

Far North Proposed District Plan

28 April 2025

Hearing 11

Energy, Infrastructure, Transport and Designations



HE ARA TĀMATA
CREATING GREAT PLACES
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Contents of S42A Report Writers Overview



Each of the four topics:

Overview of Submissions

Key Matters for Consideration

Renewable Energy - Overview of Submissions



- 16 original submitters (93 submission points)
- 168 further submitters (722 submission points)

- Submissions came from Government agencies, Infrastructure providers, iwi groups, community interest groups, the primary production sector and others. These submissions covered a range of matters.

Renewable Energy - Key Matters for Consideration



- Clear definitions for terms related to renewable electricity generation
- Implementation of national and regional policy direction for renewable electricity generation activities
- Avoidance of reverse sensitivity effects on existing or consented renewable energy activities
- Enabling some renewable electricity generation activities in all zones, rather than limiting to specific zones
- Consistent treatment of wind and solar electricity generation
- Minor wording amendments to improve clarity of provisions

Infrastructure – Overview of submissions

- 333 original submissions and 1129 further submissions on the Infrastructure chapter
- Main submitters are:
 - Infrastructure providers, including Transpower, Top Energy, Telco Companies, KiwiRail
 - Central and local government organisations, including Northland Regional Council, DOC, Ministry of Education, and Department of Corrections
 - Environmental organisations, including Forest and Bird, Kapiro Conservation Trust, Carbon Neutral Trust, and Vision Kerikeri
 - Primary sector submitters, including Federated Farmers and Horticulture NZ

Infrastructure – Pre-hearing discussions

- Pre-hearings discussions were initiated following Hearing 4 in terms of how the Infrastructure Chapter interacts with the Natural Environment and Coastal Environment chapters
- Purpose of pre-hearing discussions was to narrow down issues prior to Hearing 11
- Took place during December 2024 and attended by infrastructure providers
- Constructive and collaborative discussions with progress made on a number of issues, including the relationship with other PDP chapters and amendments to specific provisions
- Summary provided to Panel and published on website with:
 - Working draft provisions
 - Meeting minutes
- Outcomes of these discussions has strongly informed many recommendations in the section 42A report

Key issues and recommendations

Issues in submissions	Recommendations
Unclear how Infrastructure Chapter is to be read with other PDP chapters	<ul style="list-style-type: none">• Amendments to clarify how the Infrastructure Chapter is to be read with other district-wide provisions (in overview and advice notes), i.e. that those more specific provisions also apply to infrastructure• New advice note to clarify that the zone rules in Part 3 do not apply to infrastructure activities
Concerns that the effects management policies (I-P2 and I-P3) do not appropriately give effect to higher order direction	<ul style="list-style-type: none">• Deleting/amending objective and policies (I-O4, I-P2 and I-P3) that duplicate/conflict with effects management policies in other chapters (indigenous biodiversity, coastal environment etc.)• New National Grid policy (I-PX) to give effect to the NPS-ET
Requests to better recognise and provide for the operational need, functional need and technical requirements of infrastructure	<ul style="list-style-type: none">• Clear direction in I-O4 and I-P2 to recognise and provide for the operational need, functional need and technical requirements of infrastructure activities (rather than repeating this direction throughout the chapter)

Key issues and recommendations

Issues in submissions	Recommendations
I-P13 – intent and relationship with other policies unclear	<ul style="list-style-type: none"> Clarify focus of policy on managing the effects of infrastructure on other land uses and activities Separate out policy direction on undergrounding of network utilities and amend
I-R3 (upgrades) – includes arbitrary performance standards	<ul style="list-style-type: none"> Remove unnecessary requirements (e.g. 10-year timeframe for upgrades) RDA status when compliance not achieved (excluding I-S1 and I-S2)
I-R5 (customer connections) – too narrow in the zones it applies to	<ul style="list-style-type: none"> Expand to cover all zones with additional condition for General Residential and Settlement Zones to not include a new pole RDA status when compliance not achieved (excluding I-S1 and I-S2)
I-R7 (overhead lines and poles) – too narrow and restrictive	<ul style="list-style-type: none"> Expand to cover all zones with different max height limits Enable colocation of telecommunication facilities in certain zones RDA status when compliance not achieved (excluding I-S1 and I-S2)
I-R10 (substations) – too narrow in the zones it applies to	<ul style="list-style-type: none"> Expand to enable substations to be permitted in more zones (excluding General Residential, Settlement Zone etc.)
I-R11 (National Grid Yard) – does not approximately give effect to NPS-ET	<ul style="list-style-type: none"> Replace with a rule that is more aligned common National Grid Yard rules in district plans (a more specific list of permitted and non-complying activities)

