designations.

Discussion and Evaluation

184. NRC sought rollover of their designations without modification. The Designations are NRC 125, NRC 144, NRC 145, NRC 146, NRC 147 and NRC 148. All relate to navigational installations.
185. The designations are already in existence and have been given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider it to be part of the existing environment.
186. No existing conditions apply to these designations and no conditions are sought. I do not recommended conditions as the activities presently exists, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designation.

Recommendation

187. I recommend the rollover designations be confirmed with no conditions.



3.2.13 NEW ZEALAND TRANSPORT AGENCY - NZTA - WAKA KOTAHI

188. Seven submissions (S356.119,356.125,356.121,326.122,326.123 326.120356.124) were received on NZTA designations, all from NZTA. The submission sought the following amendments to the designations:
- a. The designations refer to the New Zealand Transport Agency in full in the title in the designation schedule.
189. The designation be amended to correct the state highway designation boundaries in discrete locations to incorporate the existing formed and operational road corridor. These modifications include extending the state highway designation:
- a. to either 10m from the road centreline (or to the adjoining fence line; and
 - b. over waterways (ie. bridges) that are not within rectifying minor mapping errors.
190. These modifications will provide for the on-going operation, maintenance and mitigation of effects of the state highway, and will more accurately reflect the current use of the land as state highway corridor. They will also identify where the road may be required to be legalised to correct any discrepancies with the existing road parcel boundaries. In most cases, these
- a. Amend Designation Hierarchy for NZTA-1 from 'Primary' to 'Varies'.
 - b. Amend Designation Hierarchy for NZTA-3 from 'Primary' to 'Varies'.
 - c. Amend Designation Hierarchy for NZTA-4 from 'Primary' to 'Varies'.
191. Amend site identifier for NZTA-5 to read: -State Highway 15 from the intersection with State Highway 1 at Ōkaihau in the north to the Whāngarei District boundary at Twin Bridges in the south
- a. amend Designation Hierarchy for NZTA-5 from 'Primary' to 'Varies'.

Discussion and Evaluation

192. NZTA are seeking the rollover with modification of their designations
193. The modifications NZTA sought were as follows:
- a. The designation purpose for all designations be recorded as



- i. "To construct, operate, maintain, and improve a state highway, cycleway and/or shared path and associated infrastructure".*
194. The PDP refers to Statehighway '1F' and '1N'. NZTA request this to be corrected to 'State Highway 1'.
- The name on the designation be New Zealand Transport Agency
 - State highway 15 to be included in the state highway network
 - to align the designation boundary with the surveyed legal road corridor boundary;*
 - To extend the designation boundary in discrete locations to reflect the existing formed and operational road corrido*
195. NZTA sought amendments to three designations as follows which included three stretches of Highways which can be identified by the Council references RMADES namely:
- 2170464-RMADES - the realignment and widening of State Highway 10 to enable two lanes across Oruru River (widening of SH10 east of Taipa Bridge.
 - 22000149-RMADES - Waipapa Roundabout (intersection of State Highway 10 and Waipapa Road.
 - 22000423-RMADES - the realignment of Kaeo Bridge-Intersection of State highway 10 and Whangaroa Road, Kaeo.
196. NZTA provided a shape file of their state highway corridor. The purpose of that was to correctly identify the parcel cadastral inconsistencies and accurately identify the spatial accuracy of the state highways.
197. The shape file was not in a form which could be easily accessible by the panel or the public. Jeanette Bosman GIS Analys, FNDC created an interactive map of some of the changes. Not all changes are in the map as some changes are some miniscule and mapping them in interactive map would make them hard to see. Designation 22000149-RMADES has been mapped. The link is <https://maps.fndc.govt.nz/portal/apps/experiencebuilder/experience/?id=a8b06f9b55b04235a0a547a4e89b213f>
198. In respect of the alterations sought the alterations at Taipa Bridge and Waipapa Roundabout, these works have been completed. The Kaeo Bridge is yet to be constructed it is proposed that the relevant conditions are included in the request for modification. I agree with the requiring authority these modifications provide clarity and will assist with consistency across all territorial authorities, and that the corrections to the



designation details should be made. I also agree that boundaries should be included as they will provide clarity and certainty for plan users.