Critical Electricity Lines (CEL)

- Intent of CEL is to better protect important distribution lines in the District, is aligned with Whangarei DP approach, reinforces national regulations under Electricity Act 1992
- Due to a GIS error, the 33kV lines were omitted when the PDP was notified
- FNDC advised affected landowners of this error and the Top Energy submission to enable them to make a further submission (letters sent to thousands of landowners)
- Five further submissions opposing the Top Energy submission generally raising concerns about the impacts on private property rights, one further submission in support

Recommended amendments:

- Retain rules and refine to focus on compliance with safe distance setbacks in NZECP 34:2001 and Electricity (Hazards from Trees) Regulations 2003 (intent to improve visibility/compliance)
 - Expand to cover 33kV lines as this was clearly intent
 - New definitions for CEL and CEL overlay
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Outstanding issues in evidence and statements

- Many of the recommended amendments to Infrastructure Chapter broadly supported
- Outstanding issues in pre-circulated evidence and statements include:
 - Further refinements to I-R7, including separate rules for telco poles and overhead lines
 - Range of amendments sought by Top Energy (e.g. new provisions for infrastructure in road reserve, 25m permitted height for towers)
 - Forest and Bird – concerns with objectives and policies relating to operational and functional need, that there is no direction to avoid, remedy or mitigate adverse effects
 - Oromahoe Land Owners and others – oppose inclusion of 33kV CEL, clarification of 10m setback with NZECP 34:2001 safe distances, question need to repeat national regulations, SUB-R10 to be controlled activity rather than a restricted discretionary activity when building platform complies with NZECP 34:2001
 - Far North Holding Limited - requested exemption to the CEL rules for Ngawha Special Purpose Zone

Designation Overview



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- There are 19 Requiring Authorities in the PDP with existing designations.
 - 41 are rollover designations without modification
 - 145 are rollovers with modifications
 - 3 are new designations

Designation Table



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- A summary of the designations sought by the Requiring Authorities is summarised in a table on page 6 of my Designations S42A report.
 - The table outlines each Requiring Authority, the total number of designations, the number of rollover designations without modifications, designations with modifications and new designations sought.
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Minister of Corrections – Designations



- MCOR – made two submissions, seeking a rollover of both designations.
 - A recommendation has been made to confirm the rollover of both designations with minor amendments.
 - Mr Sean Grace, on behalf of MCOR, advised some of the minor corrections to MCOR1, Community Corrections, Kaikohe, where not correct.
 - Discussion took place and the amended MCOR1 showing the agreed corrections in red, is provided for your consideration.
 - I recommended the agreed amended MCOR1 be confirmed.
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Radio NZ – Designations - RNZ -142



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- RNZ made two submissions, seeking a rollover of both designations with minor amendments.
 - RNZ also sought a new designation.
 - After release of the S42A Report Mr Hadleigh Pedler solicitor contacted me to advise when the rollover request was made an error had occurred and the term new designation was used erroneously.
 - Mr Parker confirmed RNZ was, and is, seeking only the two existing designations are retained.
 - I seek my recommendation in respect of RNZ be amended to reflect RNZ's position and the two designations be confirmed with the minor amendments sought.

Chorus NZ Limited - Designations



- Chorus sought rollover of their 27 designations.
- Spark NZ limited is now known as Spark New Zealand Trading Limited.
- Chorus seek the current name on the final designation schedule reflect the above name i.e Spark New Zealand Trading Limited.
- This is a correction to the schedule not a modification.
- The change has been made, and an updated designation is provided for your consideration.

Top Energy - Designations



- Two submissions were received on Top Energy's designations one from Spark, the other from Top Energy.
- Top Energy sought to rollover their 17 Designations with minor amendments.
- Top Energy are seeking some further corrections which are set out in Mr David Badham's planning evidence.
- Some of the requests sought I agree can be made, namely:
 - adding NA115B/816 to the site identifier in TE208;
 - deleting condition 2 from TE243 in the conditions table;

Top Energy - Designations continued



- I do not agree on the following:
 - in terms of 8.1 (c). Mr Badham refers to TE245. I wonder if the reference should be TE 244, TE244 has the reference he makes in his evidence; and the numbering of TE249, again I wonder if the reference should be TE247 which has the number 11 only.
- TE244 was added to the ODP on 22 August 2011.
- There were 16 conditions applying to TE244.
- Numbers 13 and 14 refer to the numbers of those conditions in the original designation which remain.
- To remove and renumber may result in confusion as it removes reference to any previous conditions.
- If the reference is TE247 not TE 249 my position is the same as for TE244 i.e removing and renumbering the numbers may result in confusion.

FNDC-Designation-FN160-Rangiputa



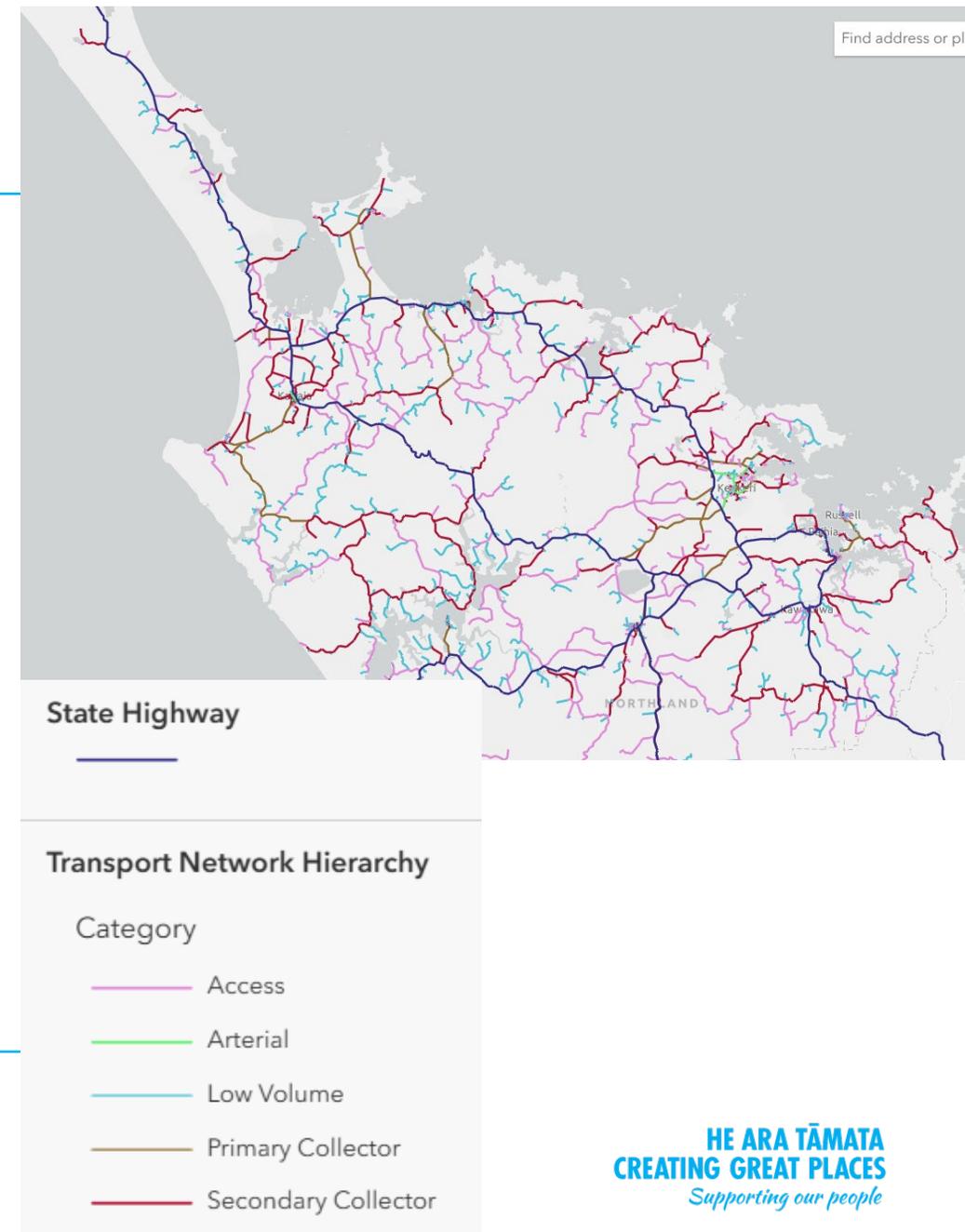
- FNDC sought a rollover of FN160 without modification.
- One submission was received from Lucklaw Farms Ltd who seek FNDC plan and provide for plant expansion.
- Lucklaw Farm Ltd have submitted evidence in respect of the capacity of the Rangiputa Wastewater Treatment Plant (RWWTP) and the ecological values of the Puwheke Beach and Rangikawau lakes, possible contaminants from the RWWTP and the risk of these entering the wetlands.
- There is no current plan to upgrade the RWWTP.
- Losaline Finekifolau, FNDC team leader, Infrastructure Consenting, Infrastructure Services will be present for any questions the panel may have in respect of the RWWTP.