199. The designations are already in existence and therefore given effect to. Any adverse effects on the environment are expected to be no different from the current situation and I consider them to be part of the existing environment.
200. I do not consider alternative sites, routes or methods are necessary as the designations and roads are already in existence.
201. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the construction, maintenance, operation, use and improvement of the state highway network and associated infrastructure.
202. The conditions sought for NZTA 2 reference 22000423 RMADES are the same as existing condition on all designations and no new conditions are sought. I do not recommend any additional conditions as the activities presently exist, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designations.

Recommendations

203. I recommend NZTA Designation with minor modifications be confirmed.
204. I recommend the amendments in appendix 1 be confirmed.
205. I recommend that submission points S356.119, 356.125, 356.121,326.122,326.123 326.120356.124 be accepted.

3.2.14 RADIO NEW ZEALAND - RNZ

206. Two submissions were received from RNZ (S 489.043 and S489.044) – RNZ

Discussion and Evaluation

207. RNZ seek a rollover of designations RNZ 120 and RNZ 142 with minor modifications to reflect current title references.
208. The amendment for RNZ 120, Awanui, the site identifier should be NA2070/44 and for RNZ 142, Ohaeawai, the site identifier should be NA2081/9.
209. RNZ is are also seeking one new designation.



Notice of Requirement for RNZ 142 (new designation)

Nature of the public work

210. The nature of works to be carried out on the site generally involve the installation, operation, maintenance, upgrading, replacement and removal of radiocommunication and telecommunication equipment and works and other land use activities incidental to such installation, operation, maintenance, upgrading, replacement and removal.
211. The Ohaeawai site, is an existing facility, having been in use for many years by RNZ. RNZ has requested a new designation (RNZ142) for radiocommunication, telecommunications and ancillary purposes and land uses.
212. Environmental effects - This is an existing site having been used for many years. On this basis accordingly any adverse effects on the environment are expected to be no different and I consider it to be part of the existing environment.
213. However, in terms of visual character and amenity effects, the activity is still subject to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 ("NESTF"). Designating the site will not result in the establishment of any structures of a greater size and scale than are presently provided for as permitted activities in the NESTF. If compliance is not achieved a resource consent will be required.
214. Designating the site will not generate any adverse effects on the visual character and amenity of the surrounding environment given this site is an existing site.
215. In terms of other effects such as traffic, noise and other effects as indicated this is an existing site so the environmental impacts are minimal if any.
216. I do not consider alternative sites as the site is already being used for the activity.
217. I consider the designation is necessary to achieve the objectives of the requiring authority. Conditions
218. I consider the proposed conditions of the requiring authority effectively avoid, remedy or mitigate any adverse effects to an acceptable level.

Recommendation

219. I recommend the designation RNZ 120 with minor amendments as set out be confirmed and set out in appendix 1
220. I recommend the new designation RNZ 142 be confirmed.



221. I recommend submission 282.015 and 483.187 be accepted.

3.2.15 SPARK

222. One submission was received from Spark New Zealand Trading Limited (Spark) (S282.015) on Top Energy's designations, submitting their name was incorrect and seeking their name be corrected to 'Spark New Trading Limited'.

Discussion and Evaluation

223. Spark request the rollover of its designations without modification which included TC25 (Paihia Exchange), TC28 (Kaikohe Exchange), TC34 (Russell Heights Exchange) and TC128 (Kerikeri Town Telecommunications).

224. Spark seek their name be known by its correct trading name Spark New Zealand Trading Limited. This is accepted.

225. Spark have requested minor modifications to the designation schedule which are set out in paragraphs 228 and 227 below.

226. On 30 November 2011, Chorus New Zealand Limited (Chorus) and Telecom New Zealand Limited (Telecom) demerged into two separate companies. Details of how existing Telecom designations were to be treated after that time was dealt with in the Telecommunications (TSO, Broadband, and Other Matters) Amendment Act 2011.

227. A new Section 69XJ was inserted into the Telecommunications Act 2001. This section allowed the Minister for Communications and Information Technology, before separation day and by way of Gazette Notice, to issue two lists comprising all of the designations for which Telecom was formerly responsible. These lists detailed:

- a. designations that are to be transferred to Chorus; and
- b. designations that are to be additionally granted back as a secondary designation to Telecom.

228. Three sites TC25, TC28 and TC34 were transferred back to Spark as secondary designations. Spark has requested the designation schedule clearly identifies that the Chorus designation is the primary designation and the Spark designation is the secondary designation in regard to these existing designations.

229. Spark seeks that the schedule use the following terminology is used in the clearly "*Telecommunications and Radio Communications and Ancillary Purposes*". This wording will replace the current wording of "*land Uses for Telecommunication and Radio Communication purposes, including telephone exchange*".



230. Spark no longer require designation T29 also known as the Legacy designation. Spark are not seeking a rollover of this designation and seek it be withdrawn.
231. I agree with the requiring authority the modification to the schedule should be accepted.
232. I do not consider alternative sites, routes or methods are necessary as the designations and facilities are already in existence and the designations are not changing in boundary or extent.
233. I consider the designations are necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going security and resilience of the telecommunication facilities, and to provide for the flexibility of the networks to adapt to changing technologies and community expectations.
234. No existing conditions apply to these designations and no new conditions are sought. I do not recommend any conditions as the activities presently exist, and the outline plan process allows for the consideration of future effects for any additional works proposed within the designations.
235. The change in respect of the scheduled is minor and I recommend be accepted.

Recommendation

236. I recommend TC25 (Paihia Exchange), TC28 (Kaikohe Exchange), TC34 (Russell Heights Exchange) and TC128 (Kerikeri Town Telecommunications) be confirmed with the minor modifications sought to the schedule as per appendix 1.
237. T29 not be rolled over and it is withdrawn.
238. I recommend submission 282.015 be accepted.

3.2.16 TOP ENERGY

239. Two submissions were received. The submission from Spark (S282.015) as discussed in paragraph 221 and Top Energy's own submission (S483.187).

Discussion and Evaluation

240. Top Energy seek the rollover of their 17 Designations with minor amendments. The amendments sought were:
 - a. to add identifying names to sites;
 - b. removal of conditions which no longer apply;and
 - c. correct inconsistencies in the legal description of the designation.



241. The removal of some of the conditions are sought because the conditions relate to construction and works have been constructed. Thus, the designation has been given effect to and the associated conditions in relation to the construction have been satisfied and no longer necessary. The designation which are seeking removal of conditions are:
242. TE243, SH10, Bulls Gorge TE 244, Cobham Road Kerikeri TE 247, 496 Wiroa Road, Kerikeri, TE248, Omaunu Road, Kaeo 0479; TE 249 Oruru Road Peria. And,
243. The requested amendments are set out in appendix 1.
244. I agree with the requiring authority these modifications provide clarity and that the corrections to the designation details should be made.
245. All designations are already in existence. Any adverse effects on the environment are expected to be no different from the current situation and I consider them to be part of the existing environment.
246. I do not consider alternative sites, routes or methods are necessary as the designations and facilities are already in existence and the designations are not changing in boundary or extent.
247. No new conditions are sought. I do not recommend any conditions as the activities presently exist.

Recommendation

248. I recommend the designations with minor amendments as set out in the appendix 1 be confirmed.
249. I recommend submission 282.015 and 483.187 be accepted.

4 Conclusion

250. I recommend that:

In accordance with Clause 9(3) of Schedule 1 of the RMA no recommendation or decision be made for designations that are included in the Proposed Plan without modification and on which no submissions were received.

a. In accordance with Clause 9(1) of Schedule 1 and section 171(2)(a), and (b) of the RMA, the Hearing Panel recommend to the requiring authority that it confirms the requirements where no modifications are required, or modifies the requirements as set out in Appendix 1 this Report. The Designations chapter of the PDP is amended in accordance with the changes outlined in Appendix 1 of this report

b. The Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix 2 of this report.



Recommended by: Lynette Morgan- Policy Planner District Plan, Far North District Council

A handwritten signature in blue ink, appearing to be "Lynette Morgan", written over a faint, light blue grid background.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 31 March 2025