Transport – Overview of submissions

- Melissa Pearson, SLR Consulting – section 42A officer
- Mat Collins, Abley – Expert transport planner
- Submissions on the Transport chapter
 - 326 original submission points (93 in support, 119 supporting in part, 2 neutral, 58 in opposition and 54 not stating a position)
 - 632 further submission points
- Submissions received from a broad range of sectors from large organisations (NZTA, KiwiRail, Foodstuffs, FENZ) to smaller businesses and individuals (Kapiro Residents Association, Haigh Workman Ltd, Lynley Newport)

Key recommended changes

- Decoupling of Engineering Standards from TRAN chapter
- Removal of car parking minimums (including new TRAN-RW)
- Introduction of the Transport Network Hierarchy Map
- Rules for new or altered vehicle crossings (TRAN-R2 and TRAN-R9)
- New rules and standards to better manage railway level crossings



Decoupling of Engineering Standards

Issues in submissions	Recommendations
Engineering Standards inconsistently applied throughout TRAN chapter, including duplication of technical information and missing information	<ul style="list-style-type: none">• Full decoupling of Engineering Standards from the TRAN chapter, as recommended in Hearing 8• Standards needed to avoid adverse environmental effects are brought into the TRAN chapter and all other technical standards/information is removed from the TRAN chapter and retained in the Engineering Standards only• Missing information on technical design of arterial roads inserted• Insert two new tables (TRAN-Table Y and TRAN-Table Z) to require minimum widths for roads and minimum intersection spacings respectively
Concerns raised with referring to a specific version of the Engineering Standards in the TRAN chapter	<ul style="list-style-type: none">• Reference to the Engineering Standards made in a non-statutory note only and refers to “<i>most recently adopted Engineering Standards</i>”

Decoupling Engineering Standards – Outstanding issues in evidence

- No opposition in evidence to decoupling the Engineering Standards from the TRAN chapter in principle
- Remaining key issues in contention:
 - The wording of Note 2 referring to the Engineering Standards generically rather than a specific version is ultra vires (Foodstuffs)
 - The use of the word ‘will’ in Note 2 is not accurate as not all proposals will need an approval under the Engineering Standards (Foodstuffs)

Car parking

Issues in submissions	Recommendations
Requests that the TRAN chapter align with the NPS-UD and remove car parking minimums	<ul style="list-style-type: none">• Amend/delete provisions to remove references to car parking minimums as per the NPS-UD but retain elements of provisions relating to accessible parking spaces, loading spaces, stacked parking, bicycle spaces, end of trip facilities and parking/manoeuvring dimensions.• Insert new rule TRAN-RW to manage pedestrian access to allotments where vehicle access is not provided.
Range of submissions requesting deletion of parking minimums in Mixed Use Zones, for non-residential activities, educational facilities and healthcare	
Requests for more clarification about parking rates for activities not listed	

Road network classification

Issues in submissions	Recommendations
<p>A number of TRAN provisions rely on the One Network Road Classifications (ONRC) set out in TRAN-Table 10, but these should be mapped rather than described</p>	<ul style="list-style-type: none">• Introduce a new PDP map layer titled Transport Network Hierarchy map (currently in a Viewer mode for this hearing)• https://maps.fndc.govt.nz/portal/apps/instant/sidebar/index.html?appid=ca773a912e2c4bc6b943cfdede3ef4a5
<p>ONRC is being phased out and replaced with the One Network Framework (ONF) so the TRAN chapter should refer to both frameworks</p>	<ul style="list-style-type: none">• Reject• The Transport Network Hierarchy map uses the ONRC categories but is decoupled from both the ONRC and ONF frameworks for the same reasons as the Engineering Standards• Using the ONF classifications would result in significant changes to several TRAN standards, which were out of scope

New or altered vehicle crossings (TRAN-R2 and R9)

Issues in submissions	Recommendations
<p>Inconsistencies noted between TRAN-R2 and TRAN-R9, particularly managing crossings onto SH and LAR</p>	<ul style="list-style-type: none"> • Make it clear that TRAN-R9 controls crossings onto SH and LAR and TRAN-R9 controls crossings onto all other roads • Use consistent language for both rules regarding altered crossings
<p>Concerns about jurisdictional overlap between Council and NZTA functions for crossings onto a SH or LAR</p>	<ul style="list-style-type: none"> • Reject – no jurisdictional overlap occurring
<p>Need a clearer threshold for when a private accessway needs to be upgraded to a public road</p>	<ul style="list-style-type: none"> • TRAN-R2 references total allotments rather than household equivalents • A new trigger point of max 8 allotments for a private accessway to align with SUB-R4, with 9 allotments requiring a public road
<p>Mixed support and opposition for requiring compliance with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice under TRAN-R2, PER-2</p>	<ul style="list-style-type: none"> • Remove reference to the Code of Practice from TRAN-R2 for consistency with other PDP chapters but include note that the Building Code controls emergency responder access and that FENZ can provide guidance

New or altered vehicle crossings – Outstanding issues in evidence

- No opposition in evidence to the revised threshold for private accessways vs public roads or the majority of recommendations to remove confusion and overlap between TRAN-R2 and TRAN-R9
- Remaining key issues in contention:
 - Concerns about jurisdictional overlap between NZTA and Council functions (Waipapa Pine Ltd) but approach in the TRAN chapter is supported by NZTA
 - TRAN-R2, PER 3 still creates confusion and the reference to SH should be deleted (Foodstuffs)
 - The activity status of TRAN-R9 should either be controlled (Waipapa Pine Ltd), or can remain restricted discretionary but the requirement to comply with TRAN-S2 relating to crossing design should be deleted (Foodstuffs, McDonalds)
 - Reference to SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice should be reinstated in TRAN-R2, PER-2 (FENZ)

Railway level crossings

Issues in submissions	Recommendations
Request to insert a reference to railway lines into TRAN-P3	<ul style="list-style-type: none">• Agreed with the reasons set out by KiwiRail, recommend that TRAN-P3 refer to railway lines
Request for two new rules and associated standards to manage the location of accessways and sightlines around railway level crossings	<ul style="list-style-type: none">• Insert new rules TRAN-RX and TRAN-RY, new standard TRAN-SX and new figures TRAN-Figure X and TRAN-Figure Y

Railway level crossings – Outstanding issues in evidence

- Majority of amendments fully supported by KiwiRail, no evidence received from other submitters in support or opposition
- Remaining key issue in contention:
 - KiwiRail requests that new note TRAN-SX is deleted as TRAN-SX should apply to all rail level crossings, irrespective of whether they have barrier arms or not

Trip Generation – Outstanding issues in evidence

- Only minor changes to improve clarity and interpretation recommended to the trip generation provisions in TRAN-R5 (and associated TRAN-Table 11) in the section 42A report.
- Remaining key issues in contention:
 - The trip generation threshold for supermarkets should be 750m², not 200m² (Woolworths and Foodstuffs)
 - TRAN-Table 11 should use defined terms from the Definitions chapter, not a mix of defined or undefined terms as this creates uncertainty (McDonalds)
 - Using the NZTA framework for informing the 200 equivalent car movements (ECM) trips per day or 40 ECM trips per hour is a blunt tool and there should be the ability to consider other factors when setting thresholds for activities such as drive thru restaurants (McDonalds)

ITAs in the Hospital Zone – Outstanding issues in evidence

- TRAN-P7 states:

Only allow high traffic generating activities exceeding the thresholds in TRAN-Table 11 - Trip generation where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA). All ITAs should be completed by a suitably qualified and experienced transport professional.

- Remaining key issue in contention:

- Health NZ oppose the requirement for an ITA for development in a Hospital Zone under TRAN-P7 as:
 - Public hospitals and healthcare services do not have control over the vehicle movements they attract
 - There are few changes a hospital or healthcare service can make to mitigate effects of traffic movements i.e. not reasonable to reduce the scale of a hospital or level of service provided
 - Funds to prepare an ITA will redirect health funding away from the provision of public health care services